

REINSTATED
ASSIGNED ~~CANCELLED~~

Name Louisiana-Pacific Corporation
By _____
Address PO Box 4000-98
Hayden Lake, ID 83835

Application No. G11873
Permit No. G10861
Certificate No. _____

Stream Index, Page No. 7-96
>E Birch Cr
071.2529, 0400, 0157

FEES PAID		
Date	Amount	Receipt No.
11-18-88	334.00	56646
8-9-96	10.00	5262
2/13/08	50.00	91448
3/10/08	3.50	91699
2-16-2024	4480.00	142426
	Cert. Fee	

Date filed November 18, 1988
Priority November 18, 1988
Action suspended until 9-2018
Return to applicant _____
Date of approval FEB 27 1989

FEES REFUNDED		
Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>8-9-96</u>	<u>Pioneer Resources, LLC</u>	<u>POB 26139 - Eugene, OR 97402-0463</u>	<u>7</u>	<u>3219</u>
<u>2/14/2008</u>	<u>William C & Linda A Woodfin</u>	<u>Miller Valley Limited Partnership</u>		
	<u>PO Box 135</u>	<u>Michael P Miller</u>		
	<u>Pilot Rock OR 97868</u>	<u>3330 Hayden Bridge RD</u>		
		<u>Springfield OR 97477</u>		

REMARKS

A Form 90 sent 3/5/90
118 & 119 sent 3/16/90
Well 1 (for permit) - UMAT 5231
Well 2 (added to permit) - UMAT 5531
No Pump Test required Pre - Dec 19, 1988
12-30-2022 - Cancellation of Permit G-10861, SOV 127, Pg. 192
2-3-2023 - Reinstatement of Permit G-10861; SOV 127, Pg. 329

CONSTRUCTION

Date for beginning FEB 27 1990
Date for completion OCT 1 1990
Extended to 10-1-2018
Date for application of water OCT 1 1991
Extended to 10-1-2018

PROSECUTION OF WORK

Form "A" filed march 14, 1990
Form "B" filed march 14, 1990
Form "C" filed APRIL, 3, 1991

FINAL PROOF

Blank mailed _____
Proof received _____
Date certificate issued _____

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: April 30, 2026

FROM: Kerry Kavanagh
Phone: (503) 979-3208

SUBJECT: **REIMBURSEMENT AUTHORITY - Request for Refund**

FILE #: G-11873

RA #: R13116-25

RECEIPT #: 144715

Please prepare payment in the amount of \$164.00, made payable to:

Name: **Miller Valley Limited Partnership**

Address: **3330 Hayden Bridge Rd
Springfield OR 97477**

47123
0413-164.00
KC 5/1/26

These funds are being paid or refunded as a result of (check one):

- Excess fees were collected for Claim of Beneficial Use
 Excess fees were collected for Reimbursement Authority
 Other

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

Authorized Signature: 

Date: 4/30/26

After this memo has been signed, please route to:

Accounts Payable Staff

Fiscal

Other _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

April 30, 2026

Miller Valley Limited Partnership
c/o Mike Miller
3330 Hayden Bridge Rd
Springfield OR 97477

RE: Refund for Reimbursement Authority Contract R13116-25; Application G-11873

Dear Applicant/Agent,

Thank you for using the Certificate Reimbursement Authority Program to expedite the processing of your client's Claim of Beneficial Use. The Department completed its processing of the claim for less than the estimated amount. Consequently, we are refunding the difference to you. A check will be mailed separately to you.

I hope you were pleased with the Certificate Reimbursement Authority Program and would consider using it again if the need arises. If you have any questions about this refund, please send an email to Kerry.L.Kavanagh@water.oregon.gov or call me at (503) 979-3208.

Sincerely,

Kerry Kavanagh
Reimbursement Authority, Certificates
Water Right Service Division

cc: File G-11873

**REIMBURSEMENT AUTHORITY PERMIT
APPLICATION G-11873 PERMIT G-10861**

CERTIFICATE 98829 issued 11-25-2025

Application # G-11873 Permit # G-10861 Transfer #

Miller Valley Limited
Partnership (Mike Miller) RA# R13116-25

**Reimbursement Authority Process
Itemized FINAL Sheet
for
Certificates**

	New Est. Time (hr)	Multiplier	Total Est Hours	Individual	New Hourly Rate	New Est. Cost	Date/Act. Time
1. Review COBU - 1 orig. cert - 1 claimed "new" well	2.25	32%	2.98	Kerry	\$84.90	\$ 253.08	
2. Conflict Check	0.50	32%	0.66	Kerry	\$84.90	\$ 56.24	
3. Prep of def. letter - contingency time	0.00	32%	0.00	Kerry	\$84.90	\$ -	
4. Enter pump test data -	0.00	32%	0.00	Kerry	\$84.90	\$ -	
5. Prep of 1 cert	4.50	32%	5.96	Kerry	\$84.90	\$ 506.17	
6a. Peer review - consultation	0.00	32%	0.00	Gerry	\$81.02	\$ -	
6b. Peer review	0.30	32%	0.30	Katie	\$102.80	\$ 30.84	
6c. Peer review	0.50	32%	0.66	Gerry	\$81.02	\$ 53.67	
6c. Peer review-withdraw extension protest	0.00	32%	0.00	Jeffrey	\$68.34	\$ -	
7. Project Management	5.00	32%	6.62	Kerry	\$84.90	\$ 562.41	
8a. Water right data record update	0.75	32%	0.99	Support-Tonya	\$43.31	\$ 43.04	
8b. Water right data record update - 1 cert	0.75	32%	0.99	Data Tech-Michelle	\$58.02	\$ 57.65	
9. NEED review of PT - pre-dates PT requirement	0.00	32%	0.00	Shauna	\$52.66	\$ -	
10. NEED review of PT - pre-dates PT requirement	0.00	32%	0.00	Yeh	\$83.76	\$ -	
				Travis			
				Brown			
Total	14.55		19.18		Sub Total	\$1,563	
					10% Overhead	\$156.31	
					TOTAL	\$1,719	

\$164 under (estimated cost = \$1883) - need refund

Permit G-10861 issued 2-27-1989. A Date = 2-27-1990. B Date = 10-1-1990. C Date = 10-1-1991. extended to 10-1-2018
151 gpm (0.336 cfs) from 1 well for IR of 27.0 ac
well shall be properly cased and grout sealed to a depth of at least 180 feet
user shall install and maintain a weir, meter or OSMD
user shall keep a record of the amount of ground water withdrawn
requirement

Completion Checklist for Claims of Beneficial Use for
POST JULY 1, 2004 Claims

PROP CERT
- different footprint

Application # <u>9-11873 / 9-10861</u> / Permit	WRD Reviewer <u>Kerry Kavanagh</u>
Transfer # <u>---</u>	Claim Logged <u>YES</u>
Date Received <u>1-27-2025</u>	Oversized Map # <u>MA</u>
CWRE Name <u>Ian Goodwin</u>	

Permit 9-10861 issued 2-27-1989.
A Date = 2-27-1990. B Date = 10-1-1990
C Date = 10-1-1991 extended to 10-1-2018
151.5 gpm from a well for IR of 27.0 ac

Q: 15
scale
1" = 1320'
7
8

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #, or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- Source illustrated if surface water (OAR 690-014-0170(3))
- Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014-0170(4))
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

COBUL - POA-1 (UMAT 5271) - 0.3375 cfs (151.5 gpm) for IR of 27.0 ac

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #, or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014) UMATI LA
- Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- Source(s) of water (OAR 690-014-0100)
- Place of use location (OAR 690-014-0100)
- Type of use (OAR 690-014-0100)
- Extent of use (OAR 690-014-0100)
- Rate and Duty (OAR 690-014-0100)
- Diversion rate for each use (OAR 690-014-0100)
- Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- System capacity (OAR 690-014-0100)
- Calculated capacity of system (required)
- Measured amount of use (optional)
- Permit/Transfer Final Order Conditions (OAR 690-014-0100)

- Footprint different than application map. No land use info in file per which tax lots were approved at time of submittal of app - Nov 18, 1988

no PT required

- Time limits
- Initial water level measurements
- Annual static water level measurements
- Measurement, recording, and reporting
- Meter/measuring device
- Water use reporting
- Fish screening and/or by-pass
- Pump test (ground water)
- Other well properly cased & grout sealed to depth of 180 feet

Permit pre-dates PT requirement - Priority Date is Nov 18, 1988
well properly cased & grout sealed to depth of 180 feet
well log 5271 - Cement 0 to 180 ft

- Conditions from Extension Final Order and/or Water Management Conservation Plan
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

C Date extended to 10-1-2018 - FO dated 7-18-2014
FO Extension Denial issued 1-2-2024
Settlement Agreement dated 1-9-2025 - submit COBUL

App G-11873

PROP CERT - different footprint

Certificate Issuance Processing Checklist

- Map and COBU reviewed
- Conflict check Any Conflicts?
- Check for ownership

NO - per COBU maps by Jan Godwin

COBU map - TL1600, 1604 & 1605

Check Area of Interest YES NO
Identified Party _____

TL1605 not included in app map.

Staff Recommendations:

- Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
 - Proof to the Satisfaction has not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: different footprint
 - Proof to the Satisfaction has not been established for the following reasons: _____
- Proposed Actions:**
 Send letter requesting the following items/information: _____
 Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?
 Yes

App map - in "scanned documents" in WPLIS - pg 77 & 56

If "Yes":

Proposed
 Final

Certificate # _____

Mailing list:

See Gerry Clark's emails ~ Feb 1, 2023
RE: reinstatement of Permit G-10861
in "scanned documents" in WPLIS - pgs 78-83

Proposed:

Final:

App G-11873

- Permit G-10861 issued
- 157 gpm for IR of 27.0 ac from 1 well
- 3-23-1992 COBU by Dennis Gayler shows 14.6 ac Well 1 - auth
- 12.3 ac Well 2 - NOT auth
- 2-3-2023 Permit G-10861 reinstated
- 7/18-2014 Ext Fo - C Date 10-1-2018

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Application G-11873

Water Resources Department

Permit G-10861

The place of use is as follows:

	ACRES	1/4 1/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E

Total: 27.00 acres.

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Issued this date, February 27, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time for)	PROPOSED
Permit G-10861, Water Right Application G-11873, in the)	FINAL ORDER
name of Mike Miller)	TO DENY

Permit Information

Application:	G-11873
Permit:	G-10861
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	November 18, 1988
Source of Water:	one well within East Birch Creek Basin
Purpose or Use:	Irrigation of 27.0 Acres
Maximum Rate:	151.5 gallons per minute (gpm)

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

In Summary, the Department proposes to:

- Deny an extension of time to complete construction of the water system from October 1, 2018, to October 1, 2025.
- Deny an extension of time to apply water to full beneficial use from October 1, 2018, to October 1, 2025.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
gpm – gallons per minute

AUTHORITY

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

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

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

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

FINDINGS OF FACT

1. On February 27, 1989, Permit G-10861 was issued by the Department. The permit authorizes the use of up to 151.5 gpm of water from one well within East Birch Creek Basin for irrigation of 27.0 acres. The permit specified actual construction of the well to begin by February 27, 1990, construction of the water system was to be completed by October 1, 1990, and complete application of water was to be made on or before October 1, 1991.
2. On February 2, 2008, an assignment from Pioneer Resources, LLC, to William C and Linda A Woodfin and Miller Valley Limited Partnership was recorded in the records of the Water Resources Department.
3. One prior permit extensions have been granted for Permit G-10861. The most recent extension request resulted in the completion dates for construction from October 1, 1990, to October 1, 2018, and full application of water being extended from October 1, 1991, to October 1, 2018.

4. On May 22, 2023, the permit holder submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-10861 be extended from October 1, 2018, to October 1, 2025.
5. On June 27, 2023, notification of the Application for Extension of Time for G-10861 was published in the Department's Public Notice. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

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

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

6. On May 22, 2023, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

7. According to the well log received by the Department on April 27, 1989, construction of UMAT 5271 (Well 1) began April 6, 1989.

Based on Finding of Fact (FOF) 7, the Department has determined that the prosecution of the construction of the well began prior to February 27, 1990.

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

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

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

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

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

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

8. During the most recent extension period, being from October 1, 1991, to October 1, 2018, no work was accomplished towards the development of the beneficial use authorized by the permit.

The Application does not provide evidence of progress of physical work made towards completion of the water system, in the time period specified in the previous extension period, being October 1, 1991, to October 1, 2018. Therefore, the Department cannot find good cause or reasonable diligence towards the complete application of water to a beneficial use under G-10861.

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

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

9. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

The Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-10861.

In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

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

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

10. A maximum rate of 375 gpm of water has been appropriated, being 75 gallons per minute from Well 1, and 300 gallons per minute from UMAT 5531, which is not an authorized point of appropriation, for irrigation of 27.0 acres. This exceeds the amount of water for irrigation use authorized under this permit. The authorized amount of water for irrigation use is 151.5 gpm.

Beneficial use of water has been demonstrated from Well 1 under this permit as all permit conditions were satisfied by October 1, 2018.

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

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

11. An investment of approximately \$52,000, which is the total cost for complete development of this project, has been made.
12. No financial investment has been made toward developing the beneficial water use during the previous extension of time period, being October 1, 1991, to October 1, 2018.

Based on FOF 12, the Department finds there is no evidence towards perfecting the water right under the terms and conditions of the permit.

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

The Application provides evidence that no work has been accomplished towards completion of the water system during the most recent extension of time period, being from October 1, 1991, to October 1, 2018; the permit holder has demonstrated compliance with permit conditions, and; beneficial use of water has been demonstrated from Well 1. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit G-10861.

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

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

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

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

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

13. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-10861; furthermore,

water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

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

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

14. The point of appropriation for Permit G-10861, located within the East Birch Creek Basin, is not located within a limited or critical groundwater area.
15. East Birch Creek is not located within or above any state or federal scenic waterway.
16. The point of appropriation is in an area listed by the Department of Environmental Quality as a water quality limited stream.

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

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

17. It is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

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

Economic interests dependent on completion of the project.

18. An approximate total of \$52,000 has been invested in the project.
19. No investment has been made during the most recent extension of time period, being from October 1, 1991, to October 1, 2018.

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

Other economic interests dependent on completion of the project.

20. The Application did not identify economic interests other than those of the applicant's that are directly dependent on completion of the project.

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

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

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

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

22. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

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

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

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

24. The Application asserts the Certified Water Right Examiner not following through with submittal of a Permit Amendment Application.

The Department recognizes the reliance on a Certified Water Right Examiner to assist with paperwork, however, the permit holder is ultimately responsible for the management and development of their water right. The Department does not consider this as an unforeseen event because it is directly related to business decisions made by the permit holder.

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

25. The use of water from Well 1 could be retained upon submittal of a Claim of Beneficial Use.

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

26. The Application does not provide evidence of good faith of the appropriator under Permit G-10861.

Based on Findings of Fact 8, 10, and 12, above, the Department finds that the Applicant has not demonstrated good faith.

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

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

27. As of May 22, 2023, the Application states that all work is complete. An extension of time is being requested to file a permit amendment to add an additional well.

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

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

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The Application established that there has been no construction, no financial investment or reasonable diligence toward developing the project during the most recent extension of time period, being October 1, 1991, to October 1, 2018. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

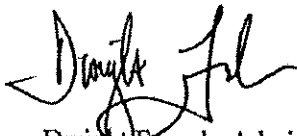
PROPOSED ORDER

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

Deny the time to complete construction of the water system under Permit G-10861 from October 1, 2018, to October 1, 2025.

Deny the time to apply water to beneficial use under Permit G-10861 from October 1, 2018, to October 1, 2025.

DATED: January 2, 2024



Dwight French, Administrator,
Water Right Services Division

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

Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **February 16, 2024**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or

private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-8260, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

-
- If you have questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 979-3213.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
 725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-11873

FINAL ORDER

Extension of Time for Permit Number G-10861

Permit Holder: William Woodfin, Linda Woodfin, and Miller Valley Limited Partnership

Permit Information

Application File:	G-11873
Permit:	G-10861
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	November 18, 1988
Source of Water:	One well within East Birch Creek Basin
Purpose of Use:	Irrigation of 27.0 Acres
Maximum Rate:	151.5 gallons per minute (gpm)

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

Appeal Rights

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

Application History

Permit G-10861 was issued by the Department on February 27, 1989. The permit called for completion of construction by October 1, 1990, and complete application of water to beneficial use by October 1, 1991. On March 10, 2008, Miller Valley Limited Partnership, William Woodfin and Linda Woodfin submitted to the Department an Application for Extension of Time for Permit G-10861. In accordance with OAR 690-315-0050(2), on May 13, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2018, and the time to fully apply water to beneficial use to October 1, 2018. The protest period closed June 27, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 13, 2014.

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

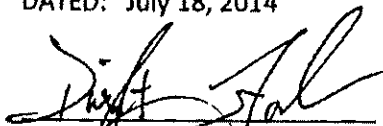
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-11873, Permit G-10861, therefore, is approved. The deadline for completing construction is extended from October 1, 1990, to October 1, 2018. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1991, to October 1, 2018.

DATED: July 18, 2014



Dwight W. French,
Water Right Services Division Administrator, for
DIRECTOR, Oregon Water Resources Department

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # **144715**

INVOICE # _____

RECEIVED FROM: Miller Valley Ltd Partnership
 BY: _____

APPLICATION	G-11873
PERMIT	
TRANSFER	

CASH: CHECK:# 1838 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,883.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47123 R13116-25 \$
0413 OTHER: (IDENTIFY) Certification Fee \$ 1,883.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD# _____
 0210 MONITORING WELLS \$ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **144715** DATED: 2-14-2025 BY: LUC D Miller



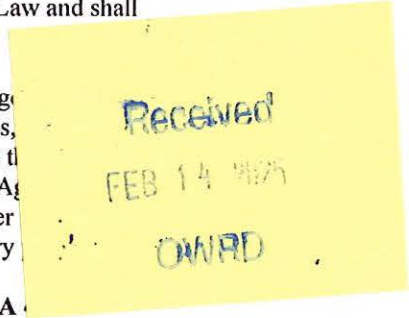
OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT

Contract Number: R13116-25

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Miller Valley Limited Partnership, hereafter Applicant, hereafter known together as the parties.

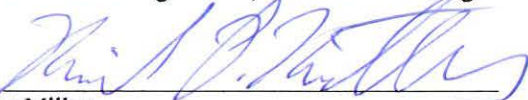
Table with 3 columns: OWRD Information, Applicant's Information, Applicant's Representative. Includes contact details for Kerry Kavanagh, Mike Miller, and Ian Godwin.


- 1. Purpose. The purpose of this Agreement is to expedite the processing of the Claim of Beneficial Use. (Application Number: G-11873)
2. Authority. ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity...
3. Restrictions. Miller Valley Limited Partnership and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD...
4. Effective Date and Duration. Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement...
5. Consideration. Miller Valley Limited Partnership shall pay OWRD in advance for actual costs incurred by OWRD. Miller Valley Limited Partnership agrees to pay the full amount of \$1883 to OWRD prior to commencement of any work...
6. Confidentiality. Miller Valley Limited Partnership agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. Indemnity. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon and their officers, employees, and agents from and against all claims, suits, actions, losses, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the work of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



PCA

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: 
 Name: Mike Miller
 Company: Miller Valley Limited Partnership
 Date: 2-12-25

For OWRD: 
 Name: Kerry Kavanagh
 Water Right Services Division
 Date: 2-18-2025

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47123

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Tuesday, February 11, 2025 9:53 AM
To: Ian Godwin
Cc: KAVANAGH Kerry L * WRD
Subject: Certificate RA Estimate R13116-25 for Miller Valley Limited Partnership involving Application G-11873
Attachments: RA contract_G-11873.pdf; estimate request_G-11873.pdf; estimate receipt_G-11873.pdf

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you and the water user, please ask Mike Miller to return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

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

RECEIPT # **144598**

INVOICE # _____

RECEIVED FROM: Miller Valley Ltd
 BY: Partnership

APPLICATION	<u>G-11878</u>
PERMIT	
TRANSFER	

CASH: CHECK.# 1827 OTHER: (IDENTIFY)

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT	
0407 COPIES	<u>47123 R 13116-25</u> \$
<u>0413</u> OTHER:	(IDENTIFY) <u>Carroll County BA</u> \$ <u>125.00</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan
0245 Cons. Water	

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

0536 TREASURY 0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$ CARD#
0210 MONITORING WELLS	\$ CARD#
OTHER (IDENTIFY)	

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

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

RECEIPT: **144598** DATED: 1-27-25 BY: (Signature)



**OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION**

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Certificate Request	Application Number <u>G-11873</u> Permit Number <u>G-10861</u> Transfer Number/Permit Amendment (if applicable) <u>N/A</u>

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	<u>Miller Valley Limited Partnership (Mike Miller)</u>	<u>Ian Godwin, CWRE (CwM-H2O, LLC)</u>
Address:	<u>3330 Hayden Bridge Road</u> <u>Springfield, OR 97477</u>	<u>311 B Avenue, Suite P</u> <u>Lake Oswego, OR 97034</u>
Phone:	_____	<u>571-245-7897</u>
Fax:	_____	_____
E-Mail Address:	_____	<u>igodwin@cwmh2o.com</u>

I certify that I (check one):

- have previously filed a Claim of Beneficial Use
 am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- For a groundwater permit, a pump test or exemption request must be submitted to OWRD prior to this request.
- The fee covers reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:
**Oregon Water Resources Department
 Certificate Reimbursement Authority Program
 725 Summer St. NE, Suite A
 Salem, OR 97301-1271**

**Received
JAN 27 2025
OWRD**

I certify that I am the (check one):

- Applicant Applicant's Representative Other (Please specify) _____

Name: Mike Miller (Miller Valley Limited Partnership)

Signature: *Mike Miller* 12-7-24

OWRD USE ONLY: Reimbursement Authority Number: R13 116 25

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 142426

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

INVOICE # _____

RECEIVED FROM: Schroeder Law Offices, P.C. APPLICATION G-11873
BY: _____ PERMIT _____
TRANSFER _____

CASH: CHECK: # 30328 OTHER: (IDENTIFY)
TOTAL REC'D \$ 480.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 47235
0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME _____ \$ _____
WATER RIGHTS: EXAM FEE RECORD FEE
0201 SURFACE WATER \$ _____ 0202 \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____
0205 TRANSFER \$ _____
WELL CONSTRUCTION EXAM FEE LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____
LANDOWNER'S PERMIT 0220 \$ _____

0223 OTHER (IDENTIFY) Protest Fees \$480.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE RECEIVED
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ OVER THE COUNTER \$ _____

RECEIPT: 142426 DATED: 2-16-2024 BY: [Signature]
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

SCHROEDER LAW OFFICES, P.C.

170.00 Oregon Water Resources Department
02/15/2024 1802.00 Application for Extension of
Time for Permit G10861

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 142426

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

INVOICE # _____

RECEIVED FROM: Schroeder Law Offices, P.C. APPLICATION G-11873
BY: _____ PERMIT _____
TRANSFER _____

CASH: CHECK: # 30328 OTHER: (IDENTIFY)
TOTAL REC'D \$ 480.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 47235
0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME _____ \$ _____
WATER RIGHTS: EXAM FEE RECORD FEE
0201 SURFACE WATER \$ _____ 0202 \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____
0205 TRANSFER \$ _____
WELL CONSTRUCTION EXAM FEE LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____
LANDOWNER'S PERMIT 0220 \$ _____

0223 OTHER (IDENTIFY) Protest Fees \$480.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE RECEIVED
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ OVER THE COUNTER \$ _____

RECEIPT: 142426 DATED: 2-16-2024 BY: [Signature]
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

30328

1802.00 480.00 480.00

RECEIVED
FEB 16 2024

OWRD

02/15/2024 30328 Gross: 480.00 Ded: 0.00 Net: 480.00

Laura A. Schroeder
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure Stix
Oregon & Nevada

Caitlin R. Skulan
Nevada & Idaho



SCHROEDER
LAW OFFICES, P.C.

William F. Schroeder
(1928 - 2015)

James Browitt
Of Counsel
Idaho & Washington

February 16, 2024

VIA HAND DELIVERY ONLY

Received by OWRD

Oregon Water Resources Department
Water Right Services Division
725 Summer Street NE, Suite A
Salem, OR 97301-1266

FEB 16 2024

Salem, OR

**RE: *In the Matter of the Application for an Extension of Time for Permit G-10861,
Water Right Application G-11873; Protest to Proposed Final Order***

To Whom It May Concern:

Enclosed for filing on behalf of applicant Miller Valley Limited Partnership, please find a Protest to the Proposed Final Order issued on the above referenced Application for Extension of Time on January 2, 2024, with a check for \$480.00 for the protest fee.

Also enclosed please find a self-addressed postage prepaid confirmation card for completion and return to our office by an Oregon Water Resources Department staff member.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

A handwritten signature in blue ink, appearing to read 'Massimiliano P. Jones', written over a horizontal line.

Massimiliano P. Jones
Associate Attorney

LAS:mjt

Enclosures

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

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

In the Matter of the Application for an
Extension of Time for Permit G-10861,
Water Right Application G-11873, in the
name of Mike Miller

**PROTEST TO PROPOSED FINAL
ORDER TO DENY THE APPLICATION
FOR AN EXTENSION OF TIME FOR
PERMIT G-10861, WATER RIGHT
APPLICATION G-11873**

CONTESTED CASE REQUESTED

MILLER VALLEY LIMITED PARTNERSHIP ("Miller"), by and through Schroeder
Law Offices P.C. and its attorneys, files this protest to the Proposed Final Order issued on Permit
G-10861, in the name of Miller Valley Limited Partnership and Mike Miller. The address and
phone number for Protestant can be found at the end of this document. Pursuant to Oregon
Revised Statute ("ORS") 537.153(8)(b) and Oregon Administrative Rule ("OAR") 690-310-
0170(2)(b), Protestant requests a contested case on the issues herein.

STATEMENT OF FACTS

This protest is to the Proposed Final Order ("PFO") issued for Permit G-10861. The
Protestant is the permit holder, Miller Valley Limited Partnership. Permit G-10861 was issued by
the Oregon Water Resources Department (hereinafter "OWRD" or the "Department") on
February 27, 1989. It authorizes the use of up to 151.5 gallons per minute ("gpm") of water from
one well within East Birch Creek basin for irrigation of 27.0 acres. A prior permit extension had
been granted for Permit G-10861 on July 18, 2014. It resulted in completion dates for
construction from October 1, 1990, to October 1, 2018, and full application of water being
extended from October 1, 1991, to October 1, 2018. On December 30, 2022, the Department
cancelled Permit G-10861. It found that the time within which the appropriations for Permit G-
10861 must have been perfected had expired and the Protestant, Permit G-10861 holder, failed to



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1 submit proof of completion within the sixty-day period provided in the notice. However, the
2 Permit was reinstated on February 3, 2023, by the Department's own motion. It determined that
3 it failed to provide notice of cancellation on all permit holders of record.

4 On May 4, 2023, the permit holder, Miller Valley Limited Partnership, submitted an
5 "Application for Extension of Time" ("EOT") to the Department, requesting both the time to
6 complete construction of the water system and the time to apply water to full beneficial use
7 under the terms and conditions of Permit G-10861 be extended from October 1, 2018, to October
8 1, 2025, which was returned to the Applicant as incomplete which the Applicant completed and
9 resubmitted on May 22, 2023. Seven months later and on January 2, 2024, the OWRD issued a
10 PFO to deny the EOT. Accordingly, the deadline to file protests to the PFO is February 16, 2024.

11 STANDING

12 Under ORS 537.153(6) "any person may submit a protest against a proposed final order."
13 This protest is timely as it is submitted within 45 days after publication of the PFO by the
14 Department in its weekly notice with the required protest fee. ORS 537.153(7), OAR 690-002-
15 0025, and ORS 536.050(j)(B).

16 PROTESTANTS' INTEREST

17 Protestant is the permit holder of P-10861 who applied for an Extension of Time ("EOT")
18 to complete construction of the water system and apply water to full beneficial use from October
19 1, 2018, to October, 1, 2025.

20 PROTEST

21 **Issue #1: Denial of Extension of Time to Complete Construction of the Water System and Apply**
22 **Water to a Full Beneficial Use Due to no "Good Cause" Finding**

23 Pursuant to OAR 690-315-0040(1)(d), the OWRD must find there is "good cause" to
24 approve the extension. In making a "good cause" finding, the Department shall consider the
25 requirements set for under OAR 690-315-0040(2). The aforementioned Administrative Rule
26 notes that the Department shall consider whether the applicant has demonstrated "reasonable



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1 diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining
2 “reasonable diligence”, the Department shall consider, but is not limited to, the following factors:
3 “a) the amount of construction completed within the time allowed in the permit or previous
4 extension; b) the amount of beneficial use made of the water during the permit or previous
5 extension of time limits; c) water right holder conformance with the permit or previous extension
6 conditions; and d) financial investment made toward developing the beneficial use of water.”

7 In denying the Protestants’ EOT, the Department concluded that there was no “good
8 cause” to grant the extension. The OWRD cites that Finding #8, Finding #10, and Finding #12
9 led the Department to conclude that the EOT Application does not provide evidence of “good
10 cause” or “reasonable diligence” under Permit G-10861:

11 Finding #8 notes that the EOT does not “provide evidence of physical work made
12 towards completion of the water system, in the time period specific in the previous extension
13 period, being October 1, 1991, to October 1, 2018.”

14 Finding #10 states “beneficial use of water has been demonstrated from Well 1 under this
15 permit as all permit conditions were satisfied by October 1, 2018.”

16 Finding #12 claims that “no financial investment has been made toward developing the
17 beneficial water use during the previous extension of time period, being October 1, 1991, to
18 October 1, 2018.”

19 **Protestants’ Position:**

20 The Department finds in its PFO that there is no “good cause” to approve the EOT for
21 Permit G-10861. The Protestant respectfully disagrees and find there is “good cause” to grant the
22 Extension of Time due to a history of “reasonable diligence” in addressing the Department’s
23 concerns.

24 Pursuant to OAR 690-315-0040(2), “good cause” may be found with the following
25 factors: amount of construction, amount of beneficial use, conformance with permit conditions,
26 and financial investment, however, the Department is not limited to them.



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1 As the OWRD indicates in the PFO at Finding #27, OWRD is aware that the EOT was
2 solely filed for the Protestant to timely file a Permit Amendment in order to add an additional
3 point of appropriation to Permit G-10861 given (1) the permitted location for the point of
4 appropriation, Well #1, was described in error given the map of Well #1's location when
5 permitted is where Well #1 was actually constructed; and (2) the intermingled place of use and
6 infrastructure of Permit G-10861 and Permit G-12242.

7 Permit G-10861 is sourced from Well #1 and Permit 12242 is sourced from Well #2.
8 However, OWRD has determined that both Well #1 and Well #2 are the same source of water.
9 As such it was the Protestant's intention that additional points for appropriation would be added
10 to both Permits in order for Well #1 and Well #2 to cover Protestant's entire place of use
11 described under both of these permits and do so in extension and with permit amendments.

12 Given that the Department, in Finding #24, acknowledges that the Protestant has had
13 great difficulty with the Certified Water Rights Examiner ("CWRE") to timely complete the
14 work not delivering on his guarantees to the Protestant, the Protestant was unable to timely
15 submit a permit amendment. This was evident when the OWRD, on May 5, 2023, found the EOT
16 filed on May 4, 2023, as incomplete. The entire application was marked in highlighter by the
17 Department demonstrating the incompetence of the professional hired by the Protestant to
18 complete the EOT application.

19 As the Department notes in Finding #9 of the PFO "the permit holder has *demonstrated*
20 *compliance* with permit conditions as required by Permit G-10861" (emphasis added). Similarly,
21 Finding #10 shows that "*beneficial use* of water has been demonstrated from Well 1 under this
22 permit as *all* permit conditions were satisfied by October 1, 2018" (emphasis added). Financial
23 investments into developing Permit G-10861 were also recognized by the department in Finding
24 #18 as "an approximate total of \$52,000 has been invested in the project."

25 The Protestant believes that such factors demonstrate "good cause" and a history of
26 "reasonable diligence" in addressing all concerns by the Department.



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2 **Issue #2: Delay of Certification for Permit G-12242**

3 The Protestant holds two groundwater permits. One is Permit G-10861, to which this
4 Protest is filed. The other, Permit G-12242, is not the focus of this Protest but is directly
5 entangled in the issue as described above. A certificate for beneficial use for Permit G-12242
6 was filed on July 14, 2000, and the Department has yet to certify the Permit. The significant
7 delay by the Department has directly contributed to the complications of filing the EOT for
8 Permit G-10861 and the Permit Amendment. It may be that it would be more appropriate for the
9 Protestant to withdraw the COBU for Permit-12242, file an extension, and permit amendment to
10 add Well #1. It is obvious from the extension application filed by the Protestant that some
11 confusion between the two permits, well locations, places of use, infrastructure and other issues
12 existed that were beyond the understanding of the CWRE and the reviewers at OWRD of this
13 extension application.

14 **Protestants' Position**

15 OAR 690-315-0040(2) permits the Department to find "good cause" for set factors but is
16 not limited to them. As noted, the OWRD is aware that the Protestants' need for an EOT is to
17 allow ample time for a Permit Amendment to be filed. The Amendment was to add a point of
18 appropriation ("POA") from Permit G-12242, Well #2 (UMAT 5531), to Permit G-10861.
19 However, the delay in certification of Permit G-12242 has complicated the development of a
20 Permit Amendment for Permit G-10861. It is difficult to predict the status of Permit G-12242,
21 which crucially utilizes the POA intended to be added to Permit G-10861, to file a properly
22 developed Permit Amendment.

23 The Protestant believes that the delay by the OWRD in certifying the related POA for
24 Permit G-12242 is a non-negligible factor in determining "good cause" for approving the EOT.

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Issue #3: Delay in Extension of Time

OAR 690-315-0040(2) permits the Department to find “good cause” for set factors but is not limited to them. The Protestant was granted an extension of time in 2014 for an EOT filed on March 10, 2008, for Permit G-10861. This great delay in granting the EOT naturally lead to a loss of momentum and missed communication amongst the Protestant, hired professionals, and the Department. Accordingly, it is one of the issues that led to the failure of the Protestant in filing a Pemit Amendment within the time allotted by the EOT.

Protestants’ Position

The Department, as stated in a letter to the Protestant on April 21, 2014, apologized “for your inconvenience and the delay in processing the application for an extension of time.” The delay led to complications in developing the Permit Amendment. The Protestant was hurt by the delay and accordingly could not develop a Permit Amendment within the time restrictions of the EOT.

Ten years had passed between the filing of the EOT in 2008 and its eventual approval in 2014. The Protestant believes that the delay by the OWRD in approving the EOT for Permit G-10861 is a non-negligible factor in determining “good cause” for approving the EOT.

Issue #4: Amended Proposed Final Order Was Not Considered by the Department

The Protestant was notified that the EOT filed on May 4, 2023, was denied as it was considered incomplete by the Department. On May 22, 2023, the Protestant filed a new EOT correcting the mistakes of the prior application. However, the Department obfuscated the two applications and utilized the date provided in the original EOT rather than the amended version.

Protestants’ Position

Due to an error by the Department, the data provided in the incomplete EOT, filed May 4, 2023, was utilized in denying the EOT in the PFO of January 2, 2023.



1 **Issue #5: A History of Confusion**

2 OAR 690-315-0040(2) permits the Department to find “good cause” for set factors but is
3 not limited to them. Permit G-10861’s muddled past has greatly complicated the issues faced by
4 the Protestant. The Department in Finding #24 of the PFO plainly states that even a CWRE could
5 not properly untangle the dilemma to file a proper EOT.

6 **Protestants’ Position**

7 Permit G-10861 is complicated due to contradicting documentation. As provided by the
8 OWRD, the Permit document itself does not agree with the related paper map. For instance, the
9 paper map provides that Permit G-10861 has two points of appropriation (Well #1, Well #2) and
10 4 POU’s totaling to 18.8 acres. On the contrary, the document provides for 5 POU’s totaling 27
11 acres. The inconsistent documentation continues with the well locations. As explained above
12 Permit G-10861 describes an authorized POA that does not match the location of the permit map
13 and drilled POA

14 The Protestant believes that the conflicting documentation and confusing history of
15 Permit G-10861 is a determining factor in determining “good cause” for approving the EOT.

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Received by OWRD
FEB 16 2024
Salem, OR



1 **REQUESTED RELIEF**

2 Protestant respectfully requests OWRD issues a superseding PFO approving the EOT
3 from October 1, 2018 to October 1, 2025 to file a permit amendment to correct the location of
4 Well #1 and add Well #2 to Permit G-10861.

5 **PROTESTANT CONTACT INFORMATION**

6 Miller Valley Limited Partnership
7 c/o Mike Miller
8 330 Hayden Bridge Road
9 Springfield OR, 97477
10 Phone: (541) 954-4454

11 DATED this 16th day of February, 2024.

12 SCHROEDER LAW OFFICES, P.C.

13 

14 _____
15 Laura A. Schroeder, OSB 873392
16 Massimigliano P. Jones, OSB 233516
17 Schroeder Law Offices, P.C.
18 1915 N.E. Cesar E. Chavez Blvd.
19 Portland, OR 97212
20 Phone: (503) 281-4100
21 Fax: (877) 600-4971
22 Email: counsel@water-law.com
23 *Of Attorneys for Protestant*

24 Received by OWRD
25 FEB 16 2024
26 Salem, OR





Received by OWRD
FEB 16 2024
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Schroeder Law Offices P.C.
1915 NE Cesar Chavez Blvd Portland, OR 97212

Transaction Type: Protest

Fees Received: \$ 480.00

Cash Check: Check No. 30328

Name(s) on Check: Same as above

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick R.
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

Mailing List for Extension PFO Copies

PFO Date: August 1, 2023

Application: G-11873
Permit: G-10861

Copies Mailed

By: KMWF

On: JAN 02 2024

Original mailed to Applicant:

Mike Miller
3330 Hayden Rd.
Springfield, OR 97477

Copies sent to:

1. WRD - App. File G-11873/ Permit G-10861
2. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 5, Greg Silbernagel
5. WRD - NCR Regional Manager, Chris Kowitz

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for)	PROPOSED FINAL ORDER TO DENY
Permit G-10861, Water Right Application G-11873, in the)	
name of Mike Miller)	

Permit Information

Application:	G-11873
Permit:	G-10861
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	November 18, 1988
Source of Water:	one well within East Birch Creek Basin
Purpose or Use:	Irrigation of 27.0 Acres
Maximum Rate:	151.5 gallons per minute (gpm)

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

In Summary, the Department proposes to:

- Deny an extension of time to complete construction of the water system from October 1, 2018, to October 1, 2025.

- Deny an extension of time to apply water to full beneficial use from October 1, 2018, to October 1, 2025.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
gpm – gallons per minute

AUTHORITY

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

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

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

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

FINDINGS OF FACT

1. On February 27, 1989, Permit G-10861 was issued by the Department. The permit authorizes the use of up to 151.5 gpm of water from one well within East Birch Creek Basin for irrigation of 27.0 acres. The permit specified actual construction of the well to begin by February 27, 1990, construction of the water system was to be completed by October 1, 1990, and complete application of water was to be made on or before October 1, 1991.
2. On February 2, 2008, an assignment from Pioneer Resources, LLC, to William C and Linda A Woodfin and Miller Valley Limited Partnership was recorded in the records of the Water Resources Department.
3. One prior permit extensions have been granted for Permit G-10861. The most recent extension request resulted in the completion dates for construction from October 1, 1990, to October 1, 2018, and full application of water being extended from October 1, 1991, to October 1, 2018.

4. On May 22, 2023, the permit holder submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-10861 be extended from October 1, 2018, to October 1, 2025.
5. On June 27, 2023, notification of the Application for Extension of Time for G-10861 was published in the Department's Public Notice. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

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

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

6. On May 22, 2023, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

7. According to the well log received by the Department on April 27, 1989, construction of UMAT 5271 (Well 1) began April 6, 1989.

Based on Finding of Fact (FOF) 7, the Department has determined that the prosecution of the construction of the well began prior to February 27, 1990.

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

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

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

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

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

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

8. During the most recent extension period, being from October 1, 1991, to October 1, 2018, no work was accomplished towards the development of the beneficial use authorized by the permit.

The Application does not provide evidence of progress of physical work made towards completion of the water system, in the time period specified in the previous extension period, being October 1, 1991, to October 1, 2018. Therefore, the Department cannot find good cause or reasonable diligence towards the complete application of water to a beneficial use under G-10861.

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

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

9. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

The Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-10861.

In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

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

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

10. A maximum rate of 375 gpm of water has been appropriated, being 75 gallons per minute from Well 1, and 300 gallons per minute from UMAT 5531, which is not an authorized point of appropriation, for irrigation of 27.0 acres. This exceeds the amount of water for irrigation use authorized under this permit. The authorized amount of water for irrigation use is 151.5 gpm.

Beneficial use of water has been demonstrated from Well 1 under this permit as all permit conditions were satisfied by October 1, 2018.

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

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

11. An investment of approximately \$52,000, which is the total cost for complete development of this project, has been made.
12. No financial investment has been made toward developing the beneficial water use during the previous extension of time period, being October 1, 1991, to October 1, 2018.

Based on FOF 12, the Department finds there is no evidence towards perfecting the water right under the terms and conditions of the permit.

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

The Application provides evidence that no work has been accomplished towards completion of the water system during the most recent extension of time period, being from October 1, 1991, to October 1, 2018; the permit holder has demonstrated compliance with permit conditions, and; beneficial use of water has been demonstrated from Well 1. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit G-10861.

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

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

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

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

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

13. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-10861; furthermore,

water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

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

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

14. The point of appropriation for Permit G-10861, located within the East Birch Creek Basin, is not located within a limited or critical groundwater area.
15. East Birch Creek is not located within or above any state or federal scenic waterway.
16. The point of appropriation is in an area listed by the Department of Environmental Quality as a water quality limited stream.

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

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

17. It is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

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

Economic interests dependent on completion of the project.

18. An approximate total of \$52,000 has been invested in the project.
19. No investment has been made during the most recent extension of time period, being from October 1, 1991, to October 1, 2018.

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

Other economic interests dependent on completion of the project.

20. The Application did not identify economic interests other than those of the applicant's that are directly dependent on completion of the project.

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

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

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

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

22. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

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

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

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

24. The Application asserts the Certified Water Right Examiner not following through with submittal of a Permit Amendment Application.

The Department recognizes the reliance on a Certified Water Right Examiner to assist with paperwork, however, the permit holder is ultimately responsible for the management and development of their water right. The Department does not consider this as an unforeseen event because it is directly related to business decisions made by the permit holder.

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

25. The use of water from Well 1 could be retained upon submittal of a Claim of Beneficial Use.

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

26. The Application does not provide evidence of good faith of the appropriator under Permit G-10861.

Based on Findings of Fact 8, 10, and 12, above, the Department finds that the Applicant has not demonstrated good faith.

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

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

27. As of May 22, 2023, the Application states that all work is complete. An extension of time is being requested to file a permit amendment to add an additional well.

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

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

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The Application established that there has been no construction, no financial investment or reasonable diligence toward developing the project during the most recent extension of time period, being October 1, 1991, to October 1, 2018. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

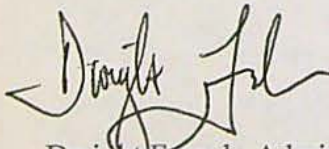
PROPOSED ORDER

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

Deny the time to complete construction of the water system under Permit G-10861 from October 1, 2018, to October 1, 2025.

Deny the time to apply water to beneficial use under Permit G-10861 from October 1, 2018, to October 1, 2025.

DATED: January 2, 2024



Dwight French, Administrator,
Water Right Services Division

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

Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **February 16, 2024**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or

private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-8260, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

-
- If you have questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 979-3213.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
 725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

May 5, 2023

Mike Miller
3330 Hayden Rd.
Springfield, OR 97477

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Reference: Application G-11873, Permit G-10861

Dear Applicant,

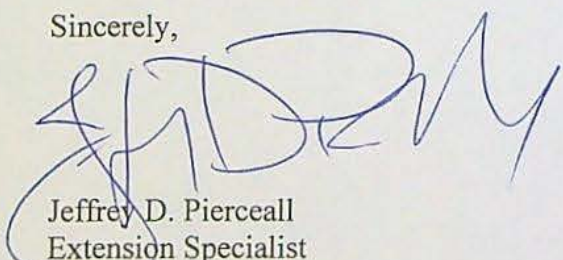
The Department received an Application for Extension of Time on May 4, 2023, requesting to extend the date to apply water to full beneficial use under the terms and conditions of the permit to October 1, 2025.

Upon reviewing the application, the Department has considered the application incomplete. Oregon Administrative Rule 690-315-0040(1)(a) requires the Department to return any incomplete Enclosed is the original application you submitted along with a copy which has been mark in highlighter to indicate the items which need to be completed. Please complete the items requested and return the application to the Department so we may consider your request.

Additionally, the Application for Permit Amendment is also being returned. The Department cannot accept the Application for Permit Amendment for a permit when the completion date has passed.

If you have any other questions please contact me at 503-979-3213.

Sincerely,


Jeffrey D. Pierceall
Extension Specialist
Water Rights Division



STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # **140755**

INVOICE # _____

RECEIVED FROM: Michael L. Miller
BY: Michelle L. Miller

APPLICATION G-11873
PERMIT _____
TRANSFER _____

CASH: CHECK:# 8921 OTHER: (IDENTIFY)

TOTAL REC'D \$ 780.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS
0407 COPY & TAPE FEES 46110 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ 780.00
WATER RIGHTS:
0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$ _____
0203 GROUND WATER EXAM FEE 0204 RECORD FEE \$ _____
0205 TRANSFER EXAM FEE \$ _____
WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT EXAM FEE 0220 LICENSE FEE \$ _____
OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

**RECEIVED
OVER THE COUNTER**

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

RECEIPT: **140755**

DATED: 5/22/2023 BY: mcalg

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Application: G-11873

Permit: G-10861

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

Applicant/Permit

Holder(s) Mike Miller
3330 Hayden Rd
Springfield OR 97477

Proposed Completion Date: 10-1-2025

WRIG...Money Received on: 5-22-23

Extension Specialist ...

Added to tracking spreadsheet

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

Kyler
 Tonya Miller...

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice JUN 06 2023

Update WRIS Database

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

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

Yes or No: Return file to Extension Specialist after PN JUN 06 2023

NOTES:

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



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

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Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

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

I, Mike Miller

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

3330 Hayden RD
 ADDRESS

Springfield
 CITY

OR
 STATE

97477
 ZIP

(541) 954-4454
 PHONE

MikeMiller<mike@millersold.com
 E-MAIL ADDRESS

the permit holder of: Application Number G-11873

Permit Number G-10861
 [OAR 690-315-0020(3)(b)]

"do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 10 Day: 1 Year: 2018, be extended to October 1, 2025, [OAR 690-315-0020(3)(i)] *10/1/2025*

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

<i>[Signature]</i>	<u>5-18-23</u>
Signature	Date
<u>Michael P. Miller</u>	<u>owner/manager</u>
Printed Name	Title
The agent below is authorized to represent the applicant in all matters relating to THIS application.	
<i>[Signature]</i>	<u>541-954-4454</u>
Authorized Agent (Print Agent Name)	Agent contact
<u>Michael P. Miller</u>	<i>[Initials]</i>
	Permit Holder Initials

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 OWRD

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

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

MAIL COMPLETED APPLICATION

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

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

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GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

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

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

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

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

For Groundwater Permits

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

Yes No

Date construction began Month: 4 Day: 6 Year: 1989

Details of construction and attach documentation: See Attached Well Log UMAT 5271

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For Surface/Reservoir Permit N/A

Has construction of the water system begun? Yes No

Date construction began Month: Day: Year:

Details of construction and attach documentation:

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	04-11-1989 Well #1 05-22-1991 Well #2
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Special well construction standards	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Attached Well Logs
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input checked="" type="checkbox"/>	Other (Specify): <i>Keep record of amount of</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<i>installed 5-22-91</i>
<input type="checkbox"/>	Other (Specify): <i>ground water withdrawal</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Surface Water or Reservoir		

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

N/A

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order. Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.)*

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CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	No Work was done before Permit was Issued	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
February 27, 1989	Date the permit was signed - find date above signature on last page of permit.	
From 1989 To 1992	Since there are no witnesses, we are relying on the 3/23/1992 Claim of Beneficial Use and Site Report for this extension request. Two wells were drilled, Well #1 was authorized while Well #2 was not. The initial system from Well #1 is as described as followed. To irrigate the acres authorized in permit G-10861 a five-horse pump Grundfos was installed in the well. The pump, pumped water into about 1500 ft of buried 3-inch diameter main line. The water is further distributed by the use of 1200 ft 3/8 diameter aluminum hand lines.	\$2,000.00
From 1989 To 1992	System from Well #2 has a 25 horsepower Jacuzzi turbine pump. Water from this well is distributed by a system of 5,040 ft of 5-inch diameter buried mainline, and 2,580 ft of 4-inch diameter mainline. Water is placed on the ground directly from 4 Big Gun Nelson with .6-inch diameter nozzles.	\$5,000.00
From 1989 To 1992	I believe the reported cost Estimate in the earlier Extension Request far exceeded the estimated of \$4100. A more realistic cost would be closer to \$50,000	\$50,000.00
October 1, 1991	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
October 1, 1991	None	
+Total Cost for Chart-B		\$57,000.00

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

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

CHART-C

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DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
2014-2018	<p>We continued to retain our CWRE Dennis Gaylord who did all our previous application and water right requirements in filing. We thought he would continue with a Permit Amendment for the requesting the authorization of Well #2 for Permit G-108691. We were not knowledgeable in the process and our understanding of how the permitting process work. We never heard from any one and was under the impression that CWRE Gaylord had taken care of what was needed to authorize using Well #2 under this permit. We only recently have started to understand the working of the permitting process and learned that CWRE Dennis Gaylord had not performed what was need to authorize the 2nd well.</p> <p>System from Well #1 was connected to the system from well #2 with 1000 ft of 3-inch mainline. Thus, allowing Well #1 to deliver water to the Well #2 system.</p> <p>Repaired damage to delivery system due to high water and flooding Birchs Creek. Updated the system to prevent damage from future flooding of Birchs Creek.</p>	\$25,000.00
	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
First Week of 2023	<p>We learned that our Permit G-10861 was Cancelled. We hire a Water Right Consultant and a Water Right Attorney to assist us in our effort to reinstate this Certificate. As described in the March 23, 1992 Claim of Beneficial Use Report, all the equipment to irrigate the acreage authorized in the permit was installed and was used to irrigate the acres.</p> <p>No work to the irrigated system that has been done</p>	\$4,500.00
	Total Cost of Chart-C \$86,500.00	

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

5. Cost of project to date: \$143,500
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

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

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

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

Maximum rate used to date = 0.33 cfs (cubic feet per second) or,

Maximum rate used to date = 151 gpm (gallons per minute) or,

Maximum volume of stored water used to date = N/A AF or,

Maximum volume stored annually to date = N/A AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
Well #1	Well #1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Umat 5271	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	75 gpm	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
Well #2	Well #2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Umat 5531	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>	300 GPM	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						375 GPM		

8. Has a Permit Amendment Application been filed? Yes No

If yes, identify Transfer No. T- _____ We have attached it to this extension request

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

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 26.9

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
1990	13.0	2002	13.0	2014	27.0
1991	13.0	2003	13.0	2015	27.0
1992	13.0	2004	13.0	2016	27.0
1993	13.0	2005	13.0	2017	27.0
1994	13.0	2006	13.0	2018	27.0
1995	13.0	2007	13.0	2019	27.0
1996	13.0	2008	13.0	2020	27.0
1997	13.0	2009	13.0	2021	27.0
1998	13.0	2010	13.0	2022	27.0
1999	13.0	2011	13.0	2023	27.0
2000	13.0	2012	13.0		
2001	13.0	2013	13.0		

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA) # 1 Acres 14.6

(POD/POA) # _____ Acres _____

(POD/POA) # 2 Acres 12.3

(POD/POA) # _____ Acres _____

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2023	File this extension request and the Attached Permit Amendment	\$ 5,000
	No work needed to be done other than what's listed above	

Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
		Total Cost \$5,000.00

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

11. Estimated remaining cost to complete the project: \$,5000

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.) _____

The construction and Permit Conditions have all done.

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

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

The time request is for this Extension Request and Permit amendment to be Approved

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

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.) _____

It will mean the ability to irrigate the 12 .3 will be lost and the loss of about \$30,000 will be wasted.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail, consider other potential sources of water, and describe their feasibility) _____

Not to my knowledge:

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the

completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) _____

We feel we were not provided an explanation of the process for requesting a permit amendment for Well #2 and any notice that our permit was in jeopardy . It appears to be a secretary error to add the Well 2 in the original application

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) _____

We depending upon our CWRE failing to following through with filling a permit amendment request Well #2 to authorized in Permit G-10861.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

As described in the March 23, 1992 Claim of Beneficial Use Report, all the equipment to irrigate the acreage authorized in the permit was installed and was used to irrigate the acres.

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

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

OWRD not providing us the notices and understanding that we may lose the ability to use Well #2 to irrigate 12.3 acres that now has us in this situation.

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

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) _____

If we ever decide to sell the Farm, it will add significant to the value to the Farm.

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

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

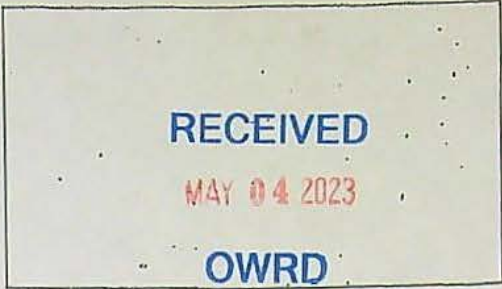
We have invested about \$30,000 in the Well and equipment to irrigate the 12.3 acres. The ability to irrigate 12.3 acre adds about \$120,000 value to the farm mean we can barrow more

to acquire equipment and other items to maintain the irrigation of these acres thus helping the local business.

At present there will be several businesses and employees that rely on the completion of this project. The agricultural hay farmers job, family and business is dependent on the completion of this project. The cattle rancher's job, family and business is dependent on the completion of this project. Without the ability to irrigate the farm ground many families will be negatively affected economically.

Attach permit, and documentation to the application

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mike Miller

3330 Hayden Rd, Springfield OR 97477

Transaction Type: Extension

Fees Received: \$ 2250.00

Cash Check; Check No. 8922

Name(s) on Check: Same as above

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

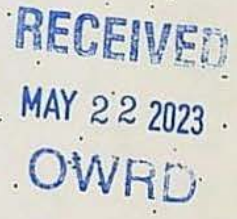
If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Conie Louvion
(Name of OWRD staff)



Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mike Miller 3330 Hayden Rd
Springfield OR 97477

Transaction Type: Extension

Fees Received: \$ 2250⁰⁰

Cash Check; Check No. 8922

Name(s) on Check: Michelle Miller Michael Miller

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick Reese
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

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

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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

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

I, Mike Miller

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

3330 Hayden RD
 ADDRESS

Springfield
 CITY

OR
 STATE

97477
 ZIP

(541) 954-4454
 PHONE

MikeMiller<mike@millersold.com
 E-MAIL ADDRESS

the permit holder of: Application Number G-11873

Permit Number G-10861
 [OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month:9 Day: 1 Year: 2018, be extended to October 1, 2025, [OAR 690-315-0020(3)(i)]

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

<u>[Signature]</u>	<u>5-3-23</u>
Signature	Date
<u>Michael P. Miller</u>	<u>Owner/manager</u>
Printed Name	Title
The agent below is authorized to represent the applicant in all matters relating to THIS application.	
_____	_____
Authorized Agent (Print Agent Name)	Agent contact
	Permit Holder Initials

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

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

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

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

GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

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

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

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

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

For Groundwater Permits

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

Yes No

Date construction began Month: 4 Day: 6 Year: 1989

Details of construction and attach documentation: See Attached Well Log UMAT 5271

For Surface/Reservoir Permit N/A

Has construction of the water system begun? Yes No

Date construction began Month: Day: Year:

Details of construction and attach documentation:

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	04-11-1989 Well #1 05-22-1991 Well #2
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Special well construction standards	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Attached Well Logs
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Surface Water or Reservoir		

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

N/A

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is not considered work in the development of the water system. *Work accomplished under other water rights may not be considered work under this permit.*)

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CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	No Work was done before Permit was Issued	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
03-23-1992	For Description of Work, Please Refer to Attached March 23 1992 Claim of Beneficial Use Report prepared by CWRE Dennis Gaylord	
	I believe the reported cost Estimate in the earlier Extension Request far exceeded the estimated of \$4100. A more realistic cost would be closer to \$50,000	\$50,000
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
1992	For Description of Work under this Section, Please Refer to Attached March 23 1992 Claim of Beneficial Use Report prepared by CWRE Dennis Gaylord	
Total Cost for Chart-B		

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
2014-2018	We continued to retain our CWRE Dennis Gaylord who did all our previous application and water right requirements in filing. We thought he would continue with a Permit Amendment for the requesting the authorization of Well #2 for Permit G-108691. We were not knowledgeable in the process and our understanding of how the permitting process work. We never heard from	

	any one and was under the impression that CWRE Gaylord had taken care of what was needed to authorize using Well #2 under this permit. We only recently have started to understand the working of the permitting process and learned that CWRE Dennis Gaylord had not performed what was need to authorize the 2 nd well.	
	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
First Week of 2023	We learned that our Permit G-10861 was Cancelled. We hire a Water Right Consultant and a Water Right Attorney to assist us in our effort to reinstate this Certificate. As described in the March 23, 1992 Claim of Beneficial Use Report, all the equipment to irrigate the acreage authorized in the permit was installed and was used to irrigate the acres.	\$4500.00
Total Cost of Chart-C		\$4500

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

5. Cost of project to date: \$54,500

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

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

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

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

Maximum rate used to date = 0.67 cfs (cubic feet per second) or,

Maximum rate used to date = 300 gpm (gallons per minute) or,

Maximum volume of stored water used to date = N/A AF or,

Maximum volume stored annually to date = N/A AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well #1	Well #1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Umat 5271	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	75 gpm	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
Well #2	Well #2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Umat 5531	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>	300 GPM	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No. T-_____ We have attached it to this extension request

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

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

- a) Total acres irrigated to date: 26.9
- b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
1992	26.9				

c) Provide a copy of the application map identifying the acres irrigated.

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d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# 1 Acres 14.6

(POD/POA) # _____ Acres _____

(POD/POA) # 2 Acres 12.3

(POD/POA) # _____ Acres _____

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2023	File this extension request and the Attached Permit Amendment	\$ 5,000
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		

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

11. Estimated remaining cost to complete the project: \$,5000

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.) _____

The construction and Permit Conditions have all done.

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

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

The time request is for this Extension Request and Permit amendment to be Approved

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

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.) _____

It will mean the ability to irrigate the 12 .3 will be lost and the loss of about \$30,000 will be wasted.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail, consider other potential sources of water, and describe their feasibility) _____

Not to my knowledge:

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) _____

We feel we were not provided an explanation of the process for requesting a permit amendment for Well #2 and any notice that our permit was in jeopardy . It appears to be a secretary error to add the Well 2 in the original application

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) _____

We depending upon our CWRE failing to following through with filling a permit amendment request Well #2 to authorized in Permit G-10861.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.) _____

As described in the March 23, 1992 Claim of Beneficial Use Report, all the equipment to irrigate the acreage authorized in the permit was installed and was used to irrigate the acres.

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

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

OWRD not providing us the notices and understanding that we may lose the ability to use Well #2 to irrigate 12.3 acres that now has us in this situation.

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

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) _____

If we ever decide to sell the Farm, it will add significant to the value to the Farm.

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

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

We have invested about \$30,000 in the Well and equipment to irrigate the 12.3 acres. The ability to irrigate 12.3 acre adds about \$120,000 value to the farm mean we can barrow more to acquire equipment and other items to maintain the irrigation of these acres thus helping the local business.

At present there will be several businesses and employees that rely on the completion of this project. The agricultural hay farmers job, family and business is dependent on the completion of this project. The cattle rancher's job, family and business is dependent on the completion of this project. Without the ability to irrigate the farm ground many families will be negatively affected economically.

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Attach permit, and documentation to the application

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STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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Application G-11873 Water Resources Department Permit G-10861

ASSIGNED, See Misc. Rec., Vol. 7 3219

The place of use is as follows:

	ACRES	1/41/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E
Total:	27.00 acres.				

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

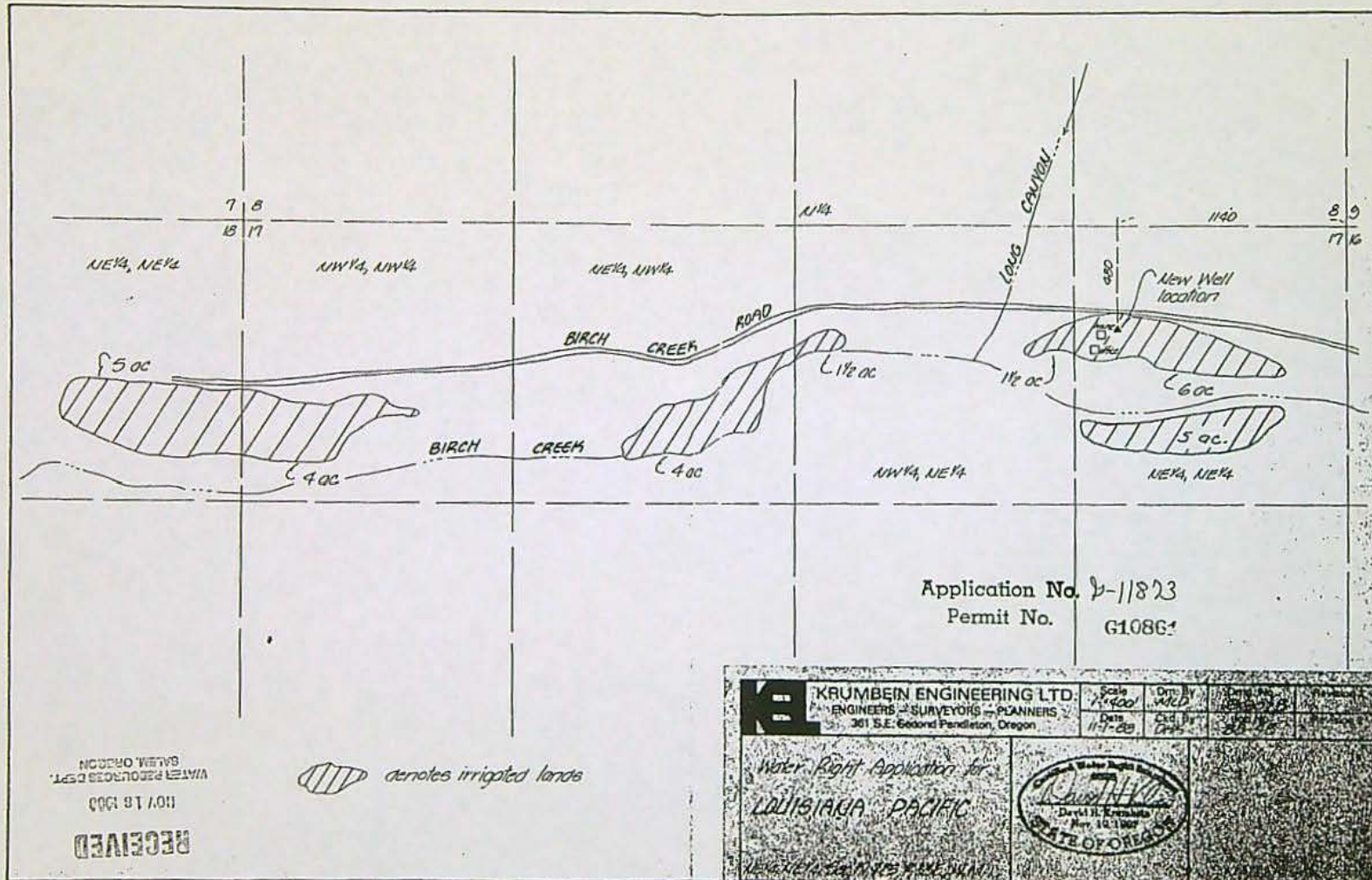
Issued this date, February 27, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

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Application No. 2-11823
 Permit No. G10861

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 WATER RESOURCES DEPT.
 NORTH WYOMING

denotes irrigated lands

K KRUMBEIN ENGINEERING LTD. ENGINEERS - SURVEYORS - PLANNERS 361 S.E. Second Pendleton, Oregon	Scale 1"=400'	Drawn by MJC	Checked by MJC	Reviewed by MJC
	Date 11-7-23	City Pendleton	State Oregon	Project Water Right Application for LOUISIANA PACIFIC
Water Right Application for LOUISIANA PACIFIC				

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STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.785)

UMAT
5271

APR 27 1989

WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) #

8339

#1 Well

28/33E/Maa

(1) OWNER: Well Number: _____
Name Louisiana-Pacific Corp.
Address P.O. Box 4000-98
City Hayden Lake State ID Zip 83835

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

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other _____

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 250 ft.
Explosives used Type _____ Amount _____

HOLE		SEAL		Amount
Diameter	From To	Material	From To	sacks or pounds
12"	0 180	Cement	0 180	70 sacks
8"	180 250			

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	+2	180	230	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Liner: _____

Final location of shoe(s) 180

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 300 Drawdown _____ Drill stem at 250 Time 1 hr.

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

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 25 N or S, Range 33E E or W, WM.
Section 17 NE W NE W
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) East Birch Creek, Pilot Rock, OR 97868

(10) STATIC WATER LEVEL:
15 ft. below land surface. Date 4-11-89
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 45

From	To	Estimated Flow Rate	SWL
45	68	20	15
245	250	280	15

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Brown clay soil	0	1	
Brown clay w/cobbles	1	29	
Gray basalt	29	33	
Broken gray basalt	33	45	
Brown basalt	45	68	WB
Gray basalt	68	149	
Gray basalt, medium	149	245	
Broken gray basalt with green soapstone	245	250	WB

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WATER RESOURCES DEPT
SALEM, OREGON
Date started 4-11-89 Completed 4-11-89

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
WVC Number 1218
Signed Petrick C. Waller Date 4-20-89

#5
25 119
Elev 2568
2518

#2 Well

25/33E/18 9a

STATE OF OREGON WATER WELL REPORT (as required by ORS 537.785)

~~UMAT~~
5531
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5531

(START CARD) 23057

(1) OWNER: Louisiana-Pacific Corp.
Name Well Number: 2
Address P.O. Box 4000-98
City Hayden Lake State ID Zip 83835

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 230 ft.
Explosives used Yes No Type Amount

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

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 8" 71 193 .250
Liner:

Final location of sheet 193

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tela/plpe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min Drawdown Drill stem at Time
300+ 230 1 hr.

Temperature of water 61° Depth Artesian Flow Found
Was a water analysis done? Yes By whom
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude Longitude
Township 25 Nor S. Range 33E E or W. WM.
Section 18 NE W NE W 17 NW NW
Tax Lot 1600 Lot Block Subdivision
Street Address of Well for nearest address East Birch Creek
Pilot Rock, OR 97868

(10) STATIC WATER LEVEL:
6 ft. below land surface. Date 5-22-91
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 16

From	To	Estimated Flow Rate	SWL
1	34	30	15
103	117	100	15
205	230	300+	6

(12) WELL LOG: Ground elevation

Material	From	To	SWL
Brown clay soil	0	1	
Gravel with some cobbles	1	34	WB
Gray basalt	34	103	
Black basalt with yellow soapstone	103	117	WB
Gray basalt	117	172	
Broken gray basalt with green soapstone	172	180	
Gray basalt	180	205	
Red & gray basalt with green soapstone	205	230	WB

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WATER RESOURCES DEPT. SALEM, OREGON
WATER RESOURCES DEPT. SALEM, OREGON
OWRC

Date started 5-13-91 Completed 5-22-91

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Patrick Wallace WWC Number 1218
Date 5-29-91

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CLAIM OF BENEFICIAL USE AND SITE REPORT
GROUND WATER RIGHT APPLICATION G-11873, PERMIT G-10861

MAR 23 1992

INFORMATION: This report is the final proof of claim of beneficial use of ground water as outlined in permit G-10861, dated February 27, 1989. The owner of the land and irrigation system is Louisiana-Pacific Corporation, P.O. Box 4000-98, Hayden Lake, Idaho, 83835. My principal contact with the owner has been through Mr. Joe Tolar, at Hayden Lake. The system developed by the landowner consists of two wells and two separate distribution systems. The wells and systems are shown on the accompanying Final Proof Map and are referred to herein as well # 1 and well # 2. The site investigation was conducted on February 17, 1992.

RESOURCES DEPT.
SALEM, OREGON

Source: The source of ground water is two wells, located as follows:

Well # 1 is located 432 feet south and 1,234 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M.

Well # 2 is located 651 feet south and 4,881 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M. The section corner common to sections 7, 8, 17 and 18 was searched but not recovered, thus both wells are tied to the same section corner.

DESCRIPTION: WELL # 1:

This well is 250 feet deep. It is 12 inches in diameter to a depth of 180 feet and 8 inches in diameter from 180 feet to 250 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 180 feet, and grouted with cement (70 sacks) to a depth of 180 feet. The well was tested at the time of drilling to yield 300 gallons per minute. There are two water bearing zones. One, at 45 to 68 feet, is sealed with grout. The second is at 245 to 250 feet. The static water level at time of drilling was at 15 feet below the ground surface.

There are two pumps installed in well # 1, as follows:

A 3 horsepower pump is 168 feet below the ground surface.

MOTOR: The motor is a Franklin 3 horsepower single phase 230 volt electric motor that rotates at 3,450 revolutions per minute.

PUMP: The pump is a Grundfos with a 1 1/4 inch discharge pipe. The motor/pump is rated to produce 25 gallons per minute.

A 5 horsepower pump is 147 feet below the ground surface.

MOTOR: The motor is a Franklin 5 horsepower single phase 230 volt electric that rotates at 3,450 revolutions per minute.

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PAGE 2 OF 3

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PUMP: The pump is a Grundfos with a 2 inch diameter discharge pipe. The motor/pump is rated to produce 40 gallons per minute.

Both pumps are in operation when irrigating, and could move as much as 65 gallons per minute. The 3 horsepower pump, only, is used to provide water to the dwelling during times when no irrigation is being done from well # 1.

DISTRIBUTION SYSTEM: The water from well # 1 is distributed through buried pipes located as shown on the Final Proof Map. The pipes are 3 inches in diameter with risers located as shown on the Final Proof Map. The water is further distributed by the use of 3 inch diameter aluminum hand lines. The hand lines are fitted with sprinkler heads of varying sizes of nozzles. I estimate this system will distribute around 65 gallons per minute at it's maximum output.

WELL # 2:

This well is 230 feet deep. It is 12 inches in diameter to a depth of 193 feet and 8 inches in diameter from 193 feet to 230 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 193 feet, and sealed with bentonite clay (22 sacks) from the ground surface to a depth of 34 feet and grouted with cement (150 sacks) from 34 feet to a depth of 193 feet. The well was tested at the time of drilling to yield in excess of 300 gallons per minute. There are three water bearing zones. The first is from 1 foot to 34 feet below the ground surface. The second is from 103 feet to 117 feet below the ground surface. Both of these zones are sealed. The third water bearing zone is from 205 to 230 feet below the ground surface. The static water level at the time of drilling was 6 feet below the ground surface.

MOTOR/PUMP: Well # 2 is fitted with two motor/pumps. In the well is a 25 horsepower Franklin electric motor which rotates at 3,450 revolutions per minute. This motor is fitted directly to a Jacuzzi turbine pump with a 4 inch diameter discharge. At the ground surface is a booster pump. This pump is powered by a 25 horsepower Marathon electric motor which rotates at 3,470 revolutions per minute. This motor is short coupled direct to a Paco 7.1 inch diameter centrifugal pump. Intake and discharge pipes on this pump are 2 inch diameter.

DISTRIBUTION SYSTEM: Water from well # 2 is distributed by a system of buried pipes as shown on the Final Proof Map. The pipes are 5 inch diameter near the well and reduce to 4 inch diameter on the lines furthest away from the well and for all lateral lines to risers. There is a total of 5,040 feet of 5 inch diameter buried line and 2,580 feet of 4 inch diameter buried line. Water is placed on the ground directly from the

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No meter -

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risers shown on the Final Proof Map using four Nelson sprinkler heads. These heads have a .60 inch diameter nozzle. The heads are model QC - F100 and one is a QC - SR100. a Grainland model 400R flow meter on this system. The system was not in operation at the time of the site visit, but the output of this system is estimated to be in excess of 300 gallons per minute.

USES: Water from the two wells is beneficially used to irrigate hay crops and pasture for livestock. Water from well # 1 is also used for domestic purposes at one household and guest house/bunkhouse complex. The dwelling is located about 150 feet southwest of well # 1.

AREA:	LOCATION	SOURCE	ACRES	1875 RIGHT (ACRES)
	NW1/4NW1/4	S16 WELL # 1	4.8	NONE
	NE1/4NE1/4	S17 WELL # 1	6.2	6
	NW1/4NE1/4	S17 WELL # 1	3.6	3
	NE1/4NW1/4	S17 WELL # 2	4.1	4
	NW1/4NW1/4	S17 WELL # 2	8.2	4
	TOTALS		26.9	17

An affidavit executed on November 10, 1988 diminished the 1875 surface water right from East Birch Creek from primary to supplemental for irrigation of the above shown acreages.

The systems herein described are to be the primary source of water for irrigation of the 17 acres of land with the 1875 priority date.

The final proof survey and site inspection of the water use was completed by me on February 17, 1992 and the facts contained in this report and the accompanying Final Proof Survey Map are correct to the best of my knowledge.



I, Joe Tolar, Division Purchasing Manager for the landowner, Louisiana-Pacific Corporation, agree to the findings of the Certified Water Right Examiner and do submit this site report and the accompanying Final Proof Survey Map as my Claim of Beneficial Use of the water as provided under the terms and conditions of the permit to appropriate the public waters, number G-10861 (Application G-11873), issued February 27, 1989.

Joe Tolar
JOE TOLAR

3/19/92
DATE

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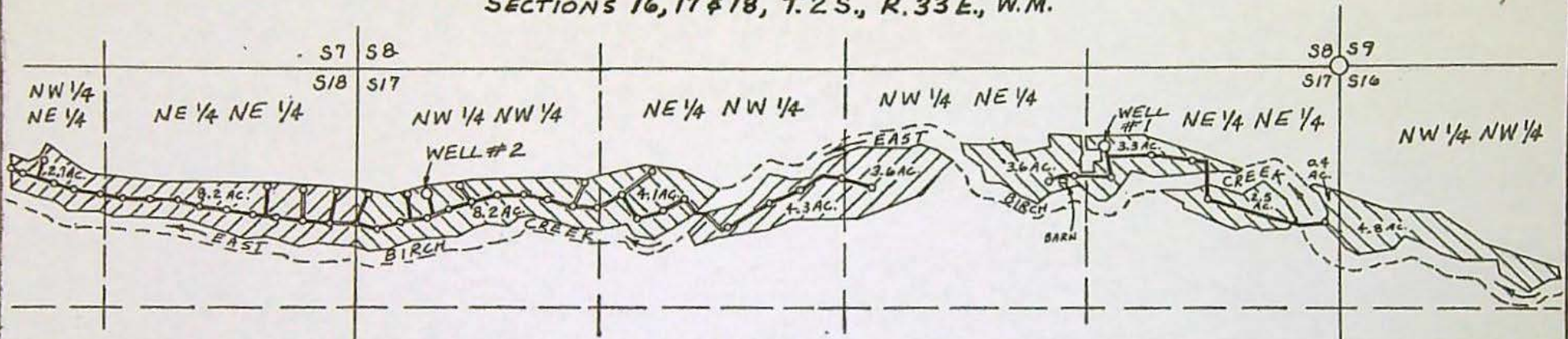
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WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T. 2 S., R. 33 E., W.M.



FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

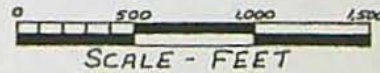
LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 IS 432' S & 1234' W
WELL #2 IS 651' S & 4881' W

LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- ▨ = AREA UNDER IRRIGATION - BENEFICIAL USE
- ▨ = PLACE OF USE - GROUND WATER APPLICATION



APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CWR
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

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

Application for Extension of Time for a Water Right Permit

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
 OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
 application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Michael P. Miller Miller Valley Limited Partnership
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

3330 Hayden Bridge Rd Springfield, OR 97477
ADDRESS CITY STATE ZIP

541-954-4454 mike.miller@remax.net
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G-11873
 Permit Number G-10861
[OAR 690-315-0020(3)(b)]

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do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the
 equipment necessary to the use of water), which time now expires on October 1, 1990, be
 extended to October 1, 1991,

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now
 expires on October 1, 1991, be extended to October 1, 1992.

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WATER RESOURCES DEPT
 SALEM OREGON

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

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

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

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GENERAL TIPS:

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

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

Reference Materials Needed to Complete this Application:

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

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

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] yes



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

Date construction began is: 5-13-91 date for well #2

Details of construction: See well log UMAT 5531

note: Sec. 1/4, 1/4 are wrong

Should be Sec 17 NW 1/4 NW 1/4 not

Sec 18 NE 1/4 NE 1/4

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SALEM, OREGON

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

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



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

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
	4/11/89	well #1 in Sec 17 NE 1/4 NE 1/4
1+2	4/11/89	cased + constructed
3	4/4	flowmeter installed
4	"	"
5	"	flowmeter keeps record
6	4/6/89	started well
7	4/11/89	complete
8	4/11/89	in use before Oct 1, 1991

see well log UMAT 5271

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
		Well #2 in Sec 17 NW 1/4, NW 1/4 needs to be added
1+2	5-22-91	cased + constructed
3	5-22-91	flowmeter installed
4	"	"
5	"	flowmeter keeps record
6+7	"	started well, complete
8	"	in use before Oct 1, 1991

see well log UMAT 5531

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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

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

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued - eg. well drilled.</i>	COST*
INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
	The permit was signed - find date above signature on last page of permit.	
2-27-89	est	600-
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
2-27-89		
10/1/91	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
5-22-91	well drilled - complet est	3500-
Total Cost to Date		4100

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

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

CHART-D

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/___	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/___	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
INSERT DATES	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost to Date		

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

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

4. Cost of project to date: _____
(The total cost from CHART-C and CHART-D)

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

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



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = 0.34 cfs (cubic feet per second) or,

Maximum rate = 151.5 gpm (gallons per minute) or,

Acre Feet Stored = N/A AF

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

- 6. Provide the total number of acres irrigated to date under this permit.

Total acres irrigated to date: 14.7

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
5-22-91	well #2 drilled + completed to accomplish the full rate of use for irrigated lands on the permit	
Year: 1991	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost:		<u>4100 -</u>

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

- 8. Estimated remaining cost to complete the project: completed 91
(The total cost from CHART-E)

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

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

Well #2 was completed w/app G12832 permit G12242 but now adding to app G11873 permit G10861 so it changed all the dates due.

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

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

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

N/A

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

Well #1 was not capable to irrigate all lands authorized under the permit a unforeseen event

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

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

Certificate # 2528 from primary to supplemental - ground water from well # 2 to primary

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

William C. Woodfin
Linda A. Woodfin
Signature

3/4/08
3/4/08
Date

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Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 11873 Permit: G- 10861 Permit Amendment? No Yes T- _____

Permit Holder's Name: William C. and Linda A. Woodfin and Michael P. Miller / Miller Valley Limited

Permit Holder's Mailing Address: PO Box 135, Pilot Rock, OR 97868 ↓
3330 Hayden Bridge Rd
Springfield, OR 97477
Partnership

Phone Number: 541-443-3214 e-mail: coyotel@yci.net

POD Location: Township 2S Range 33E Section 17 $\frac{1}{4}$ NENE

Drainage Basin: 7 County: Umatilla Watermaster District: 5 Watermaster: Tony Justus

Date Permit was issued: 2/27/1989 Priority Date: 11/18/1988 Date of PN: 3/18/2008

Source: One Well plus an Additional Well in East Birch Creek Basin ALR

Use: Irrigation of 27 acres

"Q": 151.5 Gallon Per Minute

Orig "A" Date: 2/27/1990

Orig "B" Date: 10/1/1990

Orig "C" Date: 10/1/1991

Extension request rec'd: 3/10/2008

Last Authorized "B" Date: 10/1/1990

Last Authorized "C" Date: 10/1/1991

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

Proposed "B" Date: 10/1/1991 2018 Proposed "C" Date: 10/1/1992 2018

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter installed 4/11/89 on Well 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter records kept on Well 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter installed 5/22/1991 on Well 2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter records kept on Well 2
<input type="checkbox"/>	<input type="checkbox"/>	

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

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$4,700 Estimated Remaining Cost: \$0
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 151.5 cfs gpm af of the total permitted quantity of water on 27.0 ~~26.9~~ acres

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

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Application: G-11873 Permit: G-10861 Township _____ Range _____ Section _____

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

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

Yes No

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

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

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

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

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

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

5-year Progress Report Checkpoints (Years: _____)

Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

Miller Valley Limited Partnership, Michael P. Miller, 3330 Hayden Bridge Rd, Springfield, OR 97477 (also listed as a permit holder)

The applicant added a second well, but construction was not completed by the B-date. The 2nd well will be acknowledged at certificate stage; the purpose of this extension is to increase the B date to 1991, and the C date to 1992 so that the certificate can reflect perfection of 2 wells. (A transfer application for a permit amendment will NOT be filed).

cc: Larry Nunn, Certificates, OWRD

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Extension "PFO" Dates

Mailing / Issuance Date: _____

Protest Deadline Date: _____



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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mike Miller
3330 Hayden Rd, Springfield OR 97477
Transaction Type: Permit Amendment
Fees Received: \$ 780.00

Cash Check; Check No. 8921
Name(s) on Check: Michael & Michelle Miller

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

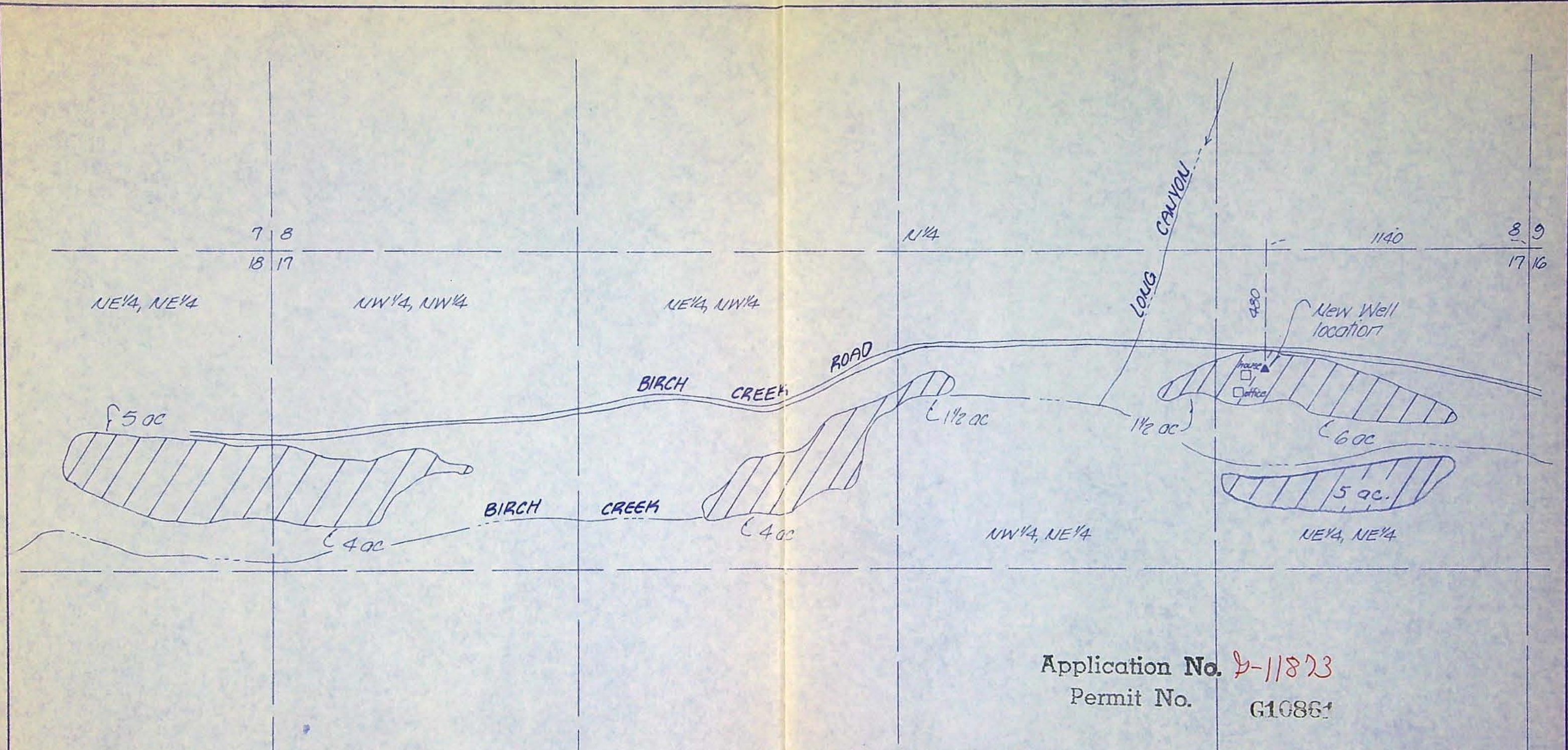
If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Lowrie
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

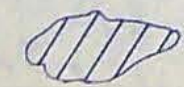


Application No. **8-11873**
 Permit No. **G10861**

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 denotes irrigated lands

 KRUMBEIN ENGINEERING LTD. ENGINEERS - SURVEYORS - PLANNERS 361 S.E. Second Pendleton, Oregon	Scale 1"=400'	Drn. By MLD	Drng. No. 8807E	Revision 1
	Date 11-1-88	Ckd. By OHS	Job No. 88-43	Revision 2

Water Right Application for
LOUISIANA PACIFIC
 NE 1/4, NE 1/4, Sec 17, T2S, R33E, W.M.



CLARK Gerald E * WRD

From: Mike Miller <mike@millersold.com>
Sent: Wednesday, February 1, 2023 6:39 PM
To: CLARK Gerald E * WRD
Subject: RE: Water Rights Mike Miller/ Miller Valley in Pilot Rock

Great, thank you so much!



PRINCIPAL BROKER, GRI, CCIM
MIKE MILLER
TOP AGENT SINCE 1990
541.954.4454 [CLICK TO CALL ME](#)
Mike@MillerSold.com
LICENSED BROKER IN THE STATE OF OREGON

4710 Village Plaza Loop
Suite 200
Eugene, OR 97401



From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Wednesday, February 1, 2023 5:45 PM
To: Mike Miller <mike@millersold.com>
Subject: RE: Water Rights Mike Miller/ Miller Valley in Pilot Rock

Mike,

The reinstatement order will be mailed on Friday.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD
Sent: Tuesday, January 31, 2023 6:38 AM
To: Mike Miller <mike@millersold.com>
Subject: RE: Water Rights Mike Miller/ Miller Valley in Pilot Rock

Mike,

I have prepared the reinstatement order for Dwight's signature. I believe that it will be signed and mailed this week.

Once the permit is reinstated, we can then figure out next steps. Based on discussions with other staff members, the extension of time may not work. Since no progress was completed between the original completion date and the new completion date (no permit amendment filed and therefore no use of the correct well on all the acres) an extension would likely not be granted. Without an approved extension, a permit amendment could not be submitted. What this would leave you with is a set of acres (12.3 acres) served by well #2 that are without a water right.

If you applied for a new water right, the Department would look at the proximity of the Well 2 to Birch Creek to determine if it is hydraulically connected to the creek (Birch and its tributaries have been withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year with the exception of domestic, livestock, fish and wildlife uses or water released from storage). Well #2 appears to be approximately 350 feet from the creek based on the Claim of Beneficial Use map. The Department would consider the proximity to the creek and construction of the well in making a determination as to whether the well is hydraulically connected and whether a new permit could be issued.

Since the Department has a Claim of Beneficial Use that identifies use from the authorized well on a portion of the acres, the Department would evaluate that Claim to determine to what an extent a certificate could be issued for. The certificate would be limited to the those acres served by the authorized well.

I will give you an update on the mailing of the reinstatement order when I have confirmed the mailing date.

Please feel free to contact me with any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Mike Miller <mike@millersold.com>

Sent: Monday, January 30, 2023 6:56 PM

To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>

Subject: RE: Water Rights Mike Miller/ Miller Valley in Pilot Rock

Hi Gerry,

We are now halfway through the 60-day period for requesting reconsideration of the cancellation order. Could I get a date by which you intend to issue an order to withdraw the cancellation order and reinstate the permit. I am not an expert in this stuff and I don't want to miss any deadlines. I would like to get my permit reinstated as soon as possible, so that we could start working towards resolving the issues related to my permit.

I thank you very much for the time you spent with me on the phone the other day. You were very helpful and I feel like I am much closer to being up to speed.

I look forward to your response.

Thank you

Mike

RE/MAX
Integrity



PRINCIPAL BROKER, GRI, CCIM
MIKE MILLER
TOP AGENT SINCE 1990
541.954.4454 
Mike@MillerSold.com
LICENSED BROKER IN THE STATE OF OREGON

4710 Village Plaza Loop
Suite 200
Eugene, OR 97401



From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Thursday, January 19, 2023 9:01 AM
To: Mike Miller <mike@millersold.com>
Subject: RE: Water Rights

[App: P 77622 * \(state.or.us\)](#)

From: CLARK Gerald E * WRD
Sent: Thursday, January 19, 2023 8:34 AM
To: Mike Miller <mike@millersold.com>
Subject: RE: Water Rights

https://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=DecreeMap&decree_map_id=1545

From: CLARK Gerald E * WRD
Sent: Thursday, January 19, 2023 7:14 AM
To: 'Mike Miller' <mike@millersold.com>
Subject: RE: Water Rights

[Permit: G 10861 CN \(state.or.us\)](#)

From: CLARK Gerald E * WRD
Sent: Wednesday, January 18, 2023 4:31 PM
To: Mike Miller <mike@millersold.com>
Subject: RE: Water Rights

Mike,

Sorry we did not connect today. I can be reached tomorrow morning as early as 6:30. I have an appointment tomorrow afternoon and need to leave the office for the day beginning at 11:00. If there is a time that will work best for you, please let me know and will reserve it for you.

I was able to review the file and have an understanding of its development history and also looked at the cancellation process and notifications that were mailed related to that process. It does not appear that you were notified with our mailings.

Plan to recommend to my supervisor that we withdraw the cancellation notice and work with you directly to resolve the issues related to this permit.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Mike Miller <mike@millersold.com>
Sent: Wednesday, January 18, 2023 9:59 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: RE: Water Rights

Gerry,

I just tried to call you. You may be on the phone or busy. I will be available all day. You can call me or let me know a time I can call you and I will. I am available before your 10:30 or anytime after. Just let me know and I can call you if you prefer.

Thank you
Mike



PRINCIPAL BROKER, GRI, CCIM
MIKE MILLER
TOP AGENT SINCE 1990
541.954.4454 
Mike@MillerSold.com
LICENSED BROKER IN THE STATE OF OREGON

4710 Village Plaza Loop
Suite 200
Eugene, OR 97401



From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Tuesday, January 17, 2023 7:52 PM
To: Mike Miller <mike@millersold.com>; SILBERNAGEL Greg M * WRD <Greg.M.SILBERNAGEL@water.oregon.gov>
Subject: Re: Water Rights

Mike,

This is Gerry. My phone number is 503-979-9103.

I should be available tomorrow morning after 10:30. I plan to review the file to determine who we sent copies of the mailings and to generally familiarize myself with the file.

I look forward to talking with you tomorrow.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Mike Miller <mike@millersold.com>

Sent: Tuesday, January 17, 2023 6:22 PM

To: SILBERNAGEL Greg M * WRD <Greg.M.SILBERNAGEL@water.oregon.gov>

Cc: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>

Subject: RE: Water Rights

Greg,

Thank you for your help. Can you please forward me a phone number for Gerry. I will give him a call.

I am also confirming that I did not receive letter.

Thank you

Mike



PRINCIPAL BROKER, GRI, CCIM
MIKE MILLER
TOP AGENT SINCE 1990
541.954.4454 [CLICK TO CALL ME](#)
Mike@MillerSold.com
LICENSED BROKER IN THE STATE OF OREGON

4710 Village Plaza Loop
Suite 200
Eugene, OR 97401



From: SILBERNAGEL Greg M * WRD <Greg.M.SILBERNAGEL@water.oregon.gov>

Sent: Tuesday, January 17, 2023 2:18 PM

To: Mike Miller <mike@millersold.com>

Cc: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>

Subject: Water Rights

Mike,

Linda and I were able to visit with Gerry Clark in the OWRD certificate section. He is looking into the files regarding permit G-10861 and G-12242 and specifically the cancellation letter associated with G-10861.

First steps are to make sure that the cancellation letter notified the correct individuals and confirm your statements that you never received a letter.

Initial glance of the files is that the original permit never included well #2 as an authorized well but the claim of beneficial use included it. It appears there may have been discussion regarding a permit amendment to include well #2 but that we have no record of one ever being filed. This is the reason for the time extension and where our trail goes cold.

Gerry will work with you on steps moving forward. I will be unavailable until Friday at the earliest but you are welcome to write or call and I will get back to you as quickly as possible. If you do not hear anything in the next week, please reach back out to Gerry or myself.

Gerry – Mike can be reached via cell phone at 541-954-4454.

Thank you,

Greg Silbernagel - Watermaster, District 5
Oregon Water Resources Department
116 SE Dorion Ave.
Pendleton, OR 97801
(541) 969-1677

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

May 5, 2023

Mike Miller
3330 Hayden Rd.
Springfield, OR 97477

Reference: Application G-11873, Permit G-10861

Dear Applicant,

The Department received an Application for Extension of Time on May 4, 2023, requesting to extend the date to apply water to full beneficial use under the terms and conditions of the permit to October 1, 2025.

Upon reviewing the application, the Department has considered the application incomplete. Oregon Administrative Rule 690-315-0040(1)(a) requires the Department to return any incomplete Enclosed is the original application you submitted along with a copy which has been mark in highlighter to indicate the items which need to be completed. Please complete the items requested and return the application to the Department so we may consider your request.

Additionally, the Application for Permit Amendment is also being returned. The Department cannot accept the Application for Permit Amendment for a permit when the completion date has passed.

If you have any other questions please contact me at 503-979-3213.

Sincerely,

Jeffrey D. Pierceall
Extension Specialist
Water Rights Division



Reinstatement Order Mailing List

SOV. 127, Page. 329

Application: G-11873

Permit: G-10861

Permit Holder(s):

WILLIAM C. WOODFIN
LINDA A WOODFIN
PO BOX 135
PILOT ROCK OR 97868

MILLER VALLEY LIMITED PARTNERSHIP
MICHAEL P MILLER
3330 HAYDEN BRIDGE RD
SPRINGFIELD OR 97477

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES – ALL TAX LOTS NOW OWNER BY MILLER VALLEY LIMITED PARTNERSHIP AND MICHAEL P MILLER**

Copies Mailed	
by:	<u>TH</u> (STAFF)
on:	<u>2/3/2023</u> (DATE)

Copies of Reinstatement Order to be sent to Permit Holder(s) and following:

1. Watermaster District #5
2. File
3. Vault

Other persons to receive copies:

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT G-10861) ORDER

Findings of Fact

1. On December 30, 2022, the Department cancelled Permit G-10861 in accordance with the provisions of ORS 537.260.
2. The Department has determined that the notice of the cancellation was not served on all permit holders of record.
3. The Department on its own motion elects to withdraw its Final Order.

PERMIT TO USE GROUNDWATER:

<u>NAME</u>	<u>BASIN #</u>	<u>WM #</u>	<u>FILE #</u>	<u>PERMIT #</u>
WILLIAM WOODFIN	7	5	G-11873	G-10861
LINDA WOODFIN				
MILLER VALLEY LIMITED PARTNERSHIP				

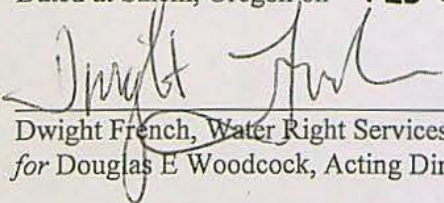
Conclusions of Law

1. The Department may reconsider pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the Department withdraws its previous Final Order dated December 30, 2022.
2. The Department will take no action to cancel this permit **until 120 days** to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on **FEB 03 2023** 2023.


 Dwight French, Water Right Services Administrator
 for Douglas E Woodcock, Acting Director

FEB 03 2023
 PLACED IN U.S. MAIL
 BY OREGON WATER RESOURCES DEPARTMENT

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

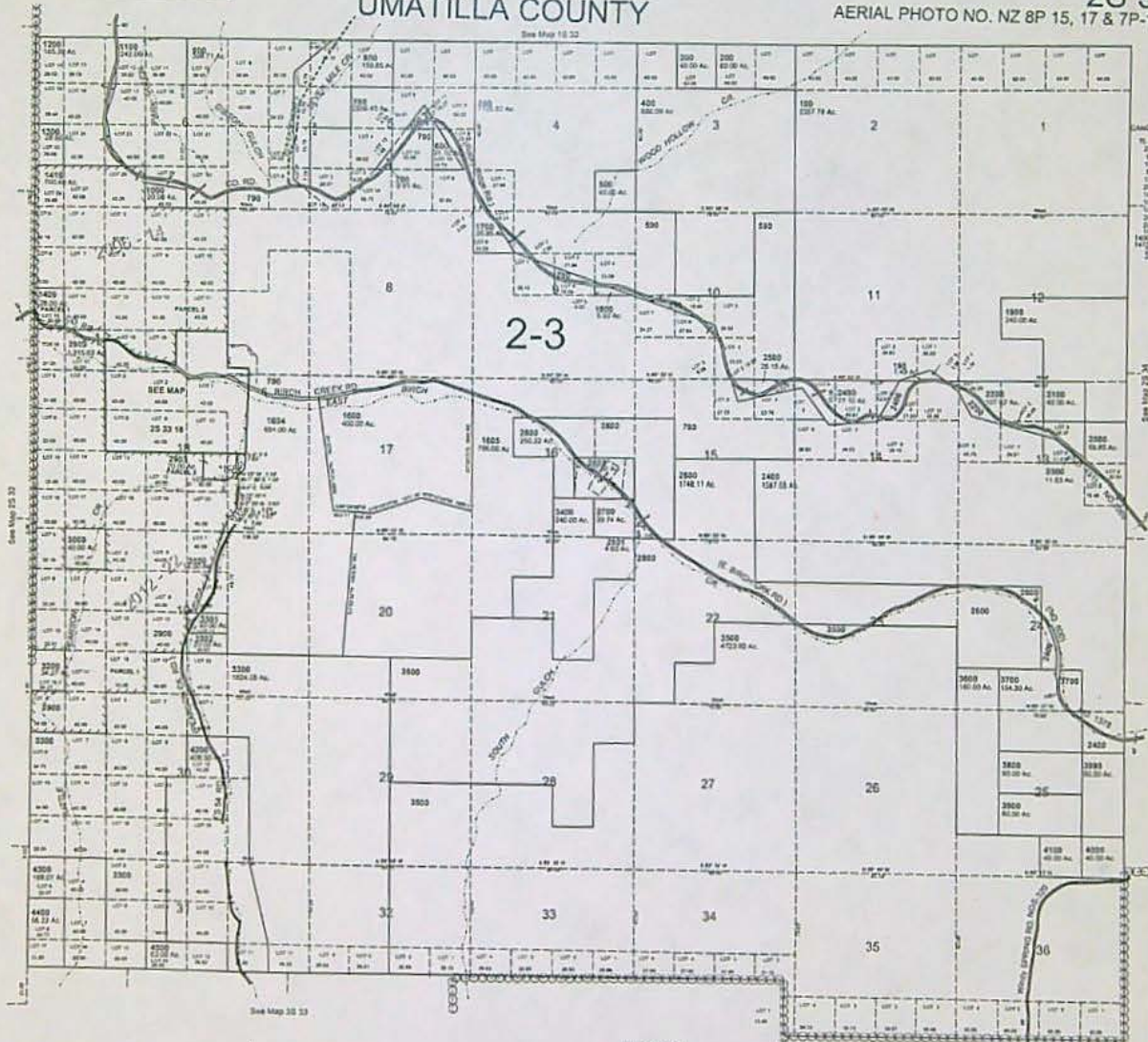
This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

1"=2000'

T2S R33E WM
UMATILLA COUNTY

AERIAL PHOTO NO. NZ 8P 15, 17 & 7P-155

2S 33



CANCELLED
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G-11873

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

January 18, 2023 1:14:25 pm

Account #		Tax Status	ASSESSABLE
Map #	2S33000001600	Acct Status	ACTIVE
Code - Tax #	0203-107202	Subtype	NORMAL
Legal Descr	See Record		
Mailing Name	MILLER MICHAEL P	Deed Reference #	2021-7300599
Agent		Sales Date/Price	10-25-2021 / \$500,000.00
In Care Of		Appraiser	
Mailing Address	3330 HAYDEN BRIDGE RD SPRINGFIELD, OR 97477-1830		
Prop Class	551	MA	SA
RMV Class	501	06	93
		NH	000
		Unit	107202-1

Situs Address(s)	Situs City
ID# 1 62852 E BIRCH CREEK RD	PILOT ROCK

Code Area	RMV	MAV	Value Summary AV	RMV Exception	GPR %
0203	Land	560,200		Land	0
	Impr.	307,510		Impr.	0
Code Area Total		867,710	333,698		0
Grand Total		867,710	333,698		0

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0203					EFU OSD - FULL	100				32,000
0203	1		<input checked="" type="checkbox"/>	EFU	Farm Site	137	A	1.00	H	41,100
0203	3		<input checked="" type="checkbox"/>	EFU	Farm Use Zoned	137	A	14.84	4-I	102,460
0203	2		<input checked="" type="checkbox"/>	EFU	Farm Use Zoned	137	A	29.63	4-N	44,650
0203	5		<input checked="" type="checkbox"/>	EFU	Farm Use Zoned	137	A	354.53	7-F	339,990
Grand Total								400.00		560,200

Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV	
0203	5		305	GP SHED	100	96		1,240	
0203	3		311	UTILITY BUILDING	100	12,096		14,970	
0203	4		355	IRRIGATION	100	0		17,760	
0203	1		148	One story with attic	100	4,370		273,540	
Grand Total							16,562	307,510	

Exemptions / Special Assessments / Potential Liability					
NOTATIONS:					
■ DISCOVERY IN FIELD ADDED 2016	Amount	800.00			
■ POTENTIAL ADDL TAX LIABILITY ADDED 2005					
Code Area 0203					
FIRE PATROL:					
■ FIRE PATROL CLASS 3 G	Amount	164.94	Acres	310.39	Year 2022
■ FIRE PATROL CLASS 2 T	Amount	149.60	Acres	83.19	Year 2022
■ FIRE PATROL SURCHARGE	Amount	47.50			Year 2022

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

January 18, 2023 1:14:58 pm

Account # [REDACTED] Map # 2S33000001604 Code - Tax # 0203-159820 Legal Descr See Record Mailing Name MILLER VALLEY LMTD PARTNERSHIP Agent In Care Of MILLER MICHAEL P Mailing Address 3330 HAYDEN BRIDGE RD SPRINGFIELD, OR 97477 Prop Class 551 MA SA NH Unit RMV Class 501 06 93 000 159820-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # (SOURCE ID: 481-553) Sales Date/Price 05-10-2005 / \$0.00 Appraiser
--	---

Situs Address(s) _____ **Situs City** _____

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0203	Land 746,140			Land 0	
	Impr. 220			Impr. 0	
Code Area Total	746,360	34,990	23,952	0	
Grand Total	746,360	34,990	23,952	0	

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0203	4	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	137	A	9.11	4-F	8,740
0203	1	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	137	A	14.04	4-I	96,940
0203	2	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	137	A	196.02	6-F	187,980
0203	3	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	137	A	471.83	7-F	452,480
Grand Total								691.00		746,140

Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
0203	1		111	One story	100	336			220
Grand Total							336		220

Exemptions / Special Assessments / Potential Liability									
NOTATIONS:									
■ POTENTIAL ADDL TAX LIABILITY ADDED 2005									
Code Area 0203									
FIRE PATROL:									
■ FIRE PATROL CLASS 3 G					Amount	338.27	Acres	636.57	Year 2022
■ FIRE PATROL CLASS 2 T					Amount	97.88	Acres	54.43	Year 2022

UMATILLA County Assessor's Summary Report
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2022

January 18, 2023 1:15:20 pm

Account # [REDACTED]
 Map # 2S33000001605
 Code - Tax # 0203-159821

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name MILLER VALLEY LMTD PARTNERSHIP
 Agent
 In Care Of MILLER MICHAEL P
 Mailing Address 3330 HAYDEN BRIDGE RD
 SPRINGFIELD, OR 97477

Deed Reference # (SOURCE ID: 481-554)
 Sales Date/Price 05-10-2005 / \$0.00
 Appraiser

Prop Class 550 MA SA NH Unit
 RMV Class 550 06 93 000 159821-1

Situs Address(s) Situs City

Code Area		RMV	MAV	Value Summary AV	RMV Exception	CPR %
0203	Land	826,760			Land	0
	Impr.	0			Impr.	0
Code Area Total		826,760	40,810	71,105		0
Grand Total		826,760	40,810	71,105		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0203	1	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	137	A	115.66	4-N	174,310
0203	3	<input checked="" type="checkbox"/>		EFU	Farm Use Zoned	137	A	680.34	7-F	652,450
Grand Total								796.00		826,760

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
Grand Total									0

Exemptions / Special Assessments / Potential Liability

NOTATIONS:

- POTENTIAL ADDL TAX LIABILITY ADDED 2005

Code Area 0203

FIRE PATROL:

- FIRE PATROL CLASS 3 G Amount 383.67 Acres 722 Year 2022
- FIRE PATROL CLASS 2 T Amount 133.07 Acres 74 Year 2022

Cancelation Order Mailing List

Application: G-11873

~~SOV. 125~~ SOV. 127, Pg. 192

Permit: G-10861

Permit Holder(s):

WILLIAM C. WOODFIN
PO BOX 135
PILOT ROCK OR 97868

Copies Mailed	
by:	<u>TM</u> (STAFF)
on:	<u>12.30.2022</u> (DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #5
2. File
3. Vault

Other persons to receive copies:

1. **NEW LANDOWNER 2S33 790**
Pendleton Ranches INC
PO Box 1186
Pendleton, OR 97801-0018



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED: DEC 30 2022
NOTICE

Enclosed is an order that cancels a permit for failure to submit proof of the completion of appropriation as required by ORS 537.260.

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

If you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

If you agree with the order, no response to this notice is required.

If you have any questions, please contact Tonya Miller at Tonya.L.Miller@water.oregon.gov or by telephone at 503-979-9983.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
WILLIAM C. WOODFIN	7	5	G-11873	G-10861

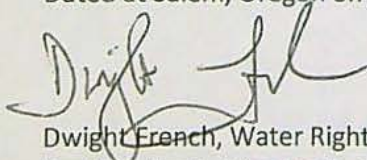
Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on DEC 30 2022



Dwight French, Water Right Services Administrator
For Douglas E. Woodcock, Acting Director

PLACED IN U.S. MAIL DEC 30 2022
BY OREGON WATER RESOURCES DEPARTMENT

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

COMPLETENESS PROJECT

60 Day Compliance Letter

Reviewer	Date	Application	Permit	Priority Date
		G 11873		

Organize: file by Date Received/Letter date/Issue date (oldest in back, newest in front);

Create: "Completeness" Folder within the electronic Application folder; save all items related in this folder

SECTION 1: Do NOT send a 60-Day Letter if:

	WRIS UPDATE NEEDED/DONE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Extension Pending	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Assignment Pending	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Voluntary Cancellation	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Claim of Beneficial Use/ C- Form / FPS * 1992	
Date Rec'd:	

* Needs further Review by GC/CH/JS

ext 2014

SECTION 2: Previous Compliance Review:

YES NO Dept has already sent a certified 60-Day Compliance Letter

Date: Cert Mail #

Green Card Rec'd	<input type="checkbox"/> YES <input type="checkbox"/> NO	Date: unk <input type="checkbox"/>
Return Mail- letter?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Date: unk <input type="checkbox"/>
Current LO notified? **	<input type="checkbox"/> YES <input type="checkbox"/> NO	

**a copy of the county map/ownership will be documented in folder; as well as a copy of the letter to the new LO

Recommendation:

Re-send 60-Day Letter	<input type="checkbox"/> YES <input type="checkbox"/> NO	Explain:
Send Cancellation Order	<input type="checkbox"/> YES <input type="checkbox"/> NO	

SECTION 3: Preparation of Compliance 60 Day Letter (If items from #1 Above Do Not Apply/Pending):

YES NO Send a 60 Day Compliance Letter to Permit Holder

Original C-date	Basin Number	WM Number
Extended C-date 10/1/2018	County	Map/Tax Lots
Most recent Assignment:	Name:	Address:

CWRE/AGENT	<input type="checkbox"/> YES <input type="checkbox"/> NO	Name:
AOI Identified in Interactive Mapper	<input type="checkbox"/> YES <input type="checkbox"/> NO	Name: Address:
SAVE to 'COMPLETENESS'	<input type="checkbox"/> OrMap Tax Lot Map <input type="checkbox"/> Ownership from County	
New Landowner Identified per County	<input type="checkbox"/> YES <input type="checkbox"/> NO	Name: Address:

SECTION 4: Letter Preparation (DocGen)

Letter: Certified Mail	<input type="checkbox"/> Permit Holder of Record	<input type="checkbox"/> Most recent C-date	<input type="checkbox"/> Add cc's: (WM, Agent, CWRE, AOI)
	Cert Mail #		
Letter:	<input type="checkbox"/> New Landowner	<input type="checkbox"/> New Landowner Packet	
Mail List	<input type="checkbox"/> Permit Holder of Record	<input type="checkbox"/> Agent/CWRE	<input type="checkbox"/> AOI
	<input type="checkbox"/> New Landowner		
	Include: copy of permit/map		

SECTION 5: 60 Day Waiting Period (date of 60 Day)

Be sure to save email(s) to the electronic file

Contact (Who):	Phone/Email:	Date:	Hold until date:	Copies of email to file	Copied to electronic e-file
				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
Notes/Comments:					
				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
Notes/Comments:					
				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
Notes/Comments:					

*Give Landowner, if requested, additional 60 days to hire CWRE/file an extension

**Give CWRE additional 180 days to complete a COBU and submit

Green Card Rec'd	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date: unk <input type="checkbox"/>	Signed by: Unknown: Verify delivery by web <input type="checkbox"/> (print)
Return Mail-Permit Holder	<input type="checkbox"/> YES <input type="checkbox"/> NO	Date:	Forwarding address:
Return Mail-New Landowner	<input type="checkbox"/> YES <input type="checkbox"/> NO	Date:	Forwarding address:

SECTION 6: Review for Cancellation

1. Green Card Returned and Signed:

A. Landowner has requested additional time, time has passed YES NO

Then: attempt to follow-up with Landowner Date:

B. Extension Received YES NO

Date Extension Received

Then: wait for final order and extended completion date

C. CWRE has contacted that they are working on the claim/map YES NO

Time has passed YES NO

Then: follow up with CWRE, cc landowner if able. Date:

More Time given: YES NO Date to complete

D. NO communication

Then: CANCEL

2: Assignment is received:

A. Assignment

3. If NO Signed Green Card returned:

A. If a new address/Forwarding address is provided,

Then: re-send mail

B. Check USPS delivery status

Then: discuss with GC/CH/JS for next step

4. Any other scenario's/situations/oddities

Then: discuss with group for next step

SECTION 7: Preparation of Cancellation Order Documents (Prepare to Mail on Fridays)

Final Order:	<input type="checkbox"/> Permit Holder of Record	<input type="checkbox"/> Basin Number	<input type="checkbox"/> WM Dist
Check	<input type="checkbox"/> Application Number	<input type="checkbox"/> Permit Number	
Assign:	Ord. Vol.	60 Day Date	
Mail List:	<input type="checkbox"/> Permit Holder of Record	<input type="checkbox"/> Agent/CWRE	<input type="checkbox"/> AOI
	<input type="checkbox"/> New Landowner		
Signature:	Date:	Mail Date	

SECTION 8: Reinstatement

Request Rec'd Date Fee Attached YES NO

YES NO Reinstatement Ord. Vol. Deadline
 Intent to submit Extension
 Hire CWRE to complete/submit claim CWRE Name:

RECEIVED

MAR 27 1982
WATER RESOURCES DEPT
SALMON, OREGON

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T.2 S., R.33 E., W.M.



FINAL PROOF OF BENEFICIAL USE-APPLICATION G-11873
PERMIT G-10861

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

APPLICATION - PLACE OF USE
AND SOURCE







LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 IS 432' S & 1234' W
WELL #2 IS 651' S & 4881' W



LEGEND

-  = SECTION CORNER TIED (FOUND MARKED STONE)
-  = WELL
-  = RISER
-  = BURIED DISTRIBUTION LINE
-  = AREA UNDER IRRIGATION - BENEFICIAL USE
-  = PLACE OF USE - GROUND WATER APPLICATION



THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-9B
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

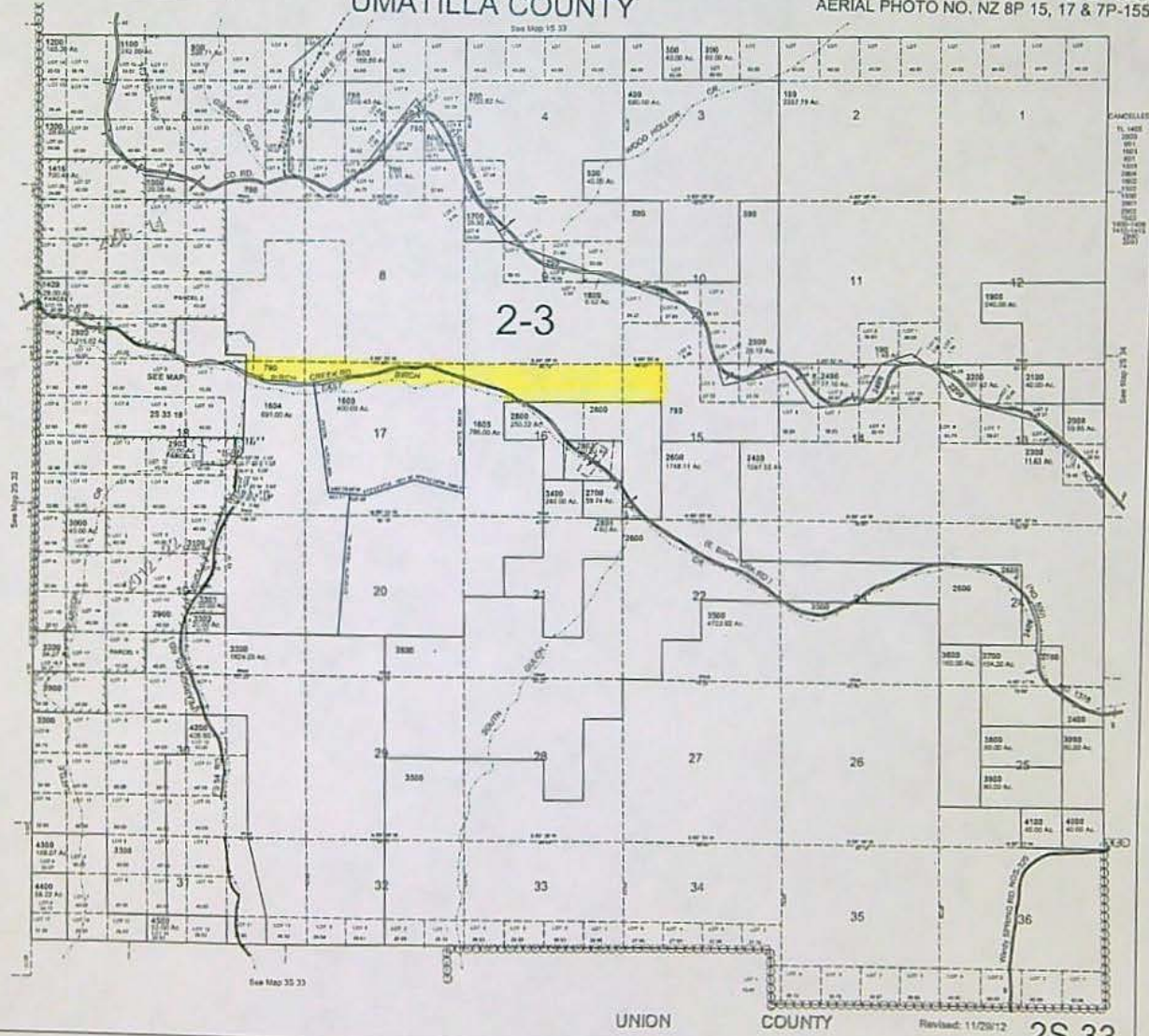
1"=2000'

T2S R33E WM
UMATILLA COUNTY

See Map 15 33

AERIAL PHOTO NO. NZ 8P 15, 17 & 7P-155

2S 33



CANCELLED
PL 1482
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See Map 25 33

X30

UNION COUNTY

Revised: 11/20/12

2S 33

HOLMES Codi N * WRD

From: Jon Salter <jon.salter@umatillacounty.gov>
Sent: Thursday, June 9, 2022 9:02 AM
To: HOLMES Codi N * WRD
Cc: at@umatillacounty.net
Subject: Re: ownership information

Codi,
Pendleton Ranches INC
PO Box 1186
Pendleton, OR 97801-0018

If you use the full tax lot # (2S33000000790) you can search this yourself on the county interactive map. Link below.

<https://umatillacogis.maps.arcgis.com/apps/webappviewer/index.html?id=31d08e9fa56045628407eb957b922892>

Jon Salter

Umatilla County/ Deputy Director of Assessment & Taxation
216 SE 4th Street | Pendleton, OR 97801
Office: (541) 278-6227
Webpage: <http://www.umatillacounty.gov/at>



Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by Umatilla County are subject to Oregon Public Records law and are NOT CONFIDENTIAL. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

"Do not pursue happiness, embody happiness" Greg Bell

On Thu, Jun 9, 2022 at 8:32 AM HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov> wrote:

I am working on a property for the following tax lot. Please provide current landowner name and mailing address.

2S33E Lot 790

Codi Holmes

Certificate Specialist

Oregon Water Resources

HOLMES Codi N * WRD

From: HOLMES Codi N * WRD
Sent: Monday, September 12, 2022 10:18 AM
To: woodfinL53@gmail.com
Subject: RE: App G-11873

Good morning Linda:

I have noticed this permit was issued in 1989 with an original c-date of 1991. Out of curiosity, why is this permit taking so long to finish development? This permit is for one well to irrigate 27.0 acres.

Do you own the property that the well sits on? Have you irrigated any of the acres from the authorized well? There are other options to move this forward on development.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: SCOTT Valerie J * WRD <Valerie.J.SCOTT@water.oregon.gov>
Sent: Monday, September 12, 2022 9:46 AM
To: woodfinL53@gmail.com
Cc: SILBERNAGEL Greg M * WRD <Greg.M.SILBERNAGEL@water.oregon.gov>; HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>
Subject: App G-11873

Linda,

As we discussed, you may need to file for an additional extension of time and hire a CWRE to complete the process required to certificate your water right. I am copying Greg and Codi on this email for their information. You indicated you would like to set up a conference call with Greg, yourself, and your neighbor. I provided you Greg's phone number. Please contact Greg and provide him the email addresses and phone numbers of all the participants.

Water Right: [Permit: G 10861 * \(state.or.us\)](#)

Find a CWRE: [View CWRE Address \(state.or.us\)](#)

Permitting Process: [Water Resources Department : Apply for a Water Use Permit : Permits : State of Oregon](#)

Sincerely,

The information provided is the result of a search of the Department records. The listing has not been field checked. It is critical that the person requesting the research carefully check any research conducted by this office to be sure that the right is appurtenant to the property of interest. Although a property may have water rights of record, if the water right has undergone five successive years of non-use it may be subject to cancellation under ORS.540.610. Department records are generally listed by the 40.0 (forty) acre quarter-quarter within a section. If the water right listed within a quarter-quarter is on more than one tax lot, this office has not itemized water rights for each tax lot - only a survey could accurately depict how much of the water rights are on each tax lot. The official water right of record is kept in Salem where certified copies may be obtained.

Valerie Scott, Office Assistant

*Oregon Water Resources Dept
116 SE Dorion Ave
Pendleton, OR 97801*

✉ Valerie.J.Scott@water.oregon.gov
☎ 541.278.5456 / 503-877-0756 mobile
Fax 541.278.0287
<http://www.oregon.gov/owrd>

NOTE: OWRD offices re-open to the public on Monday, May 2, 2022. Given that many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Notice: This email may contain confidential or privileged information. If this email contains confidential information you are legally required to preserve confidentiality. If you are not the intended recipient, please advise by return email and delete immediately without reading or forwarding to others.

HOLMES Codi N * WRD

From: SCOTT Valerie J * WRD
Sent: Monday, September 12, 2022 9:46 AM
To: woodfinL53@gmail.com
Cc: SILBERNAGEL Greg M * WRD; HOLMES Codi N * WRD
Subject: App G-11873

Linda,

As we discussed, you may need to file for an additional extension of time and hire a CWRE to complete the process required to certificate your water right. I am copying Greg and Codi on this email for their information. You indicated you would like to set up a conference call with Greg, yourself, and your neighbor. I provided you Greg's phone number. Please contact Greg and provide him the email addresses and phone numbers of all the participants.

Water Right: [Permit: G 10861 * \(state.or.us\)](#)

Find a CWRE: [View CWRE Address \(state.or.us\)](#)

Permitting Process: [Water Resources Department : Apply for a Water Use Permit : Permits : State of Oregon](#)

Sincerely,

The information provided is the result of a search of the Department records. The listing has not been field checked. It is critical that the person requesting the research carefully check any research conducted by this office to be sure that the right is appurtenant to the property of interest. Although a property may have water rights of record, if the water right has undergone five successive years of non-use it may be subject to cancellation under ORS.540.610. Department records are generally listed by the 40.0 (forty) acre quarter-quarter within a section. If the water right listed within a quarter-quarter is on more than one tax lot, this office has not itemized water rights for each tax lot - only a survey could accurately depict how much of the water rights are on each tax lot. The official water right of record is kept in Salem where certified copies may be obtained.

Valerie Scott, Office Assistant

*Oregon Water Resources Dept
116 SE Dorion Ave
Pendleton, OR 97801*

✉ Valerie.J.Scott@water.oregon.gov
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Fax 541.278.0287
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Mailing List for 60-Day Letter

Application: G-11873

Permit: G-10861

Permit Holder(s):

WILLIAM C. WOODFIN
PO BOX 135
PILOT ROCK OR 97868

Copies Mailed	
by:	<u>KMWF</u> (STAFF)
on:	<u>7/15/2022</u> (DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #5
2. File

Other persons to receive copies:

1. NEW LANDOWNER 2S33 790
Pendleton Ranches INC
PO Box 1186
Pendleton, OR 97801-0018



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 15, 2022

Pendleton Ranches INC
PO Box 1186
Pendleton, OR 97801-0018

Reference: Application: G-11873

Permit: G-10861

Dear Property Owner,

You have been identified as the owner of lands covered in part or in whole by the above referenced permit.

Please see the enclosed 'Resource Sheet' to access the assignment form if you wish to continue using this water.

Should you have any questions, please contact me at Codi.N.Holmes@water.oregon.gov, the address above or by telephone at 503-979-3184. Due to Covid-19, email may be the best way to reach me.

Sincerely,

Kyler Freiling for
Codi Holmes
Certificate Specialist

cc file
Watermaster #5



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904

*NOTE: For water rights information and useful forms, please see our web site at www.Oregon.gov/OWRD
www.oregon.gov/OWRD*

Certified mail number 7018 0680 0002 0041 9884
Return receipt requested

July 15, 2022

WILLIAM C. WOODFIN
PO BOX 135
PILOT ROCK, OR 97868

Reference: Application G-11873, Permit G-10861

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 1991.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 1991. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (September 23, 2022) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Codi.N.Holmes@water.oregon.gov, the address above or by telephone at 503-979-3184. Due to Covid-19, email may be the best way to reach me.

Sincerely,

Kyler Freiling for
Codi Holmes
Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 5



Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-11873

FINAL ORDER

Extension of Time for Permit Number G-10861
Permit Holder: William Woodfin, Linda Woodfin, and Miller Valley Limited Partnership

Permit Information

Application File:	G-11873
Permit:	G-10861
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	November 18, 1988
Source of Water:	One well within East Birch Creek Basin
Purpose of Use:	Irrigation of 27.0 Acres
Maximum Rate:	151.5 gallons per minute (gpm)

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

Appeal Rights

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

Application History

Permit G-10861 was issued by the Department on February 27, 1989. The permit called for completion of construction by October 1, 1990, and complete application of water to beneficial use by October 1, 1991. On March 10, 2008, Miller Valley Limited Partnership, William Woodfin and Linda Woodfin submitted to the Department an Application for Extension of Time for Permit G-10861. In accordance with OAR 690-315-0050(2), on May 13, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2018, and the time to fully apply water to beneficial use to October 1, 2018. The protest period closed June 27, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 13, 2014.

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

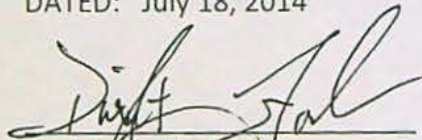
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-11873, Permit G-10861, therefore, is approved. The deadline for completing construction is extended from October 1, 1990, to October 1, 2018. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1991, to October 1, 2018.

DATED: July 18, 2014



Dwight W. French,
Water Right Services Division Administrator, for
DIRECTOR, Oregon Water Resources Department

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

Mailing List for Extension FO Copies

FO Date: July 18, 2014

Copies Mailed

Application G-11873
Permit G-10861

By: BAJ
On: 7/18/14

Original mailed to permit holder

William Woodfin
Linda Woodfin
P.O. Box 135
Pilot Rock, OR 97868

Michael Miller
Miller Valley Limited Partnership
3330 Hayden Bridge Road
Springfield, OR 97477

Copies sent to:

1. WRD - App. File G-11873/ Permit G-10861

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 5, Greg Silbernagel

✓ 7-17-2014 swp

CASEWORKER: SWP

PARRETT Steve W

From: Mike Miller <mike.miller@integrityagents.com>
Sent: Tuesday, May 06, 2014 12:51 PM
To: PARRETT Steve W
Cc: joannhallett@remax.net
Subject: RE: Water Right Permit G-10861 Extension

Importance: High

Hi Steve

Please accept this email as a request that the extension of time application received by the Department on March 10, 2008, be amended to request both the completion of construction and complete application of water to beneficial use (the B and C Dates) be extended to October 1, 2018.

Please confirm receipt of the request for extension and let me know if there is anything further you need from us.

I look forward to your response.

Mike Miller



Mike Miller, GRI

Principal Broker

4710 Village Plaza Loop, Suite 200

Eugene, OR 97401

Office: (541) 345-8100

RE/MAX Integrity

(541) 334-

Fax: (541) 334-

Cell: (541) 954-

Email: mikemiller@rem

From: PARRETT Steve W [<mailto:steve.w.parrett@state.or.us>]

Sent: Wednesday, April 16, 2014 4:00 PM

To: mikemiller@remax.net; coyote1@uci.net

Cc: REECE Ann L; PARRETT Steve W

Subject: Water Right Permit G-10861 Extension

Hello Mr. Miller; and William and Linda Woodfin,

I am the new Permit Extension Specialist trying to make progress on some older extension of time application files. I see from the file that you had communication with Ann Reece in our office back in 2008 about the Woodfin/Miller Valley Limited Partnership permit in Umatilla County, Permit G-10861.

I am sorry for your inconvenience and the delay in processing the application for an extension of time.

From reviewing the permit file, I see that the central issue is how to get "Well #2" from Permit G-12242 added to Permit G-10861 since it was not originally authorized as a source of water. The method to do this is a permit amendment transfer which will require a currently active permit to accomplish.

Since your permit expired in 1991, I suggest you request the extension of time through 2018 to ensure there is adequate time to file and receive a permit amendment which can take a couple years (unless you opt for an expedited transfer which is quicker, and more expensive).

You can request by e-mail that *the extension of time application received by the Department on March 10, 2008, be amended to request both the completion of construction and complete application of water to beneficial use (the B and C dates) be extended to October 1, 2018.*

With such a request I can process the extension of time application in the next few months and if/when you receive an extension approval you will then need to file for a permit amendment transfer to add "Well #2" to the permit.

If the permit amendment is approved you would then be able to file a claim of beneficial use and move toward a water right certificate.

As you can see there are several steps involved.

If you would like a list of Certified Water Right Examiners (consultants) that can help you through the process I can provide such a list.

The Department is always happy to provide guidance along the way as well. The more communication generally the better the process works.

Please advise me as to your wishes and please call if you wish to discuss.

I am generally available during business hours 8 to 5.

Sincerely,

Steven Parrett
Adjudication and Extension Specialist
Oregon Water Resources Department
503-986-0825
Steve.W.Parrett@wrd.state.or.us



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

April 21, 2014

Pioneer Resources LLC
PO Box 26139
Eugene, OR 97402

William and Linda Woodfin
PO Box 135
Pilot Rock, OR 97868

Miller Valley Limited Partnership
Michael Miller
3330 Hayden Bridge Road
Springfield, OR 97477

Re: Water Right Permit G-10861 Extension of Time application

Hello William and Linda Woodfin,

I am the new Permit Extension Specialist trying to make progress on some older extension of time application files. I see from the file that you had communication with Ann Reece in our office back in 2008 about the Woodfin/Miller Valley Limited Partnership permit in Umatilla County, Permit G-10861.

I am sorry for your inconvenience and the delay in processing the application for an extension of time.

From reviewing the permit file, I see that the central issue is how to get "Well #2" that is associated with Permit G-12242 added to Permit G-10861 as an authorized source of water. The method to do this is a "permit amendment transfer" which will require a currently active permit to accomplish so, an extension of time is appropriate.

Since your permit expired in 1991, I suggest you request the extension of time through 2018 to ensure there is adequate time to file and receive a permit amendment which can take a couple years (unless you opt for an expedited transfer which is quicker, and more expensive).

You can request by e-mail, or return letter, that *the extension of time application received by the Department on March 10, 2008, be amended to request both the completion of construction and complete application of water to beneficial use (the B and C dates) be extended to October 1, 2018.*



With such a request I can process the extension of time application in the next few months and if/when you receive approval of the extension of time, you will then need to file for a permit amendment transfer to add "Well #2" to the permit. If the permit amendment is approved you would then be able use water from Well #2 and eventually file a claim of beneficial use and move toward a water right certificate.

As you can see there are several steps involved. If you would like a list of Certified Water Right Examiners (consultants) that can help you through the process I can provide such a list.

The Department is always happy to provide guidance along the way as well. The more communication generally the better the process works.

Please advise me as to your wishes and please call if you wish to discuss.

I am generally available during business hours 8 to 5.

Sincerely,



Steven Parrett
Adjudication and Extension Specialist
Oregon Water Resources Department
503-986-0825
Steve.W.Parrett@wrd.state.or.us

Cc: File App G-11873, Permit G-10861
Pioneer Resources
Miller Valley Limited Partnership

Woodfin 541-443-3214

PARRETT Steve W

From: PARRETT Steve W <steve.w.parrett@state.or.us>
Sent: Wednesday, April 16, 2014 4:00 PM
To: mikemiller@remax.net; coyote1@uci.net
Cc: REECE Ann L; PARRETT Steve W
Subject: Water Right Permit G-10861 Extension

email failed
to coyote1

Hello Mr. Miller; and William and Linda Woodfin,

I am the new Permit Extension Specialist trying to make progress on some older extension of time application files. I see from the file that you had communication with Ann Reece in our office back in 2008 about the Woodfin/Miller Valley Limited Partnership permit in Umatilla County, Permit G-10861.

I am sorry for your inconvenience and the delay in processing the application for an extension of time.

From reviewing the permit file, I see that the central issue is how to get "Well #2" from Permit G-12242 added to Permit G-10861 since it was not originally authorized as a source of water. The method to do this is a permit amendment transfer which will require a currently active permit to accomplish.

Since your permit expired in 1991, I suggest you request the extension of time through 2018 to ensure there is adequate time to file and receive a permit amendment which can take a couple years (unless you opt for an expedited transfer which is quicker, and more expensive).

You can request by e-mail that ***the extension of time application received by the Department on March 10, 2008, be amended to request both the completion of construction and complete application of water to beneficial use (the B and C dates) be extended to October 1, 2018.***

With such a request I can process the extension of time application in the next few months and if/when you receive an extension approval you will then need to file for a permit amendment transfer to add "Well #2" to the permit.

If the permit amendment is approved you would then be able to file a claim of beneficial use and move toward a water right certificate.

As you can see there are several steps involved.

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Please advise me as to your wishes and please call if you wish to discuss.

I am generally available during business hours 8 to 5.

Sincerely,

Steven Parrett
Adjudication and Extension Specialist

Michele McAleer

Subject: Extension App G-11873/Permit G-10861, Woodfin/Miller Valley Limited Partnership, formerly Louisiana Pacific

Start Date: Wednesday, May 29, 2013

Due Date: Wednesday, May 29, 2013

Status: In Progress

Percent Complete: 50%

Total Work: 0 hours

Actual Work: 0 hours

Owner: Michele McAleer

This is an old extension file, from year 2008, requesting to extend the B date on app from 1990-1991, and C date from 1991 to 1992. Looks like there was some correspondence between several dept staff, regarding Well #2, which is not authorized under this permit (but is authorized under another Permit, G-12832). Extension sought to include second well at perfection of certificate, and Certificates advised the applicant to apply for an extension of time, as construction was not completed by the original B date. Problem is that the construction referenced is for Well #2, which isn't authorized under this permit, so applicants also need to file a permit amendment, in order to add Well #2 to this permit, and be allowed to use it to irrigate the acreage authorized under this permit.

In addition, the applicants have Cert 2528, a surface water right from East Birch Creek, which is now withdrawn from from further appropriation for most uses, which they have agreed to diminish to a supplemental irrigation right (also includes livestock and domestic use) at the time the GW right is perfected, and a signed affidavit is included in the file requesting to do so.

Spoke with Mike Ladd, who had some information about the land, which is a private hunting reserve, and discussed the option of potentially allowing the applicant to request a date, such as 2015, for their B/C dates, to allow for them to apply for the permit amendment, adding Well #2 to this permit, and allowing them the time to complete the amendment before the extension runs out.

It appears that communications were with Larry Nunn, and applicant had indicated they would not be filing an application for a permit amendment, and wanted to add Well 2 at the time of COBU, which rule prevents us from allowing.

Will speak with watermaster Tony Justus, who has been out of the office, and also with Dwight, both on Tuesday, to propose allowing the extension time to be amended, so that the applicants are not required to file another extension request in order to complete the permit amendment. Seems as though this would be fair as the current extension dates requested will not be of help to them now, they will be required to apply for the permit amendment, and communications between the Dept and applicant ceased prior to completion of any of the extension/Permit Amendment/COBU processes, and this route will allow them to legally use the water as desired, and move forward with the process, and eventually diminish the old surface water right to secondary/supplemental irrigation water, which is needed instream for this withdrawn water body.

Sent an e-mail to last known e-mail address for Miller Valley Limited Partnership, at Coyote1@uci.net, to determine if owners in 2008 are still the property owners, and still desire to complete the process as described. - no answer yet, as of 11:31, Thursday, May 23.

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Application G-11873

Water Resources Department

Permit G-10861

The place of use is as follows:

	ACRES	1/41/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E
Total:	27.00	acres.			

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Issued this date, February 27, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

RECEIVED

CLAIM OF BENEFICIAL USE AND SITE REPORT
GROUND WATER RIGHT APPLICATION G-11873, PERMIT G-10861

MAR 23 1992

INFORMATION: This report is the final proof of claim of beneficial use of ground water as outlined in permit G-10861, dated February 27, 1989. The owner of the land and irrigation system is Louisiana-Pacific Corporation, P.O. Box 4000-98, Hayden Lake, Idaho, 83835. My principal contact with the owner has been through Mr. Joe Tolar, at Hayden Lake. The system developed by the landowner consists of two wells and two separate distribution systems. The wells and systems are shown on the accompanying Final Proof Map and are referred to herein as well # 1 and well # 2. The site investigation was conducted on February 17, 1992.

Source: The source of ground water is two wells, located as follows:

Well # 1 is located 432 feet south and 1,234 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M.

Well # 2 is located 651 feet south and 4,881 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M. The section corner common to sections 7, 8, 17 and 18 was searched but not recovered, thus both wells are tied to the same section corner.

DESCRIPTION: WELL # 1:

This well is 250 feet deep. It is 12 inches in diameter to a depth of 180 feet and 8 inches in diameter from 180 feet to 250 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 180 feet, and grouted with cement (70 sacks) to a depth of 180 feet. The well was tested at the time of drilling to yield 300 gallons per minute. There are two water bearing zones. One, at 45 to 68 feet, is sealed with grout. The second is at 245 to 250 feet. The static water level at time of drilling was at 15 feet below the ground surface.

There are two pumps installed in well # 1, as follows:

A 3 horsepower pump is 168 feet below the ground surface.

MOTOR: The motor is a Franklin 3 horsepower single phase 230 volt electric motor that rotates at 3,450 revolutions per minute.

PUMP: The pump is a Grundfos with a 1 1/4 inch discharge pipe. The motor/pump is rated to produce 25 gallons per minute.

A 5 horsepower pump is 147 feet below the ground surface.

MOTOR: The motor is a Franklin 5 horsepower single phase 230 volt electric that rotates at 3,450 revolutions per minute.

RECEIVED

PAGE 2 OF 3

MAR 23 1992

PUMP: The pump is a Grundfos with a 2 inch diameter discharge pipe. The motor/pump is rated to produce 40 gallons per minute. RESOURCES DEPT
CLM, OREGON

Both pumps are in operation when irrigating, and could move as much as 65 gallons per minute. The 3 horsepower pump, only, is used to provide water to the dwelling during times when no irrigation is being done from well # 1.

No meter -

DISTRIBUTION SYSTEM: The water from well # 1 is distributed through buried pipes located as shown on the Final Proof Map. The pipes are 3 inches in diameter with risers located as shown on the Final Proof Map. The water is further distributed by the use of 3 inch diameter aluminum hand lines. The hand lines are fitted with sprinkler heads of varying sizes of nozzles. I estimate this system will distribute around 65 gallons per minute at it's maximum output.

WELL # 2:

This well is 230 feet deep. It is 12 inches in diameter to a depth of 193 feet and 8 inches in diameter from 193 feet to 230 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 193 feet, and sealed with bentonite clay (22 sacks) from the ground surface to a depth of 34 feet and grouted with cement (150 sacks) from 34 feet to a depth of 193 feet. The well was tested at the time of drilling to yield in excess of 300 gallons per minute. There are three water bearing zones. The first is from 1 foot to 34 feet below the ground surface. The second is from 103 feet to 117 feet below the ground surface. Both of these zones are sealed. The third water bearing zone is from 205 to 230 feet below the ground surface. The static water level at the time of drilling was 6 feet below the ground surface.

MOTOR/PUMP: Well # 2 is fitted with two motor/pumps. In the well is a 25 horsepower Franklin electric motor which rotates at 3,450 revolutions per minute. This motor is fitted directly to a Jacuzzi turbine pump with a 4 inch diameter discharge. At the ground surface is a booster pump. This pump is powered by a 25 horsepower Marathon electric motor which rotates at 3,470 revolutions per minute. This motor is short coupled direct to a Paco 7.1 inch diameter centrifugal pump. Intake and discharge pipes on this pump are 2 inch diameter.

DISTRIBUTION SYSTEM: Water from well # 2 is distributed by a system of buried pipes as shown on the Final Proof Map. The pipes are 5 inch diameter near the well and reduce to 4 inch diameter on the lines furthest away from the well and for all lateral lines to risers. There is a total of 5,040 feet of 5 inch diameter buried line and 2,580 feet of 4 inch diameter buried line. Water is placed on the ground directly from the

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MAR 23 1992

risers shown on the Final Proof Map using four Nelson sprinkler heads. These heads have a .60 inch diameter nozzle. Three of the heads are model QC - F100 and one is a QC - SR100. There is a Grainland model 400R flow meter on this system. The system was not in operation at the time of the site visit, but the output of this system is estimated to be in excess of 300 gallons per minute.

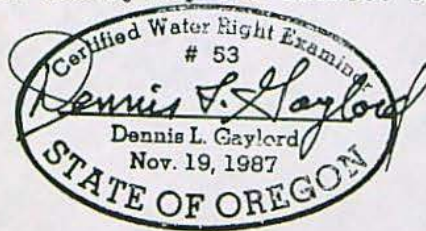
USES: Water from the two wells is beneficially used to irrigate hay crops and pasture for livestock. Water from well # 1 is also used for domestic purposes at one household and guest house/bunkhouse complex. The dwelling is located about 150 feet southwest of well # 1.

AREA:	LOCATION	SOURCE	ACRES	1875 RIGHT (ACRES)
	NW1/4NW1/4	S16 WELL # 1	4.8	NONE
	NE1/4NE1/4	S17 WELL # 1	6.2	6
	NW1/4NE1/4	S17 WELL # 1	3.6	3
	NE1/4NW1/4	S17 WELL # 2	4.1	4
	NW1/4NW1/4	S17 WELL # 2	8.2	4
	TOTALS		26.9	17

An affidavit executed on November 10, 1988 diminished the 1875 surface water right from East Birch Creek from primary to supplemental for irrigation of the above shown acreages.

The systems herein described are to be the primary source of water for irrigation of the 17 acres of land with the 1875 priority date.

The final proof survey and site inspection of the water use was completed by me on February 17, 1992 and the facts contained in this report and the accompanying Final Proof Survey Map are correct to the best of my knowledge.



I, Joe Tolar, Division Purchasing Manager for the landowner, Louisiana-Pacific Corporation, agree to the findings of the Certified Water Right Examiner and do submit this site report and the accompanying Final Proof Survey Map as my Claim of Beneficial Use of the water as provided under the terms and conditions of the permit to appropriate the public waters, number G-10861 (Application G-11873), issued February 27, 1989.

Joe Tolar
JOE TOLAR

3/19/92
DATE

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CLAIM OF BENEFICIAL USE AND SITE REPORT
GROUND WATER RIGHT APPLICATION G-11873, PERMIT G-10861

MAR 23 1992

INFORMATION: This report is the final proof of claim of beneficial use of ground water as outlined in permit G-10861, dated February 27, 1989. The owner of the land and irrigation system is Louisiana-Pacific Corporation, P.O. Box 4000-98, Hayden Lake, Idaho, 83835. My principal contact with the owner has been through Mr. Joe Tolar, at Hayden Lake. The system developed by the landowner consists of two wells and two separate distribution systems. The wells and systems are shown on the accompanying Final Proof Map and are referred to herein as well # 1 and well # 2. The site investigation was conducted on February 17, 1992.

Source: The source of ground water is two wells, located as follows:

Well # 1 is located 432 feet south and 1,234 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M.

Well # 2 is located 651 feet south and 4,881 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M. The section corner common to sections 7, 8, 17 and 18 was searched but not recovered, thus both wells are tied to the same section corner.

DESCRIPTION: WELL # 1:

This well is 250 feet deep. It is 12 inches in diameter to a depth of 180 feet and 8 inches in diameter from 180 feet to 250 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 180 feet, and grouted with cement (70 sacks) to a depth of 180 feet. The well was tested at the time of drilling to yield 300 gallons per minute. There are two water bearing zones. One, at 45 to 68 feet, is sealed with grout. The second is at 245 to 250 feet. The static water level at time of drilling was at 15 feet below the ground surface.

There are two pumps installed in well # 1, as follows:

A 3 horsepower pump is 168 feet below the ground surface.

MOTOR: The motor is a Franklin 3 horsepower single phase 230 volt electric motor that rotates at 3,450 revolutions per minute.

PUMP: The pump is a Grundfos with a 1 1/4 inch discharge pipe. The motor/pump is rated to produce 25 gallons per minute.

A 5 horsepower pump is 147 feet below the ground surface.

MOTOR: The motor is a Franklin 5 horsepower single phase 230 volt electric that rotates at 3,450 revolutions per minute.

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MAR 23 1992

risers shown on the Final Proof Map using four Nelson sprinkler heads. These heads have a .60 inch diameter nozzle. Three of the heads are model QC - F100 and one is a QC - SR100. There is a Grainland model 400R flow meter on this system. The system was not in operation at the time of the site visit, but the output of this system is estimated to be in excess of 300 gallons per minute. → 0.008 cfs

USES: Water from the two wells is beneficially used to irrigate hay crops and pasture for livestock. Water from well # 1 is also used for domestic purposes at one household and guest house/bunkhouse complex. The dwelling is located about 150 feet southwest of well # 1.

AREA:	LOCATION	SOURCE	ACRES	1875 RIGHT (ACRES)
	NW1/4NW1/4	S16 WELL # 1	4.8	NONE
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An affidavit executed on November 10, 1988 diminished the 1875 surface water right from East Birch Creek from primary to supplemental for irrigation of the above shown acreages.

The systems herein described are to be the primary source of water for irrigation of the 17 acres of land with the 1875 priority date.

The final proof survey and site inspection of the water use was completed by me on February 17, 1992 and the facts contained in this report and the accompanying Final Proof Survey Map are correct to the best of my knowledge.



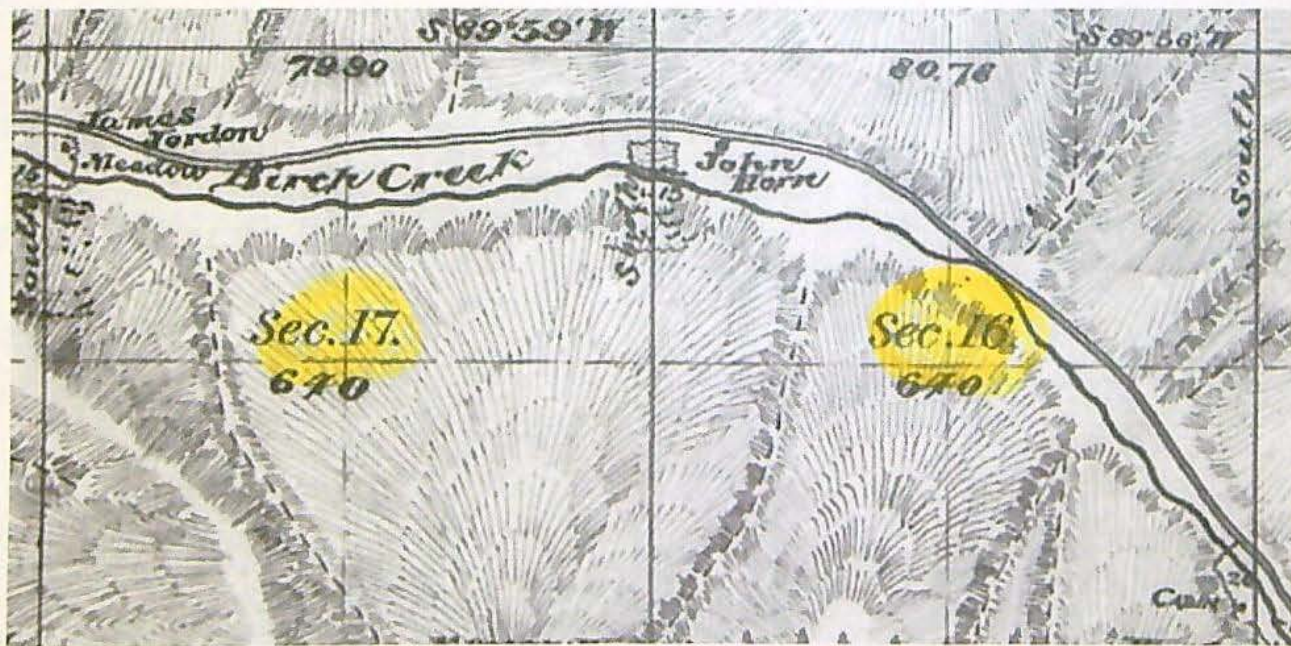
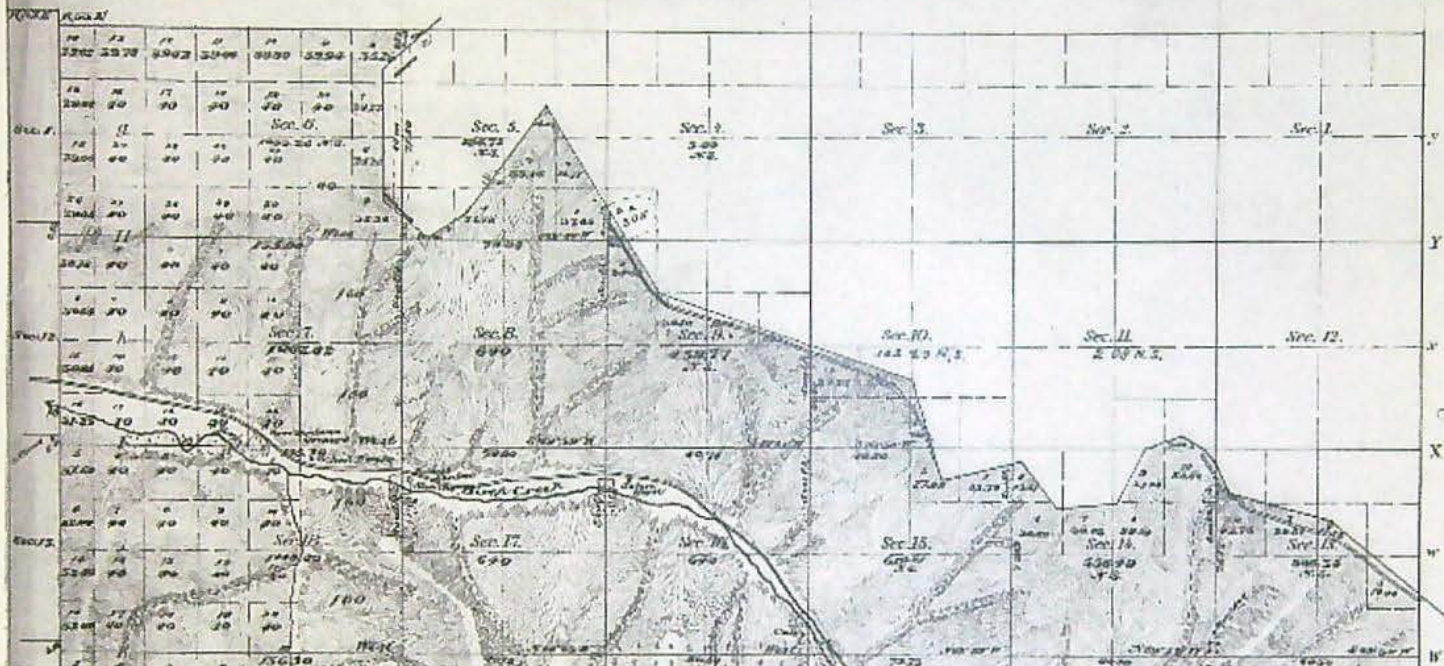
I, Joe Tolar, Division Purchasing Manager for the landowner, Louisiana-Pacific Corporation, agree to the findings of the Certified Water Right Examiner and do submit this site report and the accompanying Final Proof Survey Map as my Claim of Beneficial Use of the water as provided under the terms and conditions of the permit to appropriate the public waters, number G-10861 (Application G-11873), issued February 27, 1989.

Joe Tolar
JOE TOLAR

3/19/92
DATE

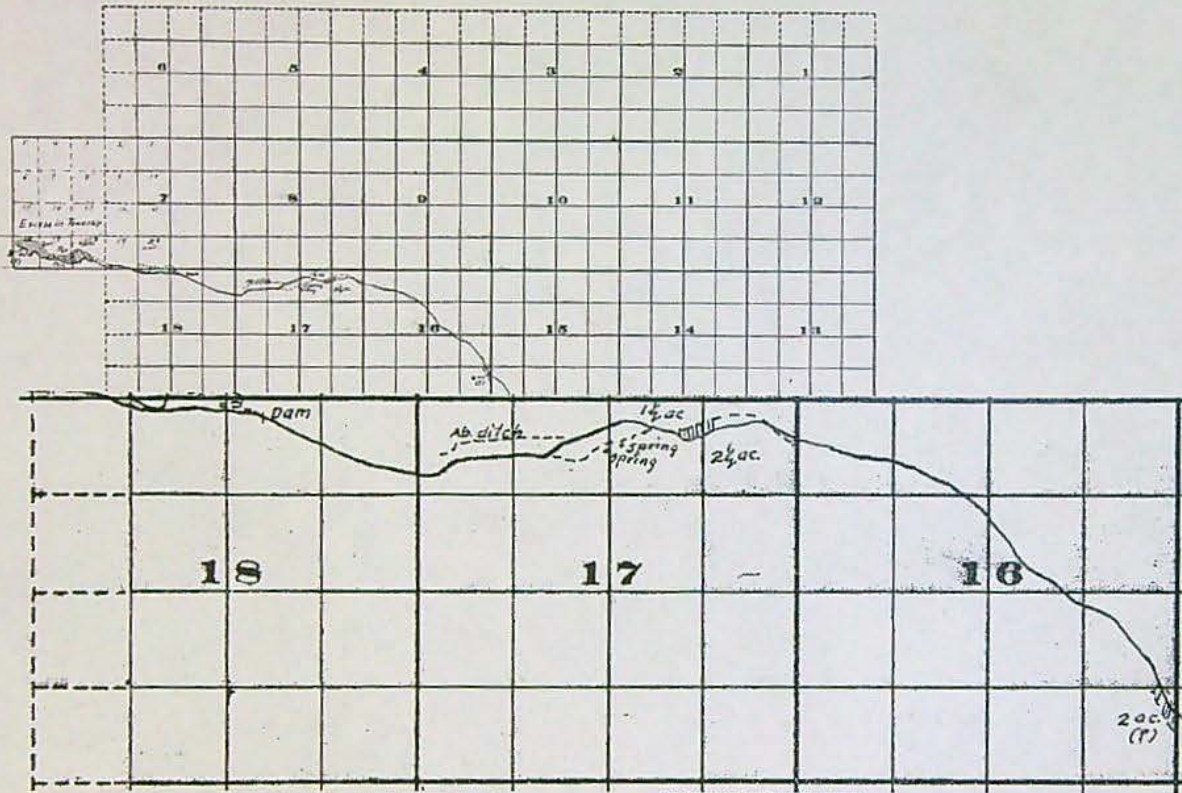
Township N^o 2 South Range N^o 33 East of the Willamette Meridian Oregon.

G C F e E d D c C b B a A



Decree Map

Township 25 _____, Range 33 E.W.M.

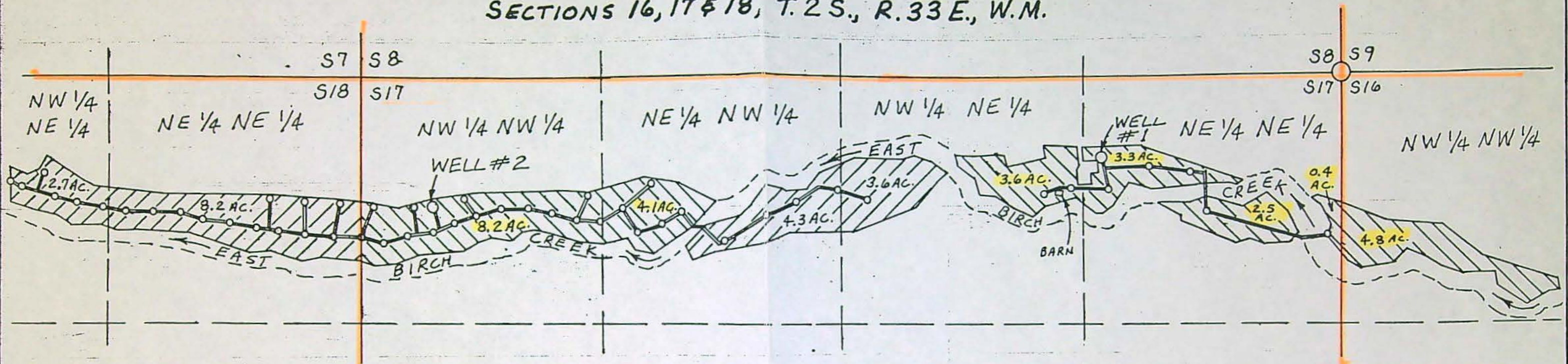


Scale of Feet.
Survey by Alex Leger
Sept 1888

John H. Lewis - State Engr.
Examined May 9, 1910.

Adjudication - Umahla River - Tributaries

**FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T. 2 S., R. 33 E., W.M.**



**FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861**

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

**APPLICATION - PLACE OF USE
AND SOURCE**

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

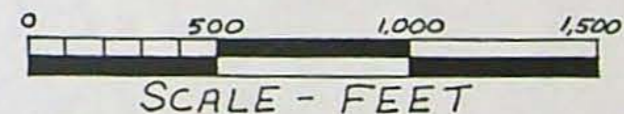
LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 is 432' S & 1,234' W
WELL #2 is 651' S & 4,881' W



LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- = AREA UNDER IRRIGATION - BENEFICIAL USE
- = PLACE OF USE - GROUND WATER APPLICATION



THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

Permit: G 10861 *																																																																																												
<ul style="list-style-type: none"> > Conflict Report > EDD Characteristics > Water Availability <ul style="list-style-type: none"> > E BIRCH CR > BIRCH CR - AB PEARSON CR > POD: 1 > IR Checklist 	<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <p>Contact Information</p> <p>Current contact information</p> <p>OWNER: PIONEER RESOURCES LLC PO BOX 26139 EUGENE, OR 974020463</p> <p>OWNER: WILLIAM WOODFIN PO BOX 135 PILOT ROCK, OR 97566</p> <p>OWNER: LINDA WOODFIN PO BOX 135 PILOT ROCK, OR 97566</p> <p>OWNER: MILLER VALLEY LIMITED PARTNERSHIP MICHAEL MILLER 3330 HAYDEN BRIDGE RD SPRINGFIELD, OR 97477</p> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <p>Water Right Information</p> <p>Status: Non-Cancelled County: Umatilla File Folder Location: Salem Watermaster District: 5</p> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <p>Point(s) of Diversion</p> <p>POD 1 - A WELL > EAST BIRCH CREEK</p> <p>Description T-R-S-QQ: 2.00S-33.00E-17-NE NE</p> <p>Location Description: 480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17</p> <p>POD Rate</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Max Rate (cfs)</th> <th>Rate (cfs)</th> <th>Max Volume (af)</th> <th>Volume (af)</th> </tr> </thead> <tbody> <tr> <td>0.3375</td> <td>0.3375</td> <td></td> <td></td> </tr> </tbody> </table> <p>IRRIGATION (Primary)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Priority Date</th> <th>Max Rate (cfs)</th> <th>Rate (cfs)</th> <th>Max Volume (af)</th> <th>Volume (af)</th> <th>Rate/Acre</th> <th>Duty</th> <th>Start Date</th> <th>End Date</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>11/18/1988</td> <td>0.3375</td> <td>0.3375</td> <td></td> <td></td> <td>1/80</td> <td>3.00000</td> <td>3/1</td> <td>10/31</td> <td></td> </tr> </tbody> </table> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <p>Place(s) of Use <small>Add this grouping</small></p> <p>Use - IRRIGATION (Primary) - 27.0 acres; Priority Date: 11/18/1988</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>T-R-S</th> <th>QQ</th> <th>DLC</th> <th>Gov't Lot</th> <th>Taxlot</th> <th>Acres</th> <th>Status</th> <th>Inchoate Info</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>2.00S-33.00E-17</td> <td>NE NE</td> <td></td> <td></td> <td></td> <td>11.0</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td>2.00S-33.00E-17</td> <td>NW NE</td> <td></td> <td></td> <td></td> <td>3.0</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td>2.00S-33.00E-17</td> <td>NE NW</td> <td></td> <td></td> <td></td> <td>4.0</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td>2.00S-33.00E-17</td> <td>NW NW</td> <td></td> <td></td> <td></td> <td>4.0</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td>2.00S-33.00E-18</td> <td>NE NE</td> <td></td> <td></td> <td></td> <td>5.0</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td colspan="9">Sum of Acres: 27.0</td> </tr> </tbody> </table> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <p>Water Right Genealogy</p> <p><small>-No genealogy records available for this water right, try the family link below instead.</small></p> </div>	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	0.3375	0.3375			Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks	11/18/1988	0.3375	0.3375			1/80	3.00000	3/1	10/31		T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks	2.00S-33.00E-17	NE NE				11.0	NC			2.00S-33.00E-17	NW NE				3.0	NC			2.00S-33.00E-17	NE NW				4.0	NC			2.00S-33.00E-17	NW NW				4.0	NC			2.00S-33.00E-18	NE NE				5.0	NC			Sum of Acres: 27.0								
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	<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <p>Documents <small>(View all stored documents)</small></p> <p>Applications: G 11873</p> <ul style="list-style-type: none"> > Received: 11/18/1988 > Permits G 10861 document, paper map > Signature: 2/27/1989 <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">Permit Workflow</th> </tr> <tr> <th>Action</th> <th>Date</th> <th>Result</th> <th>Completed By</th> </tr> </thead> <tbody> <tr> <td>Permit Issued</td> <td>2/27/1989</td> <td></td> <td></td> </tr> <tr> <td>Completion Date (C Date)</td> <td>10/31/1991</td> <td></td> <td></td> </tr> <tr> <td>Extension Received</td> <td>3/10/2008</td> <td>ANN BEECE</td> <td></td> </tr> <tr> <td>Extension Comment Period</td> <td>4/17/2008</td> <td>ANN BEECE</td> <td></td> </tr> </tbody> </table> <p>Order(s)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Order Origin</th> <th>Volume-Page</th> <th>Signature</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Miscellaneous</td> <td>7-3219</td> <td>6/28/1996</td> <td>LOUISIANA-PACIFIC CORP. ASSIGNS ALL INTEREST IN AND TO APP G-11873 / PERMIT G-10861 TO PIONEER RESOURCES, LLC.</td> </tr> </tbody> </table> <p>View right with Web Razors</p> </div>	Permit Workflow				Action	Date	Result	Completed By	Permit Issued	2/27/1989			Completion Date (C Date)	10/31/1991			Extension Received	3/10/2008	ANN BEECE		Extension Comment Period	4/17/2008	ANN BEECE		Order Origin	Volume-Page	Signature	Description	Miscellaneous	7-3219	6/28/1996	LOUISIANA-PACIFIC CORP. ASSIGNS ALL INTEREST IN AND TO APP G-11873 / PERMIT G-10861 TO PIONEER RESOURCES, LLC.																																																											
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well # Umat 5271

[View Water Rights in same Family](#)
[Help understanding and working with the Water Rights Information System](#)
[Report Errors with Water Right Data](#)
[Return to WRIS Query](#)

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Application G-11873

Water Resources Department

Permit G-10861

The place of use is as follows:

	ACRES	1/4 1/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E

Total: 27.00 acres.

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Issued this date, February 27, 1989.

/s/ WILLIAM H. YOUNG

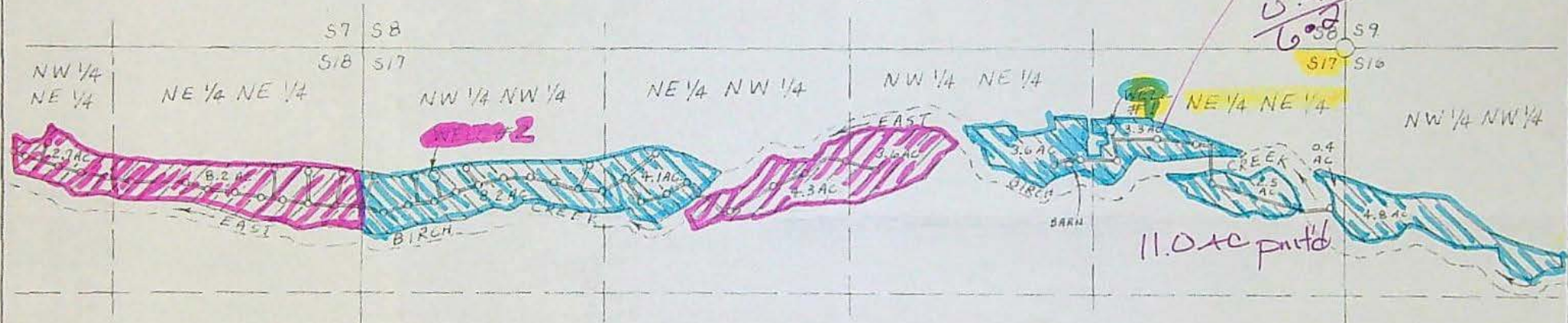
Water Resources Department
William H. Young
Director

WK COPY

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MAR 21 1992
WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T.2 S., R.33 E., W.M.



FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 is 432' S & 1,234' W
WELL #2 is 651' S & 4,881' W

LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- ▨ (blue) = AREA UNDER IRRIGATION - BENEFICIAL USE
- ▨ (pink) = PLACE OF USE - GROUND WATER APPLICATION



APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

Previous Work
Sheets & Copies

Point of Diversion Characteristics

Right:	Permit: G 10861 *
Name:	PIONEER RESOURCES LLC

TRSQQ: 02.00S-33.00E-17-NENE

County: Umatilla

Basin: Umatilla

WM District: 5

WM Region: NC

Withdrawn Area: BIRCH CREEK, UMATILLA

WAB: E BIRCH CR > BIRCH CR - AB PEARSON CR (30710325)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

Water Quality Limited: Yes

RECEIVED

MAR 23 1992

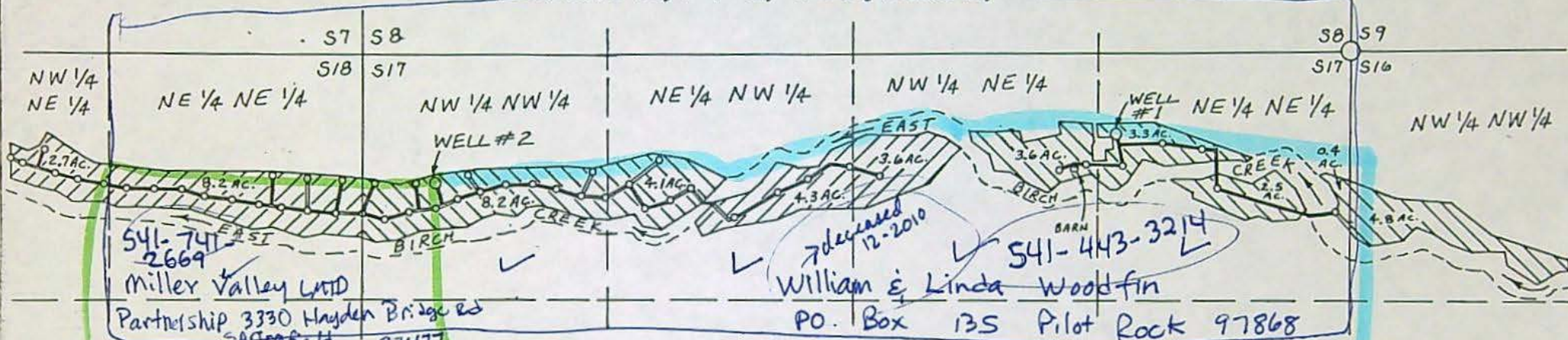
WATER RESOURCES DEPT
SALEM, OREGON

G-10861

well 1 Umat S271
well 2 Umat S531

one well 27 ac

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T.2S., R.33E., W.M.



FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

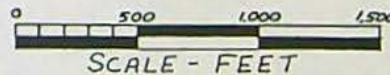
LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 IS 432' S & 1234' W
WELL #2 IS 651' S & 4881' W



LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- ▨ = AREA UNDER IRRIGATION - BENEFICIAL USE
- ▨ = PLACE OF USE - GROUND WATER APPLICATION



THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-9B
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

Completion Checklist for Claims of Beneficial Use

Application # G-11873

Permit # G-10861

Transfer # _____

Date 10/22/07

Reviewer LHN



*PRE
7/1/04*

Shows 2 wells -

Map Review:

- Permanent quality map (mylar or linen)
- CWRE stamp and signature
- Disclaimer
- Application & permit #; or transfer #
- North arrow
- Township, range and section
- Appropriate scale (1" = 1320', 1" = 400', or scale of assessor's map)
- Source - *Permit 1 well - COBU 2 wells*
- Point(s) of diversion
- Point(s) of diversion (coordinates)
- Conveyances (pump, pipelines, ditches, etc.)
- Place of use (1/4 1/4, DLC, or Gov Lot; if irrigation, # of acres in each subdivision)

Report Review:

- Application & permit #; or transfer #
- CWRE stamp and signature
- Permittee's signature
- Time limits *C-91*
- Date of survey
- Type of use
- Extent of use
- Source(s) of water
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
- Calculated capacity of system *No calculations*
- OR
- Measured amount of use
- Permit conditions
- Fish screening
- Meter/measuring device *Not on Well 1 - see note*
- Water use reporting
- Other conditions
- Seal

*Permit 1 well
claims 2 well -
OK by GW*

*Well 1 - COBU - 65 gpm Well 1 - $\frac{14.6}{80} = 0.18 \text{ cfs}$
 $= 81.9 \text{ gpm}$*

*Well 2 - $\frac{12.3}{80} = 0.15$
 $= 69 \text{ gpm}$*

*Note: Wm office indicates 2 meters
being read each year*

*$\frac{65}{69}$
134 gpm*

Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 50
Efficiency = 7.04
Lift = 6
PSI = 50

Results Calculated

(hp)(efficiency) = 352
Head based on psi = 127.0
Total dynamic head = 133.0
(head + lift)

Pump Capacity = 2.65 feet per second

Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 3
Efficiency = 7.04
Lift = 15
PSI = 40

Results Calculated

(hp)(efficiency) = 21.12
Head based on psi = 101.6
Total dynamic head = 116.6
(head + lift)

Pump Capacity = 0.18 feet per second

80.8 gpm

Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 5
Efficiency = 7.04
Lift = 15
PSI = 40

Results Calculated

(hp)(efficiency) = 35.2
Head based on psi = 101.6
Total dynamic head = 116.6
(head + lift)

Pump Capacity = 0.30 feet per second
134.6 gpm

STATE OF OREGON

COUNTY OF UMATILLA ✓

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PIONEER RESOURCES LLC ✓
 PO BOX 26139
 EUGENE OREGON 97402

confirms the right to use the waters of TWO WELLS in the East Birch Creek Basin for IRRIGATION of 26.9 ACRES.

This right was perfected under Permit G-10861. The date of priority is NOVEMBER 18, 1988. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 134 GALLONS PER MINUTE (GPM), BEING 65 GPM FROM WELL 1 AND 69 GPM FROM WELL 2, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 ✓	2 S ✓	33 E ✓	WM	17 ✓	NE NE ✓	432 FEET SOUTH AND 1234 FEET WEST FROM THE NE CORNER, SECTION 17 ✓
2 ✓	2 S	33 E	WM	17	NE NE ✓	651 FEET SOUTH AND 4881 FEET WEST FROM THE NE CORNER, SECTION 17 ✓

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
WELL 1 <i>Bald</i>					
2 S ✓	33 E ✓	WM	16 ✓	NW NW ✓	4.8 ✓
2 S	33 E	WM	17 ✓	NE NE ✓	6.2 ✓
2 S	33 E	WM	17	NW NE ✓	3.6 ✓
WELL 2 <i>Bald</i>					
2 S	33 E	WM	17 ✓	NE NW ✓	4.1 ✓
2 S	33 E	WM	17	NW NW ✓	8.2 ✓

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

The water use shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

The use of water under this right shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water right of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface water will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Department (OAR 690-507)

The wells shall be properly case and grout sealed to a depth of not less than 180 feet and shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain weirs, meters, or other suitable measuring devices and keep a complete record of the amount of ground water withdrawn.

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

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

Issued _____.

Phillip C. Ward, Director
Water Resources Department

Mailing List for Certificate Scheduled Mailing Date:

Application: G-11873

Permit: G-10861

Certificate: *****

Permit/Certificate Holder:

PIONEER RESOURCES LLC
PO BOX 26139
Eugene OR 97402

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

Copies of Final Certificate to be sent to:

1. Watermaster District 5, Tony G. Justus
2. Data Center (include copy of map)
3. Water Availability
4. Vault

Other persons to receive copies: (include map):

Dennis Gaylord, CWRE

Mailing List for Certificate

Scheduled Mailing Date:

Application: NOTE: Mail with Prop Cert for File G-11873

Permit:

Certificate:

Permit/Certificate Holder:

THOS S GIBSON
PILOT ROCK OR 97868

Copies of Final Certificate to be sent to:

1. Watermaster (Proposed Cert): 5
2. Data Center (include copy of map)
3. Water Availability
4. Vault

Other persons to receive copies: (include map):

Pioneer Resources LLC
PO Box 16139
Eugene, OR 97402

bCopies Mailed

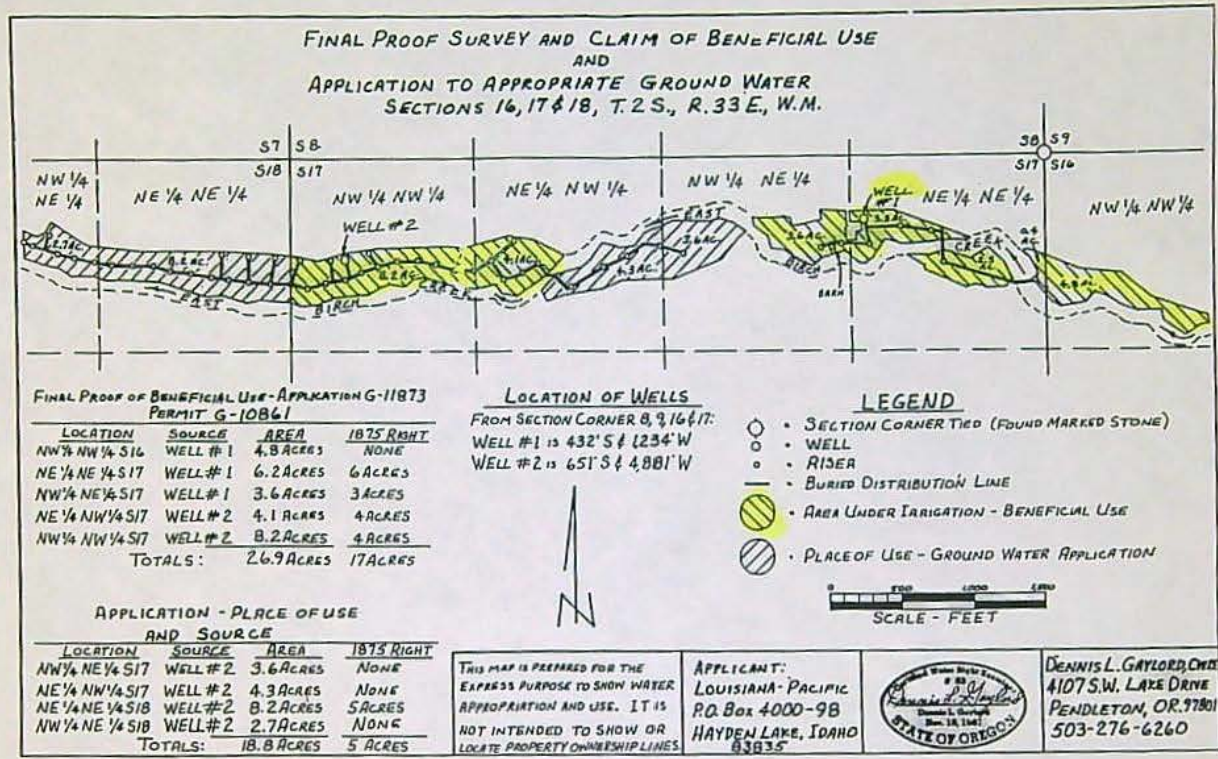
(STAFF)

on:

(DATE)

12832

89
27
34
43
190



SCALE REDUCED TO 1" = 1,320 ft.



Water Rights Platcard Report

NCR

Meridian: WILLAMETTE Township: South Range: East Section: Records per Page:

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ
<u>Select</u> Cert:70827 OR *		1/1/1993	LIVESTOCK																				*
Additional Info: JERRY L MCKAGUE App: R76918 Cert: 70827																							
<u>Select</u> Cert:70827 OR *		1/1/1993	RECREATION																				*
Additional Info: JERRY L MCKAGUE App: R76918 Cert: 70827																							
<u>Select</u> Cert:70827 OR *		1/1/1993	WILDLIFE																				*
Additional Info: JERRY L MCKAGUE App: R76918 Cert: 70827																							

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 2 South Range: 33 East Section: 17 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown		
							Q(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	QQ		
Select Cert:2528 OR *		12/31/1875	DOMESTIC					*	*			*	*													
Additional Info: THOS S GIBSON Decree: UMATILLA RIVER Cert: 2528																										
Select Cert:70275 OR *		1/1/1993	FIRE PROTECTION																					*		
Additional Info: ALEX CHRISTENSEN MGR App: R76320 Cert: 70275																										
Select Permit:G 10861 *		11/18/1988	IRRIGATION					11	3			4	4													
Additional Info: PIONEER RESOURCES LLC App: G11873 Permit: G10861																										
Select Permit:G 12242 *		3/23/1992	IRRIGATION						3.6			4.3														
Additional Info: PIONEER RESOURCES LLC App: G12832 Permit: G12242																										
Select Cert:2528 OR *		12/31/1875	IRRIGATION					6	3			4	4													
Additional Info: THOS S GIBSON Decree: UMATILLA RIVER Cert: 2528																										
Select Cert:2528 OR *		12/31/1875	LIVESTOCK					*	*			*	*													
Additional Info: THOS S GIBSON Decree: UMATILLA RIVER Cert: 2528																										
Select Cert:70275 OR *		1/1/1993	LIVESTOCK																					*		
Additional Info: ALEX CHRISTENSEN MGR App: R76320 Cert: 70275																										

NCR

Diminished

Select **Cert:70275 OR ***

1/1/1993 WILDLIFE

Additional Info:
 ALEX CHRISTENSEN MGR
 App: R76320
 Cert: 70275

12.25	12.25		12.25	12.25															*
-------	-------	--	-------	-------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

AKR

Meridian: WILLAMETTE Township: 2 South Range: 33 East Section: 18 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
<u>Select</u> Cert:2528 OR *		12/31/1875	DOMESTIC					*																
Additional Info: THOS S GIBSON Decree: UMATILLA RIVER Cert: 2528																								
<u>Select</u> Cert:64233 RR *		12/31/1895	DOMESTIC AND LIVESTOCK			1																		*
Additional Info: MARILYN K MORRELL Decree: UMATILLA RIVER Cert: 64233																								
<u>Select</u> Inchoate: T 6254 CF (REG) *		4/30/1895	IRRIGATION			1																		(2)
Additional Info: MARILYN K MORRELL Decree: UMATILLA RIVER																								
<u>Select</u> Permit:G 10861 *		11/18/1988	IRRIGATION					5																
Additional Info: PIONEER RESOURCES LLC App: G11873 Permit: G10861																								
<u>Select</u> Permit:G 12242 *		3/23/1992	IRRIGATION					8.2	2.7															
Additional Info: PIONEER RESOURCES LLC App: G12832 Permit: G12242																								
<u>Select</u> Cert:2528 OR *		12/31/1875	IRRIGATION					5																
Additional Info: THOS S GIBSON Decree: UMATILLA RIVER Cert: 2528																								
<u>Select</u> Cert:15572 OR *		5/25/1937	IRRIGATION						1.7															
Additional Info: J ARVINE PORTER App: S16903 Permit: S12663 Cert: 15572																								

<u>Select</u> Cert:15572 OR *	5/25/1937	IRRIGATION	1				4.3													
Additional Info: J ARVINE PORTER App: S16903 Permit: S12663 Cert: 15572																				
<u>Select</u> Cert:72312 CF *	4/30/1895	IRRIGATION	1																	1.86
Additional Info: MARILYN K MORRELL Decree: UMATILLA RIVER Cert: 72312																				
<u>Select</u> Cert:83221 OR *	4/29/1981	IRRIGATION				2.6														
Additional Info: HERSCHEL MCKAGUE App: S61611 Permit: S45865 Cert: 83221																				
<u>Select</u> Cert:83221 OR *	4/29/1981	IRRIGATION	1				1.8													
Additional Info: HERSCHEL MCKAGUE App: S61611 Permit: S45865 Cert: 83221																				
<u>Select</u> Cert:2569 OR CN	4/30/1895	IRRIGATION, CN LIVESTOCK AND DOMESTIC					2													
Additional Info: FRANK L JORDAN Decree: UMATILLA RIVER Cert: 2569																				
<u>Select</u> Cert:2528 OR *	12/31/1875	LIVESTOCK			*															
Additional Info: THOS S GIBSON Decree: UMATILLA RIVER Cert: 2528																				
<u>Select</u> Permit:R 13503 *	9/23/2002	MULTIPLE PURPOSE			*															
Additional Info: ROBERT LEVY App: R85298 Permit: R13503																				

Acreage Legend: 12.25 Regular acreage 12-25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Permit: G 12242 *																																																							
<p>Conflict Report</p> <p>POD Characteristics</p> <p>Water Availability</p> <p> E BIRCH CR - BIRCH CR - AB PEARSON CR</p> <p> POD: 1</p> <p>IR Checklist</p>	<p>Contact Information</p> <p>Current contact information</p> <p>OWNER: PIONEER RESOURCES LLC PO BOX 26139 EUGENE, OR 974020463</p> <p>Water Right Information</p> <p>Status: Non-Cancelled County: Umatilla File Folder Location: Salem Watermaster District: 5</p>																																																						
<p>Documents <small>view all scanned documents</small></p> <p>Application: G 12833</p> <p> Received: 3/23/1992</p> <p>Permit: G 12242 document, paper, map</p> <p> SIGNATURE: 1/26/1995</p> <table border="1"> <thead> <tr> <th colspan="4">Permit Workflow</th> </tr> <tr> <th>Action</th> <th>Date</th> <th>Result</th> <th>Completed By</th> </tr> </thead> <tbody> <tr> <td>Permit Issued</td> <td>1/26/1995</td> <td></td> <td></td> </tr> <tr> <td>CBU Received</td> <td>7/14/2000</td> <td></td> <td>DENNIS L GATLORD</td> </tr> </tbody> </table> <p>Order(s)</p> <table border="1"> <thead> <tr> <th>Order</th> <th>Origin</th> <th>Volume-Page</th> <th>Signature</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Miscellaneous</td> <td>7-3218</td> <td>6/28/1995</td> <td>LOUISIANA-PACIFIC CORP.</td> <td>ASSIGNS ALL INTEREST IN AND TO APP G-12832 / PERMIT G-12242 TO PIONEER RESOURCES, LLC.</td> </tr> </tbody> </table> <p>View right with Web Mapping</p>		Permit Workflow				Action	Date	Result	Completed By	Permit Issued	1/26/1995			CBU Received	7/14/2000		DENNIS L GATLORD	Order	Origin	Volume-Page	Signature	Description	Miscellaneous	7-3218	6/28/1995	LOUISIANA-PACIFIC CORP.	ASSIGNS ALL INTEREST IN AND TO APP G-12832 / PERMIT G-12242 TO PIONEER RESOURCES, LLC.																												
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<p>Point(s) of Diversion</p> <p>POD 1 - WELL 2 - EAST BIRCH CREEK</p> <p>Description</p> <p> T-R-5-QQ: 2.005-33.00E-17-NW NW</p> <p> Location Description: 451 FEET SOUTH AND 4881 FEET WEST FROM NE CORNER, SECTION 17</p> <p>POD Rate</p> <table border="1"> <thead> <tr> <th>Max Rate (cfs)</th> <th>Rate (cfs)</th> <th>Max Volume (af)</th> <th>Volume (af)</th> </tr> </thead> <tbody> <tr> <td>0.235</td> <td>0.235</td> <td></td> <td></td> </tr> </tbody> </table> <p>IRRIGATION (Primary)</p> <table border="1"> <thead> <tr> <th>Priority Date</th> <th>Max Rate (cfs)</th> <th>Rate (cfs)</th> <th>Max Volume (af)</th> <th>Volume (af)</th> <th>Rate/Acre</th> <th>Duty</th> <th>Start Date</th> <th>End Date</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>3/23/1992</td> <td>0.235</td> <td>0.235</td> <td></td> <td></td> <td>1/80</td> <td>3.00000</td> <td>3/1</td> <td>10/31</td> <td>3/1 10/31</td> </tr> </tbody> </table>		Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	0.235	0.235			Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks	3/23/1992	0.235	0.235			1/80	3.00000	3/1	10/31	3/1 10/31																										
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Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks																																														
3/23/1992	0.235	0.235			1/80	3.00000	3/1	10/31	3/1 10/31																																														
<p>Place(s) of Use <small>Add this acreage</small></p> <p>Use - IRRIGATION (Primary) - 18.8 acres; Priority Date: 3/23/1992</p> <table border="1"> <thead> <tr> <th>T-R-S</th> <th>QQ</th> <th>DLC</th> <th>Gov't Lot</th> <th>Tract</th> <th>Acres</th> <th>Status</th> <th>Inchoate Info</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>2.005-33.00E-17</td> <td>NW NE</td> <td></td> <td></td> <td></td> <td>3.6</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td>2.005-33.00E-17</td> <td>NE NW</td> <td></td> <td></td> <td></td> <td>4.3</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td>2.005-33.00E-18</td> <td>NE NE</td> <td></td> <td></td> <td></td> <td>8.2</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td>2.005-33.00E-18</td> <td>NW NE</td> <td></td> <td></td> <td></td> <td>2.7</td> <td>NC</td> <td></td> <td></td> </tr> <tr> <td colspan="9">Sum of Acres: 18.8</td> </tr> </tbody> </table> <p>Water Right Genealogy</p> <p>- No genealogy records available for this water right, try the family link below instead.</p>		T-R-S	QQ	DLC	Gov't Lot	Tract	Acres	Status	Inchoate Info	Remarks	2.005-33.00E-17	NW NE				3.6	NC			2.005-33.00E-17	NE NW				4.3	NC			2.005-33.00E-18	NE NE				8.2	NC			2.005-33.00E-18	NW NE				2.7	NC			Sum of Acres: 18.8								
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Sum of Acres: 18.8																																																							

View Water Rights in same Family
 Help understanding and working with the Water Rights Information System
 Report Errors with Water Right Data
 Return to WRIS Query

well 1 - umat 5271
 well 2 - umat 5531

STATE OF OREGON
COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000 98
HAYDEN LAKE, ID 83835

(208) 772-6011

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

APPLICATION FILE NUMBER: G-12832

SOURCE OF WATER: WELL #2 IN EAST BIRCH CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 18.8 ACRES

MAXIMUM RATE/VOLUME OF ALLOWED USE: 0.235 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 23, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 17, T 2 S, R 33 E, W.M.; 651 FEET SOUTH AND 4881 FEET WEST FROM NE CORNER, SECTION 17

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 NE 1/4	3.6 ACRES
NE 1/4 NW 1/4	4.3 ACRES
SECTION 17	
NE 1/4 NE 1/4	8.2 ACRES
NW 1/4 NE 1/4	2.7 ACRES
SECTION 18	
TOWNSHIP 2 SOUTH, RANGE 33 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.

Application G-12832 Water Resources Department

PERMIT G-12242

- 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.

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Issued January 26, 1996

G. Huntington (for)
Water Resources Department
Martha O. Pagel
Director

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE

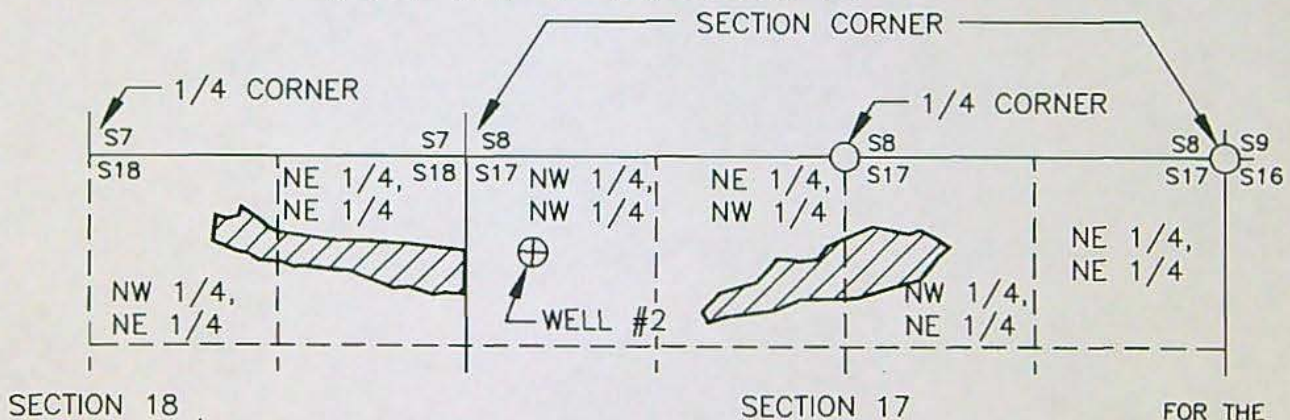
LOCATED WITHIN
NW1/4, NE 1/4 AND NE 1/4, NW 1/4, SECTION 17
AND
NE 1/4, NE 1/4 AND NW 1/4, NE 1/4, SECTION 18
T.2S., R.33E., W.M
UMATILLA COUNTY, OREGON

APPLICATION G-12832

PERMIT G-12242

APPLICANT: PIONEER RESOURCES LLC

WELL #2 IS 700 FEET SOUTH AND 2,165 FEET WEST OF THE NORTH 1/4 CORNER OF SECTION 17, T.2S., R.33E., W.M., AND IS WITHIN THE NW 1/4, NW 1/4, SECTION 17.



LEGEND



ORIGINAL MARKED CORNER STONE FOUND & TIED



AREA BENEFICIALLY IRRIGATED

NW 1/4, NE/14	S17	4.2 ACRES
NE 1/4, NW/14	S17	3.7 ACRES
NE 1/4, NE/14	S18	8.2 ACRES
NW 1/4, NE/14	S18	2.7 ACRES

FOR THE LOCATION OF BURIED LINES AND RISERS, SEE FINAL PROOF MAP FOR PERMIT G-10861

1320' 0' 1320'
1" = 1320'

WATER PDS. SALEM, OREGON

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.



RENEWS 6/30/2001

DENNIS L. GAYLORD,
CWRE
71614 S.W. LAKE DRIVE
PENDLETON, OR 97801
(541)-276-6260 ©

JUNE, 2000

Drawn by: Mill Creek Drafting

Point of Diversion Characteristics

Right:	Permit: G 12242 *
Name:	PIONEER RESOURCES LLC

TRSQQ: 02.00S-33.00E-17-NWNW

County: Umatilla

Basin: Umatilla

WM District: 5

WM Region: NC

Withdrawn Area: BIRCH CREEK, UMATILLA

WAB: E BIRCH CR > BIRCH CR - AB PEARSON CR (30710325)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

Water Quality Limited: Yes

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Application G-11873

Water Resources Department

Permit G-10861

The place of use is as follows:

	ACRES	1/4 1/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E

Total: 27.00 acres.

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Issued this date, February 27, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
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The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

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The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Application G-11873 Water Resources Department Permit G-10861

The place of use is as follows:

	ACRES	1/4 1/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E
Total:	27.00 acres.				

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Issued this date, February 27, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

Oregon Water Resources Department
Water Right Services Division

PROPOSED FINAL ORDER

In the Matter of the Application for an Extension of Time for Permit G-10861, Water Right Application G-11873, in the name of William Woodfin, Linda Woodfin, and Miller Valley Limited Partnership

Permit Information

Application File:	G-11873
Permit:	G-10861
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	November 18, 1988
Source of Water:	One well within East Birch Creek Basin
Purpose of Use:	Irrigation of 27.0 Acres
Maximum Rate:	151.5 gallons per minute (gpm)

****Please read this Proposed Final Order in its entirety as it may contain additional conditions not included in the original permit. ****

In Summary, the Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 1990, to October 1, 2018.
- Grant an extension of time to apply water to full beneficial use from October 1, 1991, to October 1, 2018¹.

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

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

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

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

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

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

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

FINDINGS OF FACT

Background

1. Permit G-10861 was granted by the Department on February 27, 1989. The permit authorizes the use of up to 151.5 gpm of water from one well within East Birch Creek Basin for irrigation of 27.0 acres. The permit specified construction of the water system was to begin on or before February 27, 1990, be completed by October 1, 1990, and complete application of water was to be made on or before October 1, 1991.
2. A final proof survey and claim of beneficial use submitted in 1992 by Louisiana-Pacific Corporation showed two wells had been drilled and used for irrigation though the permit allowed only one well. In 2007, the Department reviewed the claim of beneficial

use and notified the permit holder (Pioneer Resources, LLC at that time) by letter dated December 21, 2007, of the issue with the second well and a conflict with an underlying surface water right. The second well (Well 2 UMAT 5531 authorized for use under Permit G-12242) may be added to Permit G-10861 through a permit amendment transfer. The surface right can be diminished at the time of certification.

3. On February 10, 2008, the permit was assigned by proof of ownership from Pioneer Resources LLC to the current permit holders William Woodfin, Linda Woodfin and Miller Valley Limited Partnership. The permit holders submitted an "Application for Extension of Time" to the Department on March 10, 2008, requesting the time to complete construction of the water system of Permit G-10861 be extended from October 1, 1990, to October 1, 1991, and the time to apply water to full beneficial use under the terms and conditions of Permit G-10861 be extended from October 1, 1991, to October 1, 1992. This is the first permit extension requested for Permit G-10861.
4. Notification of the Application for Extension of Time for Permit G-10861 was published in the Department's Public Notice dated March 18, 2008. No public comments were received regarding the extension application.
5. On May 6, 2014, the permit holder submitted an amendment to their Application for Extension of Time which requested the time to complete construction of the water system be changed from October 1, 1991 to October 1, 2018, and the time to apply water to full beneficial use of the water system be changed from October 1, 1992 to October 1, 2018. This change is needed to allow time for the permit amendment transfer process to be completed and full beneficial use of water to be made.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³, 537.630⁴ and/or 539.010(5)⁵.

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

6. On March 10, 2008, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

7. Actual construction of Well 1 (UMAT 5271) began on April 6, 1989, prior to the February 27, 1990 deadline specified in the permit.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 537.630 applies to ground water permits only.

⁵ORS 539.010(5) applies to surface water and ground water permits.

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

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

8. As of March 10, 2008, the remaining work to be completed consists of completing a permit amendment transfer to seek Department authorization of Well 2 for use under Permit G-10861 and apply water to full beneficial use.
9. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2018, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-10861 is both reasonable and necessary.

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

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

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

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

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

10. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well and water system began prior to the February 27, 1990, deadline specified in the permit including construction of Well 1, installation of a flow-meter and irrigation system, and recording of water use.

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

11. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-10861 on February 27, 1989, a maximum rate of 151.5 gpm of water has been appropriated for irrigation of 27.0 acres. However, only a portion of this use is from the authorized Well 1 and, therefore, is not entirely beneficial use under the permit.
 - b. Delay of full beneficial use of water under Permit G-10861 was due, in part, to insufficient yield of water from the permitted Well 1. The permit holder needs

more time in which to gain the Department's approval of Well 2 under Permit G-10861 and to apply the full quantity of water allowed under the permit to beneficial use.

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

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

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

13. Financial investments made toward developing the beneficial water use.
 - a. As of March 10, 2008, the permit holder has invested approximately \$4,100 which is approximately 100 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$0 investment is needed for the completion of this project.

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

14. As of March 10, 2008, the permit holder has invested approximately \$4,100 which is 100 percent of the total projected cost for complete development of this project. The permit holder anticipates no additional investment is needed for the completion of this project.

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

15. The Department has found good faith of the appropriator under Permit G-10861.

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

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

16. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-10861;

furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-10861, located within the East Birch Creek Basin, is not located within a limited or critical ground water area. East Birch Creek is not located within or above any state or federal scenic waterway, however, it is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of appropriation is in an area listed by the Department of Environmental Quality as a water quality limited stream.

17. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of March 10, 2008, the permit holder has invested approximately \$4,100.
18. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
19. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.

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

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

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

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

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

22. None have been identified.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).


2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2018, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

PROPOSED ORDER

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

Extend the time for complete construction of the water system under Permit G-10861 from October 1, 1990, to October 1, 2018, and extend the time to apply water to beneficial use under Permit G-10861 from October 1, 1991, to October 1, 2018.

DATED: May 13, 2014


Dwight W. French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than June 27, 2014, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have questions about statements contained in this document, please contact Steven Parrett at (503)986-0825.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: May 13, 2014

Copies Mailed

Application G-11873
Permit G-10861

By: RLJ
On: 5/13/14

Original mailed to Applicant:

William Woodfin
Linda Woodfin
P.O. Box 135
Pilot Rock, OR 97868

Miller Valley Limited Partnership
3330 Hayden Bridge Road
Springfield, OR 97477

Copies sent to:

1. WRD - App. File G-11873/ Permit G-10861

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 5, Tony Justus

CASEWORKER: SWP

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 11873 Permit: G- 10861 Permit Amendment? No Yes T- _____

Permit Holder's Name: William C. and Linda A. Woodfin and Michael P. Miller / Miller Valley Limited

Permit Holder's Mailing Address: PO Box 135, Pilot Rock, OR 97868
 ↓
3330 Hayden Bridge Rd Partnership
Springfield, OR 97477

Phone Number: 541-443-3214 e-mail: coyotel@yci.net

POD Location: Township 2S Range 33E Section 17 $\frac{1}{4}$ NENE

Drainage Basin: 7 County: Umatilla Watermaster District: 5 Watermaster: Tony Justus

Date Permit was issued: 2/27/1989 Priority Date: 11/18/1988 Date of PN: 3/18/2008

Source: One Well plus an Additional Well in East Birch Creek Basin *ALR*

Use: Irrigation of 27 acres

"Q": 151.5 Gallon Per Minute

Orig "A" Date: 2/27/1990

Orig "B" Date: 10/1/1990

Orig "C" Date: 10/1/1991

Extension request rec'd: 3/10/2008

Last Authorized "B" Date: 10/1/1990

Last Authorized "C" Date: 10/1/1991

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

Proposed "B" Date: 10/1/1991 *2018* C Date: 10/1/1992 *2018*

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter installed 4/11/89 on Well 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter records kept on Well 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter installed 5/22/1991 on Well 2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter records kept on Well 2
<input type="checkbox"/>	<input type="checkbox"/>	

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

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$4,700 Estimated Remaining Cost: \$0

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 151.5 cfs gpm af of the total permitted quantity of water on 27.0 ~~26.9~~ acres

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

Application: G- 11873 Permit: G- 10861 Township _____ Range _____ Section _____

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

Identify the closest surface water or localized water basin. East Birch Creek

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

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

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

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

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

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

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

5-year Progress Report Checkpoints (Years: _____)

Other: _____

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

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

NOTES:

Miller Valley Limited Partnership, Michael P. Miller, 3330 Hayden Bridge Rd, Springfield, OR 97477 (also listed as a permit holder)

The applicant added a second well, but construction was not completed by the B-date. The 2nd well will be acknowledged at certificate stage; the purpose of this extension is to increase the B date to 1991, and the C date to 1992 so that the certificate can reflect perfection of 2 wells. (A transfer application for a permit amendment will NOT be filed).

cc: Larry Nunn, Certificates, OWRD

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

Ann Reece

From: Ann Reece
Sent: Thursday, March 13, 2008 3:59 PM
To: 'coyote1@uci.net'
Subject: FW: Extension of Time for Permit G-10861

Ann Reece
Water Resources Department

From: Ann Reece
Sent: Thursday, March 13, 2008 3:33 PM
To: Mike Miller
Cc: coyote1@vci.net; Ann Reece
Subject: RE: Extension of Time for Permit G-10861

Mike:

Please disregard my first reply to your e-mail. Your e-mail below will suffice to amend the extension application to "irrigated a total of 27.0 acres."

Thanks.

Ann Reece
Water Resources Department

From: Mike Miller [mailto:mikemiller@remax.net]
Sent: Thursday, March 13, 2008 3:22 PM
To: Ann Reece
Subject: RE: Extension of Time for Permit G-10861

Hello Ann,

Thank you for calling this typo to our attention. Please amend the application to state 27 acres instead of 14.7. The Woodfin's own part of the ground and my partnership owns the other. Sorry for the inconvenience.

Thank You

Mike



3/13/2008

Multi-Million Dollar Producer

Mike Miller, GRI
Re/Max Integrity
Principal Broker
541-334-7653 Office
541-741-2669 Home
541-954-4454 Cell Phone
541-334-1286 Fax
Email: cbmiller@continet.com

From: Ann Reece [mailto:reeceal@wrd.state.or.us]
Sent: Tuesday, March 11, 2008 11:59 AM
To: Mike Miller
Cc: coyote1@vci.net
Subject: FW: Extension of Time for Permit G-10861

Mike:

I sent this e-mail to the Woodfins this morning; at the time I did not notice that you also have provided us an e-mail address.

Ann Reece
Water Resources Department

From: Ann Reece
Sent: Tuesday, March 11, 2008 10:43 AM
To: 'coyote1@vci.net'
Cc: Larry Nunn
Subject: Extension of Time for Permit G-10861

William and Linda Woodfin:

I am reviewing the Extension of Time Application that you recently submitted for Permit G-10861. You stated on the application that you have irrigated a total of 14.7 acres. The permit allows for irrigation of a total of 27 acres. I am checking to verify the number of total acres you irrigated as of October 1, 1991. You may amend your Extension of Time Application with a response to this e-mail.

Please give me a call if you have any questions.

Sincerely,
Ann Reece

Extensions Specialist
Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301-1271
tele: 503-986-0827
fax: 503-986-0901



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

Application for Extension of Time for a Water Right Permit

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
 OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
 application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, William C & Linda A. Woodfin
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

PO BOX 135 PILOT ROCK OR 97868
ADDRESS CITY STATE ZIP

541-443-3214 coyote1@uci.net
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G-11873
 Permit Number G-10861
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the
 equipment necessary to the use of water), which time now expires on October 1, 1990, be
 extended to October 1, 1991.

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now
 expires on October 1, 1991, be extended to October 1, 1992.

RECEIVED

MAR 10 2008

WRAD

WATER RESOURCES DEPT
 SALEM, OREGON

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

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

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



GENERAL TIPS:

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT **91699**

INVOICE # _____

RECEIVED FROM: WILLIAM & LINDA WOODFIN
BY: _____

APPLICATION	<u>G-11873</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 2146 OTHER: (IDENTIFY)

TOTAL REC'D \$ 370.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS PLA 46111

0407 COPY & TAPE FEES	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY)	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY)	\$ _____
0240 EXTENSION OF TIME	\$ <u>350.00</u>

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **91699**

DATED: 3/10/08 BY: [Signature]



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

Application for Extension of Time for a Water Right Permit

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
 OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
 application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Michael P. Miller Miller Valley Limited Partnership
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

3330 Hayden Bridge Rd Springfield, OR 97477
ADDRESS CITY STATE ZIP

541-954-4454 mike.miller@remax.net
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G-11873
 Permit Number G-10861
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the
 equipment necessary to the use of water), which time now expires on October 1, 1990, be
 extended to October 1, 1991,

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now
 expires on October 1, 1991, be extended to October 1, 1992.

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WATER RESOURCES DEPT
 SALEM OREGON

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

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

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



GENERAL TIPS:

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

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

Reference Materials Needed to Complete this Application:

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

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

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

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



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

Date construction began is: 5-13-91 date for well #2

Details of construction: see well log UMAT 5531

note: Sec 1 & 1/4, 1/4 are wrong

Should be, Sec 17 NW 1/4 NW 1/4 not

Sec 18 NE 1/4 NE 1/4

1/2?
UMAT 5531

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WATER RESOURCES DEPT
SALEM, OREGON

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

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



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

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
	4/11/89	well #1 in Sec 17 NE 1/4 NE 1/4
1+2	4/11/89	cased + constructed
3	4/11	flowmeter installed
4	"	"
5	"	flowmeter keeps record
6	4/16/89	started well
7	4/11/89	complete
8	4/11/89	in use before Oct 1, 1991

see well log UMAT 5531

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
		Well #2 in Sec 17 NW 1/4, NW 1/4 needs to be added
1+2	5-22-91	cased + constructed
3	5-22-91	flowmeter installed
4	"	"
5	"	flowmeter keeps record
6+7	"	started well, complete
8	"	in use before Oct 1, 1991

see well log UMAT 5531

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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

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

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*

INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
	The permit was signed - find date above signature on last page of permit.	
2-27-89		est 600-
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
2-27-89		
10/1/91	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
5-22-91	well drilled - complet	est 3500-
Total Cost to Date		4100

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

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WATER RESOURCES DEPT
SALEM, OREGON

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

CHART-D

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/____	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/____	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
INSERT DATES	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost to Date		

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

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

4. Cost of project to date: _____
(The total cost from CHART-C and CHART-D)

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

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



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = 0.34 cfs (cubic feet per second) or,

Maximum rate = 151.5 gpm (gallons per minute) or,

Acre Feet Stored = N/A AF

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

- 6. Provide the total number of acres irrigated to date under this permit.

Total acres irrigated to date: 14.7

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
5-22-91	well #2 drilled + completed to accomplish the full rate of use for irrigated lands on the permit	
Year: 1991	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		4100-

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

- 8. Estimated remaining cost to complete the project: completed 91
(The total cost from CHART-E)

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MAR 10 2008

WATER RESOURCES DEPT
SALEM, OREGON

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

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

Well #2 was completed w/ app G12832 permit G12242 but now adding to app G11873 permit G10861 so it changed all the dates due.

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

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

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

N/A

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WATER RESOURCES DEPT
BAJEN CREEK

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

Well #1 was not capable to irrigate
all lands authorized under the permit a
unforeseen event

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

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

Certificate # 2528 from primary to
supplemental - ground water
from well # 2 to primary

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

William C. Woodfin
Linda A. Woodfin
Signature

3/4/08
3/4/08
Date

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MAR 10 2008

WATER RESOURCES DEPT
SALEM OREGON

Instructions for Filling Out Extension of Time Application For Water Right Permits

The following instructions are numbered to correspond with the APPLICATION FOR EXTENSION OF TIME. Each question is shown in italics, followed by guidance that may help you respond to the question. When reviewing these instructions, it will be helpful to have a copy of your water right permit at hand.

If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

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

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

Each water right permit contains specific dates by which permit holders are to have completed a certain level of development of the right. Generally, these dates appear toward the end of a permit. Among the dates that may be cited are the following:

- A. **A-date:** Actual construction work shall begin on or before [date certain];
- B. **B-date:** Construction shall be completed on or before [date certain];
- C. **C-date:** Complete application of the water shall be made on or before [date certain]

For convenience, these are often referred to as the "A-date", "B-date", and "C-date", respectively. Not all permits will include all three dates. Some newer permits may not include a "B-date," and even more recent permits may not include an "A-date". However, all permits should include a "C-date". By statute, if the "A-date" is specified in a permit, a permit extension cannot be granted when there is no evidence of actions taken to begin **actual construction** by that date" with a few exceptions (permits for municipal use or projects requiring federal hydropower licenses). Permit extensions may be granted for both the B-date and C-date.

If the permit specifies an "A-date" it is very important to have written confirmation in the OWRD's official water right file that **actual construction** began on or before that "A-date". In submitting such confirmation, give dated details of all **actual construction** work completed prior to the "A-date" stipulated in the permit.

supplemental 1988

#1061 #5

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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WATER RESOURCES DEPT
SALEM OREGON

Application G-11873 Water Resources Department Permit G-10861

ASSIGNED. See Misc. Rec., Vol. 7 Page 3219

The place of use is as follows:

	ACRES	1/41/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E

Total: 27.00 acres.

- 1 The well shall be properly cased and grout sealed to a depth of not less than
2 180 feet and shall be constructed in accordance with the General Standards for
3 the Construction and Maintenance of Water Wells in Oregon. The works
4 constructed shall include an air line and pressure gauge or an access port for
measuring line, adequate to determine water level elevation in the well at all
times. The permittee shall install and maintain a weir, meter, or other
suitable measuring device, and shall keep a complete record of the amount of
ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall
be completed on or before October 1, 1990. Complete application of the water
to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated
with this water use must be in compliance with statewide land-use goals and
any local acknowledged land-use plan. It is possible that the land use you
propose may not be allowed if it is not in keeping with the goals and the
acknowledged plan. Your city or county planning agency can advise you
about the land-use plan in your area.

Issued this date, February 27, 1989.

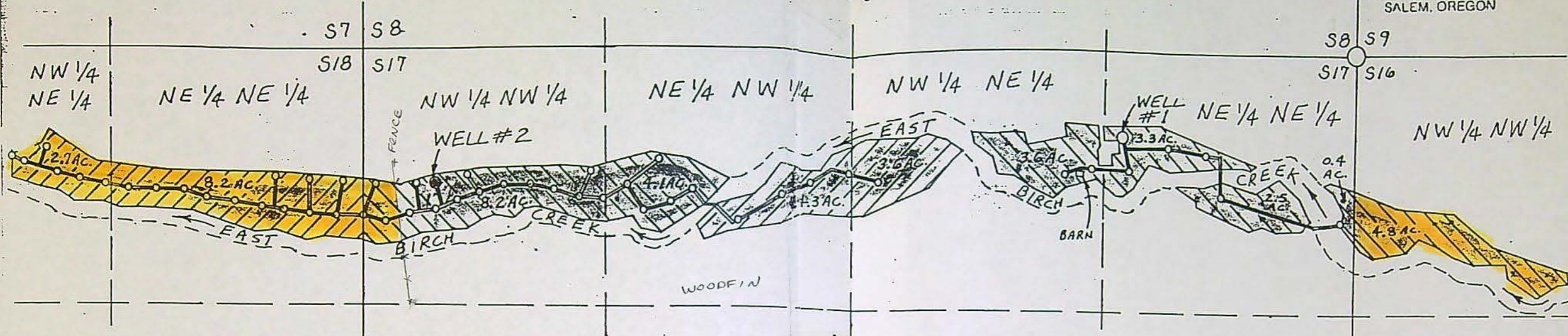
/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T. 2 S., R. 33 E., W.M.

Application No. G-12832
Permit No. G-12242

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WATER RESOURCES DEPT.
SALEM, OREGON



FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

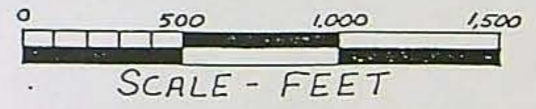
LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

LOCATION OF WELLS
FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 is 432' S & 1,234' W
WELL #2 is 651' S & 4,881' W



LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- = AREA UNDER IRRIGATION - BENEFICIAL USE
- = PLACE OF USE - GROUND WATER APPLICATION



APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO 83835



DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

MILLER

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MAR 10 2008
WATER RESOURCES DEPT.
SALEM, OREGON

#5

#2 Well

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

~~UMAT~~
553

UMAT
553

25/33E/18 aa

(START CARD) # 23057

(1) OWNER: Well Number 2
Name Louisiana-Pacific Corp.
Address P.O. Box 4000-98
City Hayden Lake State ID Zip 83835

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

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 230 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
12"	0	193	Cement	34	193	150 sacks
8"	193	230	Bentonite	0	34	22 sacks

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

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

(6) CASING/LINER:

Casing:	Diameter	From	To	Gauge	Steel		Plastic		Welded		Threaded	
					✓				✓			
	8"	71	193	.250	✓				✓			

Liner: _____

Final location of shoe(s) 193

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

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 300+ Drawdown _____ Drill stem at _____ Time 1 hr.

Temperature of water 61° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 25 Nor S. Range 33E E or W. WM. _____
Section 18 NE 1/4 NE 1/4 17 NW NW
Tax Lot 1600 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) East Birch Creek Pilot Rock, OR 97868

(10) STATIC WATER LEVEL:
6 ft. below land surface. Date 5-22-91
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 16

From	To	Estimated Flow Rate	SWL
1	34	30	15
103	117	100	15
205	230	300+	6

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Brown clay soil	0	1	
Gravel with some cobbles	1	34	WB
Gray basalt	34	103	
Black basalt with yellow soapstone	103	117	WB
Gray basalt	117	172	
Broken gray basalt with green soapstone	172	180	
Gray basalt	180	205	
Red & gray basalt with green soapstone	205	230	WB

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MAR 10 2008 JUN 5 1991
WATER RESOURCES DEPT. SALEM, OREGON
WATER RESOURCES DEPT. SALEM, OREGON

Date started 5-13-91 Completed 5-22-91

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Patrick Wallace WWC Number 1218 Date 5-29-91

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.705)

APR 27 1989

WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) # 8339

UMAT
5271

#1 well

25/33E/17a

(1) OWNER: Well Number: _____
Name Louisiana-Pacific Corp.
Address P.O. Box 4000-98
City Hayden Lake State ID Zip 83835

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

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other _____

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 250 ft.
Explosives used: Yes No Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
12"	0 180	Cement	0 180	70 sacks	
8"	180 250				

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

(6) CASING/LINER:

Diameter	From To	Gauge	Steel	Plastic	Welded	Threaded
8"	0 250	180, 250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 180

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/plpe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 300 Drawdown _____ Drill stem at 250 Time 1 hr.

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

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 25 N or S, Range 33E E or W, WM.
Section 17 NE $\frac{1}{4}$ NE $\frac{1}{4}$
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) East Birch Creek, Pilot Rock, OR 97868

(10) STATIC WATER LEVEL:
15 ft. below land surface. Date 4-11-89
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 45

From	To	Estimated Flow Rate	SWL
45	68	20	15
245	250	280	15

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Brown clay soil	0	1	
Brown clay w/cobbles	1	29	
Gray basalt	29	33	
Broken gray basalt	33	45	
Brown basalt	45	68	WB
Gray basalt	68	149	
Gray basalt, medium	149	245	
Broken gray basalt with green soapstone	245	250	WB

Date started SALEM APR 20 1989 Completed 4-11-89
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ WWC Number _____ Date _____
(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Patrick C. Waller WWC Number 1218 Date 4-20-89



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite 100
Salem, OR 97301-1100
503-986-0813
FAX 503-986-0814

March 18, 2008

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE # G-11873 (PERMIT # G-10861)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Kim French at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".

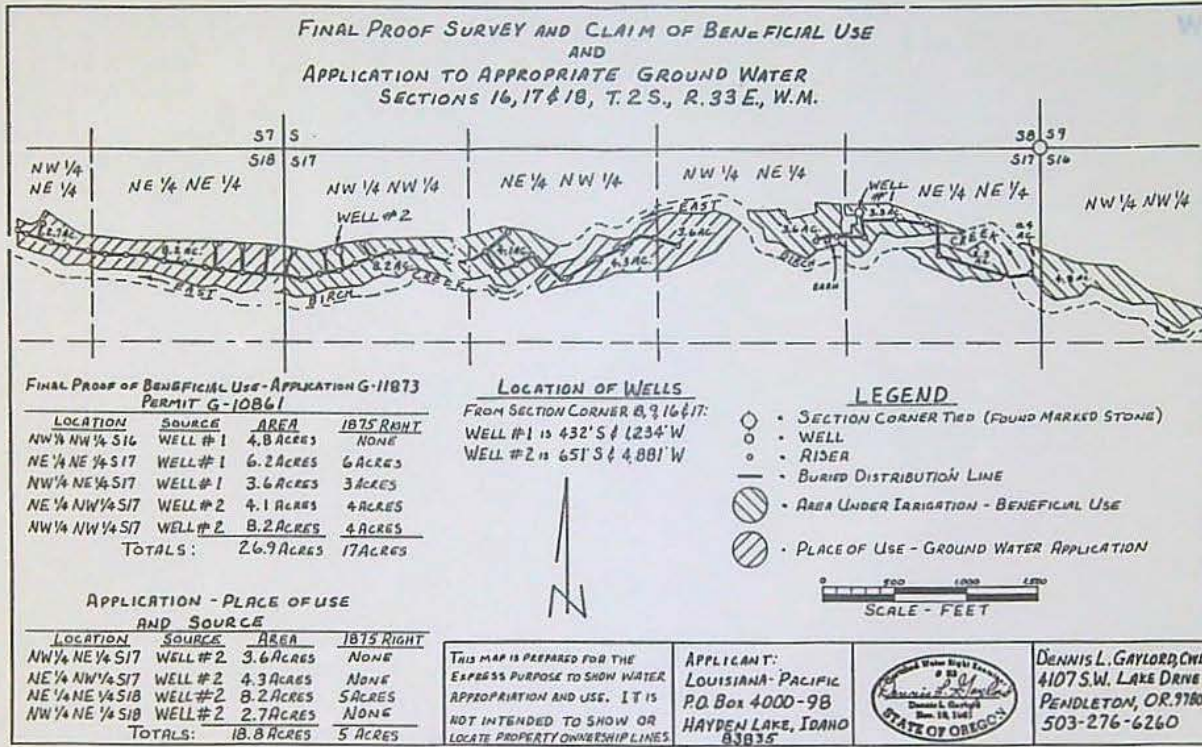
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MAY 27 1982

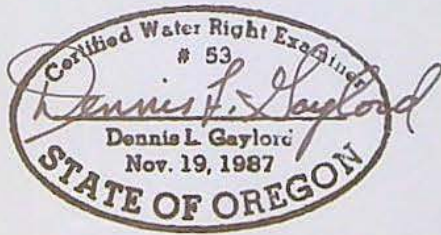
WATER RESOURCES DEPT.
SALES DIVISION

C 17832

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27
27
43
43
19/0



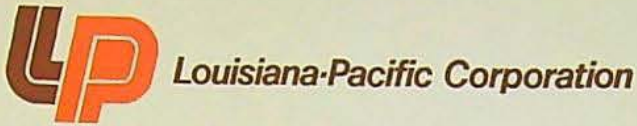
SCALE REDUCED TO 1" = 1,320 ft.



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MAR 23 1992

WATER RESOURCES DEPT
SALEM, OREGON



P.O. Box 4000-98
Hayden Lake, Idaho 83835
208 / 772-6011

march 20, 1992

Water Rights Division
Water Resources Department
3850 Portland Road NE
Salem OR 97310

Reference: File G-11873
Permit G-10861

Gentlemen:

Enclosed please find the final proof survey and claim of beneficial use for our water use Permit G-10861.

I am also enclosing an application for a permit to appropriate ground water for another 18.8 acres that is being irrigated from our well #2. Enclosed please find a check in the amount of \$318.00 to cover this application.

I trust you will find this all in order as you have requested. If there is anything out of order or any problems of any kind - please notify me as soon as possible.

Sincerely

A handwritten signature in black ink, appearing to read 'Joe Tolar'. The signature is fluid and cursive, written over the typed name.

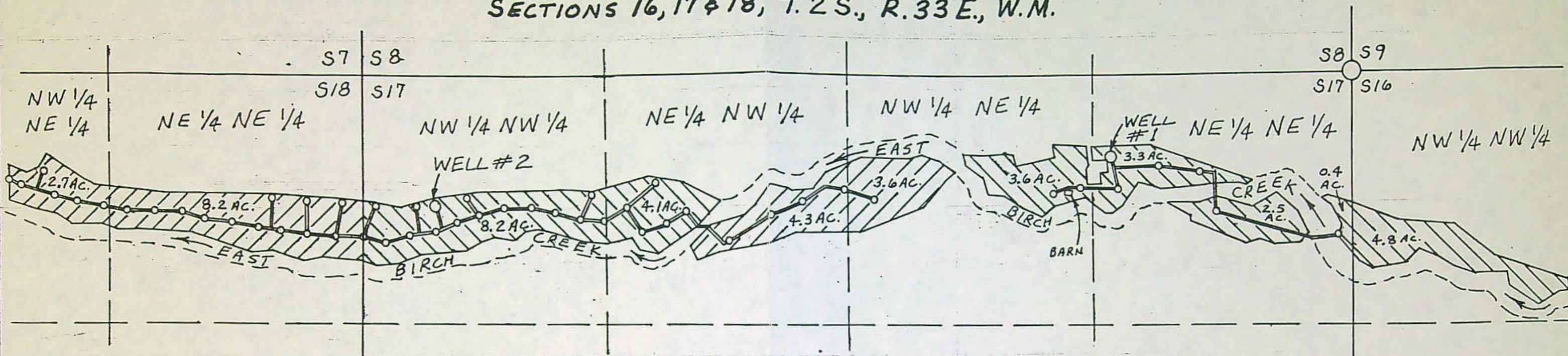
Joe Tolar,
Divison Purchasing Manager

Enclosure

JT/po

3/24/92
New application filed
G-12832
AB

**FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T. 2 S., R. 33 E., W.M.**



**FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861**

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

**APPLICATION - PLACE OF USE
AND SOURCE**







LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

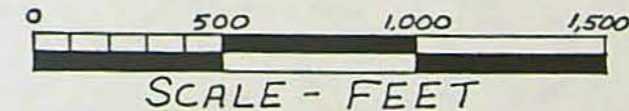
LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 is 432' S & 1,234' W
WELL #2 is 651' S & 4,881' W



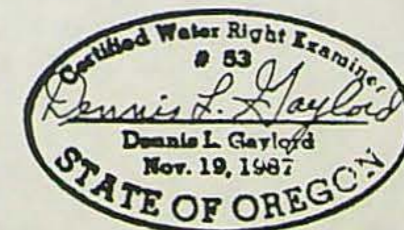
LEGEND

-  = SECTION CORNER TIED (FOUND MARKED STONE)
-  = WELL
-  = RISER
-  = BURIED DISTRIBUTION LINE
-  = AREA UNDER IRRIGATION - BENEFICIAL USE
-  = PLACE OF USE - GROUND WATER APPLICATION



THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



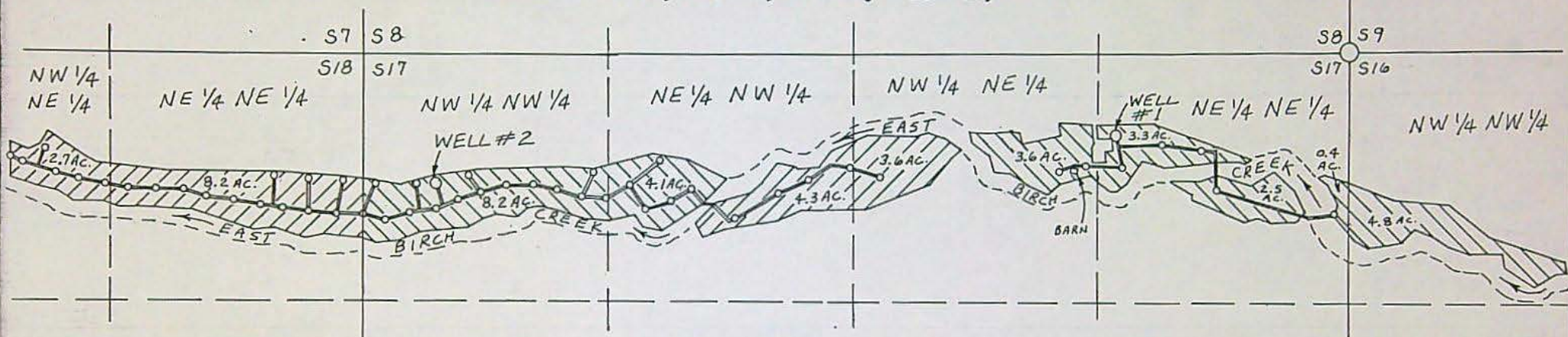
DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

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MAR 23 1992

WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T.2 S., R.33 E., W.M.



FINAL PROOF OF BENEFICIAL USE-APPLICATION G-11873
PERMIT G-10861

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

APPLICATION - PLACE OF USE
AND SOURCE

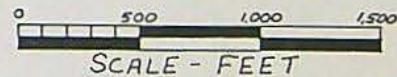
LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

LOCATION OF WELLS
FROM SECTION CORNER 8, 9, 16 & 17:
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LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- ▨ = AREA UNDER IRRIGATION - BENEFICIAL USE
- ▨ = PLACE OF USE - GROUND WATER APPLICATION

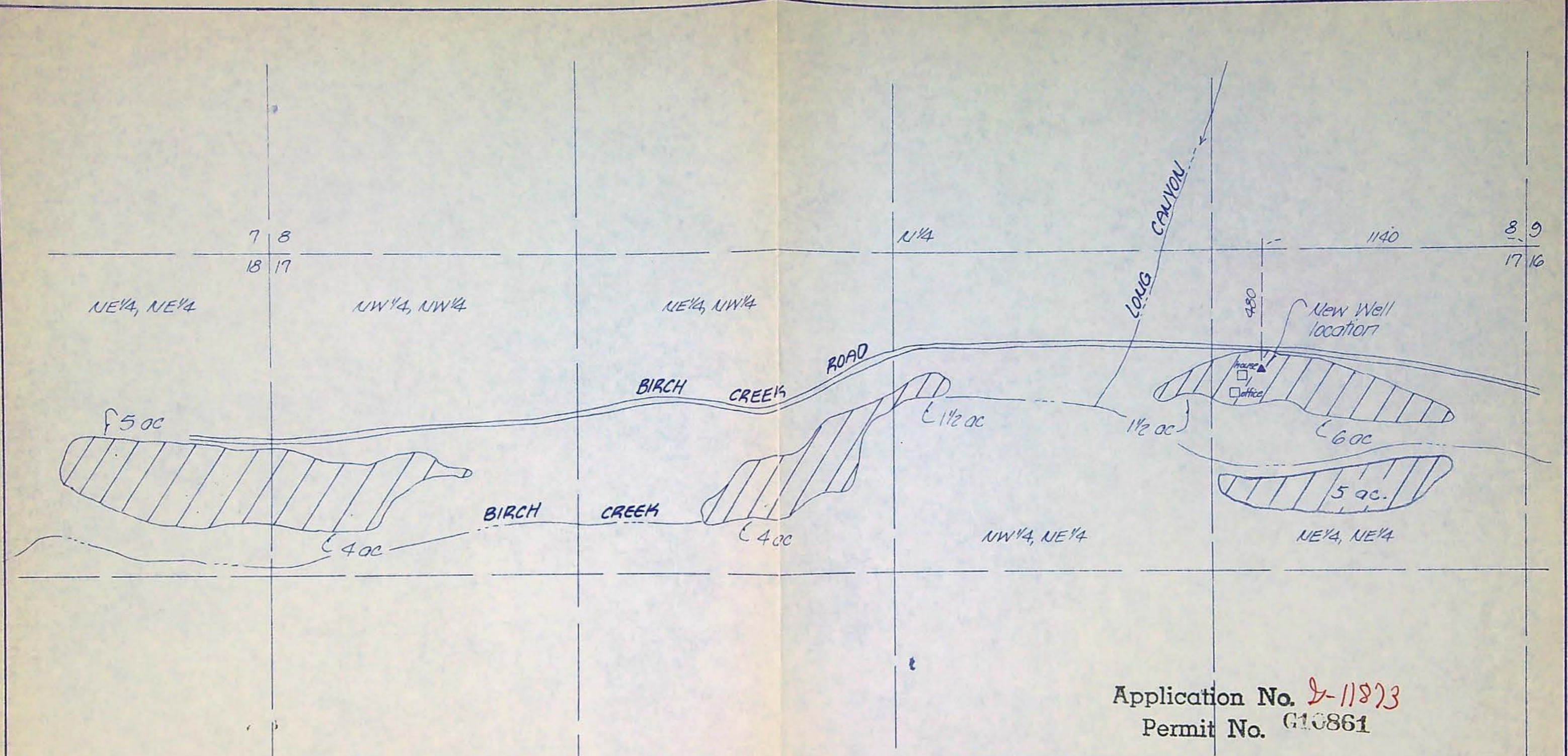


THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835





DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260




Application No. **D-11873**
 Permit No. **G10861**

NOV 18 1988
 RECEIVED
 WATER RESOURCES DEPT.
 SALEM, OREGON

 denotes irrigated lands

 KRUMBEIN ENGINEERING LTD. ENGINEERS - SURVEYORS - PLANNERS 361 S.E. Second Pendleton, Oregon	Scale 1"=400'	Drn. By MLD	Drng. No. 8807B	Revision 1
	Date 11-1-88	Ckd. By DHS	Job No. 88-43	Revision 2

Water Right Application for
LOUISIANA PACIFIC



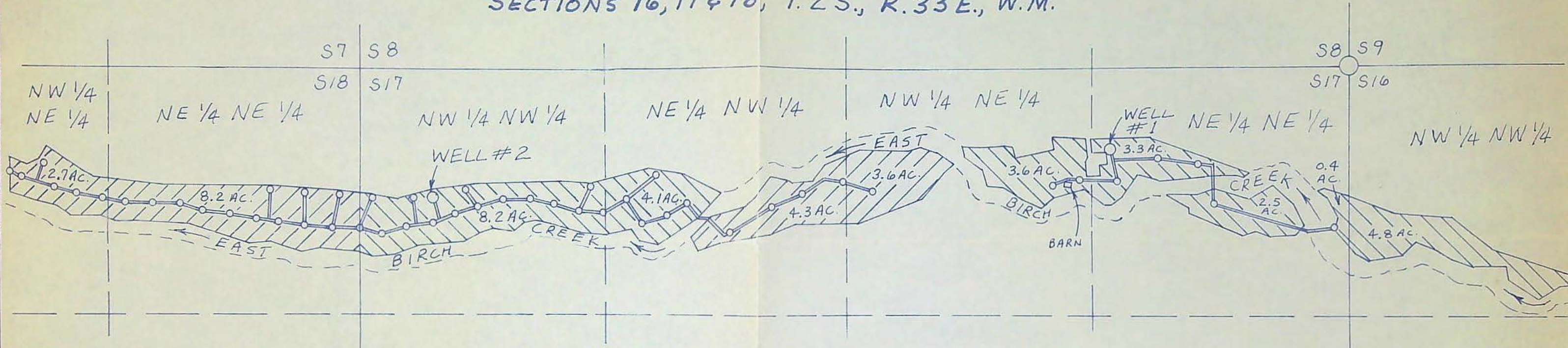
NE 1/4, NE 1/4, Sec. 17, T2S, R33E, W.M.

RECEIVED

MAR 23 1992

WATER RESOURCES DEPT.
SALEM, OREGON

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T. 2 S., R. 33 E., W.M.



FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

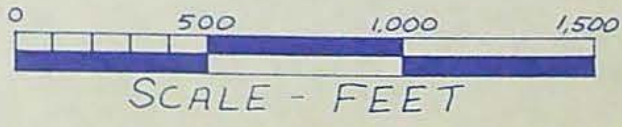
LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 is 432' S & 1,234' W
WELL #2 is 651' S & 4,881' W



LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- = AREA UNDER IRRIGATION - BENEFICIAL USE
- = PLACE OF USE - GROUND WATER APPLICATION

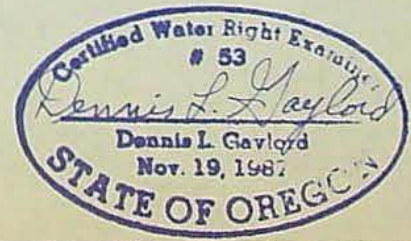


APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

RECEIVED

CLAIM OF BENEFICIAL USE AND SITE REPORT
GROUND WATER RIGHT APPLICATION G-11873, PERMIT G-10861

MAR 23 1992

INFORMATION: This report is the final proof of claim of beneficial use of ground water as outlined in permit G-10861, dated February 27, 1989. The owner of the land and irrigation system is Louisiana-Pacific Corporation, P.O. Box 4000-98, Hayden Lake, Idaho, 83835. My principal contact with the owner has been through Mr. Joe Tolar, at Hayden Lake. The system developed by the landowner consists of two wells and two separate distribution systems. The wells and systems are shown on the accompanying Final Proof Map and are referred to herein as well # 1 and well # 2. The site investigation was conducted on February 17, 1992.

Source: The source of ground water is two wells, located as follows:

Well # 1 is located 432 feet south and 1,234 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M.

Well # 2 is located 651 feet south and 4,881 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M. The section corner common to sections 7, 8, 17 and 18 was searched but not recovered, thus both wells are tied to the same section corner.

DESCRIPTION: WELL # 1: UMH 5271

This well is 250 feet deep. It is 12 inches in diameter to a depth of 180 feet and 8 inches in diameter from 180 feet to 250 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 180 feet, and grouted with cement (70 sacks) to a depth of 180 feet. The well was tested at the time of drilling to yield 300 gallons per minute. There are two water bearing zones. One, at 45 to 68 feet, is sealed with grout. The second is at 245 to 250 feet. The static water level at time of drilling was at 15 feet below the ground surface.

There are two pumps installed in well # 1, as follows:

A 3 horsepower pump is 168 feet below the ground surface.

MOTOR: The motor is a Franklin 3 horsepower single phase 230 volt electric motor that rotates at 3,450 revolutions per minute.

PUMP: The pump is a Grundfos with a 1 1/4 inch discharge pipe. The motor/pump is rated to produce 25 gallons per minute.

A 5 horsepower pump is 147 feet below the ground surface.

MOTOR: The motor is a Franklin 5 horsepower single phase 230 volt electric that rotates at 3,450 revolutions per minute.

RECEIVED

PAGE 2 OF 3

MAR 23 1992

PUMP: The pump is a Grundfos with a 2 inch diameter discharge pipe. The motor/pump is rated to produce 40 gallons per minute. RESOURCES DEPT
CLATSOP COUNTY, OREGON

Both pumps are in operation when irrigating, and could move as much as 65 gallons per minute. The 3 horsepower pump, only, is used to provide water to the dwelling during times when no irrigation is being done from well # 1.

DISTRIBUTION SYSTEM: The water from well # 1 is distributed through buried pipes located as shown on the Final Proof Map. The pipes are 3 inches in diameter with risers located as shown on the Final Proof Map. The water is further distributed by the use of 3 inch diameter aluminum hand lines. The hand lines are fitted with sprinkler heads of varying sizes of nozzles. I estimate this system will distribute around 65 gallons per minute at it's maximum output.

WELL # 2:

This well is 230 feet deep. It is 12 inches in diameter to a depth of 193 feet and 8 inches in diameter from 193 feet to 230 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 193 feet, and sealed with bentonite clay (22 sacks) from the ground surface to a depth of 34 feet and grouted with cement (150 sacks) from 34 feet to a depth of 193 feet. The well was tested at the time of drilling to yield in excess of 300 gallons per minute. There are three water bearing zones. The first is from 1 foot to 34 feet below the ground surface. The second is from 103 feet to 117 feet below the ground surface. Both of these zones are sealed. The third water bearing zone is from 205 to 230 feet below the ground surface. The static water level at the time of drilling was 6 feet below the ground surface.

MOTOR/PUMP: Well # 2 is fitted with two motor/pumps. In the well is a 25 horsepower Franklin electric motor which rotates at 3,450 revolutions per minute. This motor is fitted directly to a Jacuzzi turbine pump with a 4 inch diameter discharge. At the ground surface is a booster pump. This pump is powered by a 25 horsepower Marathon electric motor which rotates at 3,470 revolutions per minute. This motor is short coupled direct to a Paco 7.1 inch diameter centrifugal pump. Intake and discharge pipes on this pump are 2 inch diameter.

DISTRIBUTION SYSTEM: Water from well # 2 is distributed by a system of buried pipes as shown on the Final Proof Map. The pipes are 5 inch diameter near the well and reduce to 4 inch diameter on the lines furthest away from the well and for all lateral lines to risers. There is a total of 5,040 feet of 5 inch diameter buried line and 2,580 feet of 4 inch diameter buried line. Water is placed on the ground directly from the

RECEIVED

MAR 23 1992

WATER RESOURCES DEPT
SALEM, OREGON

risers shown on the Final Proof Map using four Nelson sprinkler heads. These heads have a .60 inch diameter nozzle. Three of the heads are model QC - F100 and one is a QC - SR100. There is a Grainland model 400R flow meter on this system. The system was not in operation at the time of the site visit, but the output of this system is estimated to be in excess of 300 gallons per minute.

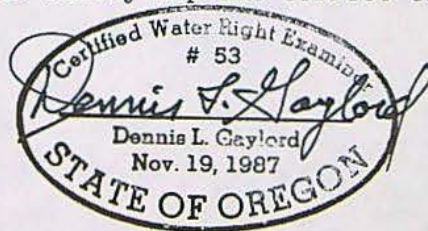
USES: Water from the two wells is beneficially used to irrigate hay crops and pasture for livestock. Water from well # 1 is also used for domestic purposes at one household and guest house/bunkhouse complex. The dwelling is located about 150 feet southwest of well # 1.

AREA:	LOCATION	SOURCE	ACRES	1875 RIGHT (ACRES)
	NW1/4NW1/4	S16 WELL # 1	4.8	NONE
	NE1/4NE1/4	S17 WELL # 1	6.2	6
	NW1/4NE1/4	S17 WELL # 1	3.6	3
	NE1/4NW1/4	S17 WELL # 2	4.1	4
	NW1/4NW1/4	S17 WELL # 2	8.2	4
	TOTALS		26.9	17

An affidavit executed on November 10, 1988 diminished the 1875 surface water right from East Birch Creek from primary to supplemental for irrigation of the above shown acreages.

The systems herein described are to be the primary source of water for irrigation of the 17 acres of land with the 1875 priority date.

The final proof survey and site inspection of the water use was completed by me on February 17, 1992 and the facts contained in this report and the accompanying Final Proof Survey Map are correct to the best of my knowledge.



I, Joe Tolar, Division Purchasing Manager for the landowner, Louisiana-Pacific Corporation, agree to the findings of the Certified Water Right Examiner and do submit this site report and the accompanying Final Proof Survey Map as my Claim of Beneficial Use of the water as provided under the terms and conditions of the permit to appropriate the public waters, number G-10861 (Application G-11873), issued February 27, 1989.

Joe Tolar
JOE TOLAR

3/19/92
DATE

Application #

G-11873

Permit #

G-10861

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

◆ WRIG...

Money Received on: 3-10-08

◆ Kim French...

Added to tracking spreadsheet

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

◆ Jonnine Skaug...

Publish on Public Notice (initial 30-day comment): Date of notice 3-18-08

Update WRIS Database

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

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

Re-file

Larry Nunn

From: Frank Dye
Sent: Monday, March 03, 2008 3:35 PM
To: Larry Nunn
Subject: Woodfin Ext. of Time

Hello Larry,

I contacted Linda Woodfin right after our conversation this morning. She said that she is working on it right now. I gave her your phone & asked that she give you a call to let you know when you might expect it in the mail. If she didn't contact you let me know, then I will call her back in a couple of days to see if she has sent it off. Thanks

Larry,
Frank

3/4/2008



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 14, 2008

William C. and Linda A. Woodfin
P.O. Box 135
Pilot Rock, Oregon 97868

Reference: Application G-11873, Permit G-10861

The partial assignment by proof from Pioneer Resources, LLC to William C. Woodfin and Linda A. Woodfin for one parcel, and to Michael P. Miller, Miller Valley Limited Partnership, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 91448 covering the recording fee of \$50 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 91448

cc: Watermaster 5
Pioneer Resources, LLC
Michael P. Miller
Data Center, OWRD (Complete Copy of Assignment Request)
File

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **91448**

INVOICE # _____

RECEIVED FROM: WILLIAM + LINDA
BY: WOODFIN

APPLICATION	<u>9-11873</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 2128 OTHER: (IDENTIFY)

TOTAL REC'D	\$ <u>50.00</u>
-------------	-----------------

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>PLA 46111</u>	\$
OTHER:	(IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)	<u>Assignment</u>	\$ <u>50.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$

WATER RIGHTS:

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **91448**

DATED: 2/13/08 BY: [Signature]



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

Request for Assignment

By Proof of Ownership
 (If Permit/Transfer Holder is not available)

If for multiple rights, a separate form and fee for each right will be required.

I, William C WOODFIN Michael P Miller
LINDA A WOODFIN } MILLER VALLEY LIMITED Partnership
 (Name of Party Requesting Assignment) 3330 HAYDEN BRIDGE RD
PO BOX 135 PILOT ROCK OR 97868 OR Springfield, OR 97477
 (Mailing Address) 541-443-3214 (City) (State) (Zip) (Phone #) 541-954-4454

- ...hereby request assignment of application/permit/transfer;
 ...hereby request assignment of a portion of application/permit/transfer;
 (You must include a map showing the portion of the application/permit/transfer to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G11873 ; Permit # G10861 ; Transfer# n/a
 -OR-
 GR Statement # n/a ; GR Certificate of Registration # n/a

RECEIVED

Pioneer Resources
 (Name of Permit/Transfer Holder of Record)
PO BOX 26139 Eugene OR 97402
 (Mailing Address) (City) (State) (Zip) (Phone #)

FEB 13 2008
 WATER RESOURCES DEPT
 SALEM, OREGON

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit or Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 10th day of FEB, 2008.

Party Requesting Assignment William C. Woodfin
 Party Requesting Assignment Linda A. Woodfin

O.K. ASSIGN BY PROOF
 PARTIAL
 2.14.2008
 A.S.J.

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
 Fee receipt # 91448
 For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

The completed "Request for Assignment form must be submitted to the Department along with a recording fee of \$50.

RECEIVED

Last updated: Aug 17, 2007

Request for Assignment

FEB 04 2008

WR

WATER RESOURCES DEPT
 SALEM, OREGON



Oregon Water Resources Department
725 Summer Street NW, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.oregon.gov

Request for Assignment

By Proof of Ownership
(If Permit/Transfer Holder is not available)

If for multiple rights, a separate form and fee for each right will be required.

1. William C WOODFIN
LINDA A WOODFIN
(Name of Party Requesting Assignment)

Michael P Miller
MILLER VALLEY LIMITED Partners
3330 HAYDEN BRIDGE RD
Springfield, OR 97477
(Phone #) 541-954-4454

PO BOX 135, PILOT ROCK OR 97868
(Mailing Address) 541-443-3214 (City) (State) (Zip)

- ...hereby request assignment of application/permit/transfer;
- ...hereby request assignment of a portion of application/permit/transfer;
(You must include a map showing the portion of the application/permit/transfer to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G11873 ; Permit # G 10861 ; Transfer# N/A
-OR-

GR Statement # N/A ; GR Certificate of Registration # N/A

Pioneer Resources
(Name of Permit/Transfer Holder of Record)

PO BOX 26139 Eugene OR 97402
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 937.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

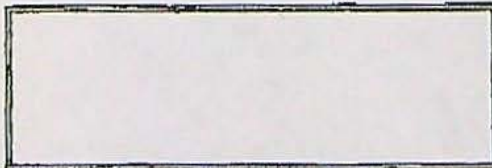
- 1) I certify that I am the current owner of the property described in this application, Permit or Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 8th day of FEB, 2008.

Party Requesting Assignment [Signature]

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX



Last updated: Aug 17, 2007

Request for Assignment

The completed "Request for Assignment form must be submitted to the Department along with a recording fee of \$50.

RECEIVED

FEB 04 2008

WR

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 13 2008

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 14, 2008

William C. and Linda A. Woodfin
P.O. Box 135
Pilot Rock, Oregon 97868

Reference: Application G-11873, Permit G-10861

The partial assignment by proof from Pioneer Resources, LLC to William C. Woodfin and Linda A. Woodfin for one parcel, and to Michael P. Miller, Miller Valley Limited Partnership, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 91448 covering the recording fee of \$50 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 91448

cc: Watermaster 5
Pioneer Resources, LLC
Michael P. Miller
Data Center, OWRD (Complete Copy of Assignment Request)
File





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 5, 2008

William C. and Linda A. Woodfin
P.O. Box 135
Pilot Rock, Oregon 97868

Reference: Application G-11873, Permit G-10861

The Department is not able to act on the Request for Assignment you submitted, as the form is not signed and dated. The form and documentation appears to be correct and complete. Your request and check are being returned and are enclosed. Please have the parties involved sign and date the request so that the Department may process your request.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Request and check

cc: Watermaster 5
File

RECEIVED

FEB 13 2008

WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE

AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T.2S., R.33E., W.M.

Application No. G-12232
Permit No. G-12242

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MAR 23 1992

WATER RESOURCES DEPT.
SALEM, OREGON



FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

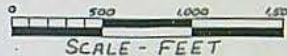
LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
SW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
SW 1/4 NW 1/4 S17	WELL #2	18.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

LOCATION OF WELLS

FROM SECTION CORNER B, 9, 16 & 17:
WELL #1 is 432' S & 1234' W
WELL #2 is 651' S & 4881' W

LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- ▨ = AREA UNDER IRRIGATION - BENEFICIAL USE
- ▨ = PLACE OF USE - GROUND WATER APPLICATION



APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, C.E.
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

MILLER

RECEIVED

FEB 04 2008

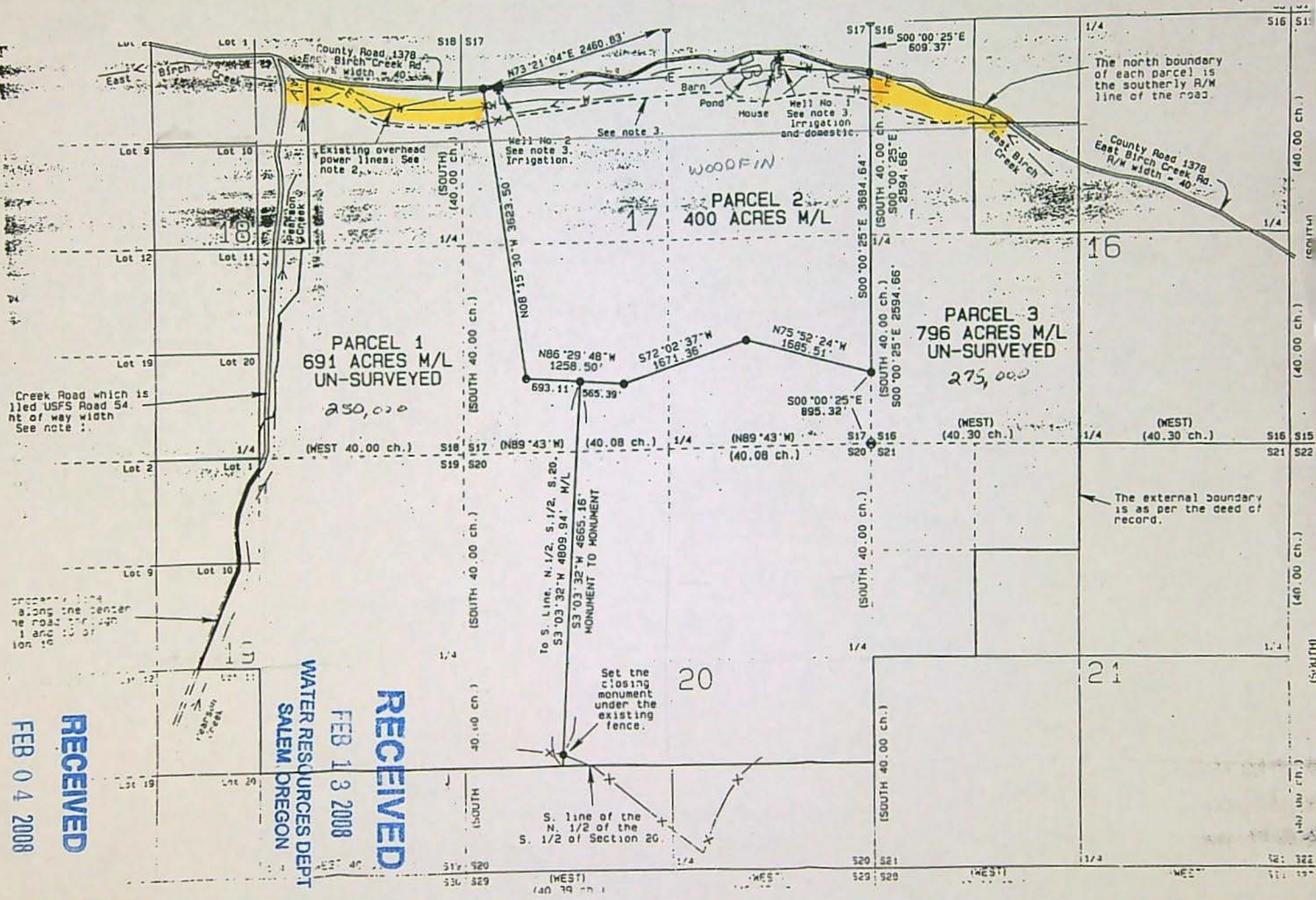
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 13 2008

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A



RECEIVED

FEB 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
FEB 13 2008
WATER RESOURCES DEPT
SALEM, OREGON

MILLER

2005 4830386

After recording return to
and mail tax statements to:

PIONEER ESCROW
PO BOX 1538
PENDLETON, OR 97801

RECEIVED

JUN 10 2005

UMATILLA COUNTY
RECORDS



2005-4830386 1 of 3

WARRANTY DEED

ATR Services, Inc. and McDougal Bros., Inc., Grantor, conveys and warrants to William Woodfin and Linda A. Woodfin, Grantee, the real property described on Exhibit A, attached as a part of this deed.

Grantor retains all timber rights and the right to go upon the Property to manage and harvest timber. *NOT TO EXCEED 5 YEARS AS PER EARNEST AGREEMENT.

The consideration for this conveyance is \$380,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND DETERMINE ANY LIMITS OR LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATE: June 8, 2005.

ATR Services, Inc.

By:
Gregory N. Demers
President

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FEB 13 2008

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon)
County of Umatilla)

McDougal Bros., Inc.

This instrument was received
and recorded on

06-10-05 at 3:50

In the record of instrument
code type DE-WD

By:
Norman N. McDougal
President

Instrument Number 2005-4830386
Fee 38.00

Office of County Records

Records Officer

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FEB 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

9

PIONEER TITLE CO. 75904-1
126 SE Court, Pend. OR, 97801



2005-4830386 2 of 3

STATE OF OREGON)
) ss.
County of Lane)

Personally appeared Gregory M. Demers known by me to be President of ATR Services, Inc. and acknowledge the foregoing instrument.

Date: June 8, 2005.



Maggie Turner
Notary Public for Oregon
My Commission Expires: 5/13/09

STATE OF OREGON)
) ss.
County of Lane)

Personally appeared Norman N. McDougal known by me to be President of McDougal Bros., Inc. and acknowledge the foregoing instrument.

Date: June 8, 2005.



Maggie Turner
Notary Public for Oregon
My Commission Expires: 5/13/09

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WATER RESOURCES DEPT
SALEM, OREGON

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FEB 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"



2005-4830386 3 of 3

A parcel of land lying in Section 17, Township 2 South, Range 33, East of the Willamette Meridian, Umatilla County, Oregon, described as beginning at the brass capped monument marking the Northeast corner of said Section 17; thence along the East line of said Section 17 to a 5/8" iron rebar on the Southerly right-of-way line of County Road 1378 also known as East Birch Creek Road, South 0°00'25" East, a distance of 609.37 feet, said rebar monumenting the True Point of Beginning for this description; thence continuing along said East line of Section 17 to a 5/8" iron rebar South 0°00'25" East, a distance of 3,684.64 feet; thence to a 5/8" iron rebar North 75°52'24" West, a distance of 1,685.51 feet; thence to a 5/8" iron rebar South 72°02'37" West, a distance of 1,671.36 feet; thence to 5/8" iron rebar North 86°29'48" West, a distance of 1,258.50 feet; thence to a 5/8" iron rebar on the Southerly right-of-way line of East Birch Creek Road North 8°15'30" West, a distance of 3,623.50 feet; thence generally Easterly along said Southerly right-of-way line, a distance of 5,115 feet, more or less to the point of beginning.

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WATER RESOURCES DEPT
SALEM OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

2005 4810553

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4



2005-4810553 1 of 4

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MAY 10 2005

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Western Pioneer Title
P.O. Box 10146
Eugene, OR 97440

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on

05-10-05 at 4:00

in the record of instrument
code type DE-WD

Until a change is requested all tax statements
shall be sent to the following address:

Michael P. Miller
3330 Hayden Bridge Road
Springfield, OR 97477

Instrument Number 2005-4810553
Fee 41.00

Office of County Records

Jean Hemphill
Records Officer

File No.: 7191-569792 (csi)
Date: April 27, 2005

STATUTORY WARRANTY DEED

ATR Services, Inc., an Oregon Corporation and McDougal Bros. Inc., an Oregon Corporation, Grantor, conveys and warrants to Miller Valley Limited Partnership, an Oregon Limited Partnership, as to an undivided 90% interest and Michael P. Miller, as to an undivided 10% interest, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See attached exhibit "A"

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

The true consideration for this conveyance is the exchange for property and other consideration.

- 1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

20



2005-4810553 2 of 4

APN: 1163177

Statutory Warranty Deed
- continued

File No.: 7191-569792 (csi)
Date: 04/27/2005

The true consideration for this conveyance is **\$exchange for property and other consideration.**
(Here comply with requirements of ORS 93.030)

Dated this 9th day of May, 2005.

ATR Services, Inc.

By: [Signature]
Greg Demers, President

McDougal Bros., Inc.

By: [Signature]
Larry O. Gildea, Authorized Agent

STATE OF Oregon)
County of Lane)
)ss.
)



This instrument was acknowledged before me on this 9th day of May, 2005
by Greg Demers as President of ATR Services, Inc., on behalf of the Corporation.

[Signature]

Notary Public for Oregon
My commission expires:

STATE OF Oregon)
County of Lane)
)ss.
)



This instrument was acknowledged before me on this 9th day of May, 2005
by Larry O. Gildea as Authorized Agent of McDougal Bros., Inc., on behalf of the Corporation.

[Signature]

Notary Public for Oregon
My commission expires:

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FEB 13 2008

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 04 2008

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED 2005-4810553 3 of 4

FEB 13 2008

WATER RESOURCES DEPT
SALEM, OREGONTRACT I:TOWNSHIP 2 SOUTH, RANGE 33, E.W.M.

All that portion of the following described lands:

Section 17: West Half.

Section 20: Northwest Quarter.
North Half of the Southwest Quarter.

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WATER RESOURCES DEPT
SALEM, OREGON

lying Southerly of the Southerly right-of-way line of County Road No. 1378, also known as East Birch Creek Road and lying Westerly of the following described line:

Beginning at a 5/8" iron rebar on the Southerly right-of-way line of said East Birch Creek Road, said rebar bears South 73° 21' 04" West, a distance of 2,460.83 feet from the North Quarter corner of said Section 17 and the True Point of Beginning for this line description; thence to a 5/8" iron rebar, South 08° 15' 30" East, a distance of 3,623.50 feet; thence to a 5/8" iron rebar, South 86° 29' 48" East, a distance of 693.11 feet; thence on a bearing of South 3° 03' 32" West, a distance of 4,810, more or less, to a point on the South line of the North Half of the South Half of said Section 20, and the point of terminus for this line description.

Section 18: East Half of the Northeast Quarter.
East Half of the West Half of the Northeast Quarter.
Southeast Quarter.

Excepting therefrom any portion lying Northerly of the Southerly right-of-way line of County Road No. 1378 also known as East Birch Creek Road.

EXCEPTING THEREFROM, beginning at center of Section 18, Township 2 South, Range 33; thence South along West line of Southeast Quarter of Section 18 a distance of 34.29 chains; thence North 28 degrees East 2.49 chains; thence North 73 degrees 10' East 1.60 chains; thence North 16 degrees 05' East 1.48 chains; thence North 0 degrees 30' East 3.27 chains; thence North 2 degrees 20' West 3.03 chains; thence North 12 degrees 35' East 3.13 chains; thence North 0 degrees 10' West 4.54 chains; thence North 7 degrees 50' East 1.51 chains; thence North 0 degrees 55' West 2.29 chains; thence North 41 degrees 00' East 5.78 chains; thence North 6 degrees East 7.83 chains; thence West 8.67 chains to the point of beginning.

ALSO EXCEPTING THEREFROM, beginning at Northwest corner of Northeast Quarter of Section 18; thence East along North line thereof, a distance of 660 feet to Northwest corner of that tract of land in Section 18 conveyed to R.G. Schubert, et ux, by deed recorded in Book 319, Page 107, Deed Records, and THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; thence continuing East along North line of Section 18 a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northeasterly in a straight line a distance of 250 feet to a point which is 143 feet South of North line of Section 18, when measured at right angles thereto, said point also being on West line of said Schubert Tract; thence North along West line of said Schubert Tract a distance of 143 feet to the point of beginning;



2005-4810553 4 of 4

TRACT I (continued)

TOWNSHIP 2 SOUTH, RANGE 33, E.W.M.

Section 19: Northeast Quarter.
North Half of the Southeast Quarter.

Also the following described lands being a part of Lot 20 in Section 18; and Lots 1 and 10 in Section 19, to-wit: Commencing at center of Section 19; thence West 16 chains to bluff on West side of Pearson Creek; thence along said bluff North 20 degrees 25' East 48.82 chains to North and South center line through Section 18; thence South 45.75 chains to the place of beginning;

EXCEPTING HOWEVER that portion of said lands in Section 19, lying Westerly and of center line of the surfaced road constructed by Harris Pine Mills, Northerly and Southerly along Pearson Creek across said Section 19.

All being East of the Willamette Meridian, Umatilla County, Oregon.

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FEB 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

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FEB 13 2008

WATER RESOURCES DEPT
SALEM, OREGON

2005 4810554



2005-4810554 1 of 3

RECEIVED



MAY 10 2005

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

Western Pioneer Title
P.O. Box 10146
Eugene, OR 97440

Until a change is requested all tax statements shall be sent to the following address:

Michael P. Miller
3330 Hayden Bridge Road
Springfield, OR 97477

File No.: 7191-569792 (csl)
Date: April 27, 2005

State of Oregon)
County of Umatilla)

This instrument was received and recorded on

05-10-05 at 4:00

in the record of instrument code type DE-WD

Instrument Number 2005-4810554
Fee 36.00

Office of County Records

John Hemphill
Records Officer

STATUTORY WARRANTY DEED

ATR Services, Inc., an Oregon Corporation and McDougal Bros. Inc., an Oregon Corporation, Grantor, conveys and warrants to Miller Valley Limited Partnership, an Oregon Limited Partnership, as to an undivided 90% interest and Michael P. Miller, as to an undivided 10% interest, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See attached exhibit "A"

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

The true consideration for this conveyance is the exchange for property and other consideration.

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Page 1 of 2

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WATER RESOURCES DEPT
SALEM, OREGON

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FEB 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

(21)

PIONEER TITLE CO 71007-1
126 SE Court, Pend. OR, 97801



2005-4810554 2 of 3

APN: 1163177

Statutory Warranty Deed
- continued

File No.: 7191-569792 (csI)
Date: 04/27/2005

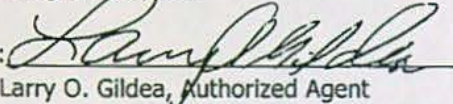
The true consideration for this conveyance is **\$exchange for property and other consideration.**
(Here comply with requirements of ORS 93.030)

Dated this 9th day of May, 2005.

ATR Services, Inc.

By: 
Greg Demers, President

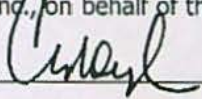
McDougal Bros., Inc.

By: 
Larry O. Gildea, Authorized Agent



STATE OF Oregon)
)ss.
County of Lane)

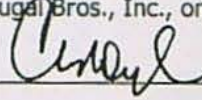
This instrument was acknowledged before me on this 9th day of May, 2005
by Greg Demers as President of ATR Services, Inc., on behalf of the Corporation.



Notary Public for Oregon
My commission expires:

STATE OF Oregon)
)ss.
County of Lane)

This instrument was acknowledged before me on this 9th day of May, 2005
by Larry O. Gildea as Authorized Agent of McDougal Bros., Inc., on behalf of the Corporation.



Notary Public for Oregon
My commission expires:



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SALEM, OREGON

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SALEM, OREGON

TRACT IITOWNSHIP 2 SOUTH, RANGE 33, E.W.M.

All that portion of the following described lands:

Section 16: North Half of the North Half.

lying Southerly of the Southerly right-of-way line of County Road No.1378 also known as East Birch Creek Road;

Section 16: Southwest Quarter of the Northwest Quarter.
Southwest Quarter.

Section 17: Beginning at the brass capped monument marking the Southeast corner of said Section 17; thence along the East line of said Section 17 to a 5/8" iron rebar, North 0°00'25" West, a distance of 895.32 feet; thence to a 5/8" iron rebar North 75°52'24" West, a distance of 1,685.51 feet; thence to a 5/8" iron rebar South 72°02'37" West, a distance of 1,671.36 feet; thence to a 5/8" iron rebar North 86°29'48" West, a distance of 565.39 feet; thence on a bearing of South 3°03'32" West, a distance of 884 feet, more or less to a point on the South line of said Section 17; thence Easterly along said South line, 3,837 feet, more or less to the point of beginning.

Section 20: Northeast Quarter.
North Half of the Southeast Quarter.

All that portion of the following described lands:

Section 20: Northwest Quarter.
North Half of the Southwest Quarter.

lying Easterly of the following described line:

Beginning at a 5/8" iron rebar on the Southerly right-of-way line of County Road No. 1378 also known as East Birch Creek Road, said rebar bears South 73°21'04" West, a distance of 2,460.83 feet from the North Quarter corner of Section 17 in said Township 2 South, Range 33, E.W.M. and the True Point of Beginning for this line description; thence to a 5/8" iron rebar, South 08°15'30" East, a distance of 3,623.50 feet; thence to a 5/8" iron rebar, South 86°29'48" East, a distance of 693.11 feet; thence on a bearing of South 3°03'32" West, a distance of 4,810, more or less, to a point on the South line of the North Half of the South Half of said Section 20, and the point of terminus for this line description.

Section 21: North Half of the Northwest Quarter.
Southwest Quarter of the Northwest Quarter.

All being East of the Willamette Meridian, Umatilla County, Oregon.

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SALEM, OREGON**RECEIVED**

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SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Application G-11873 Water Resources Department Permit G-10861

The place of use is as follows:

	ACRES	1/4 1/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E
Total:	27.00	acres.			

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Issued this date, February 27, 1989.

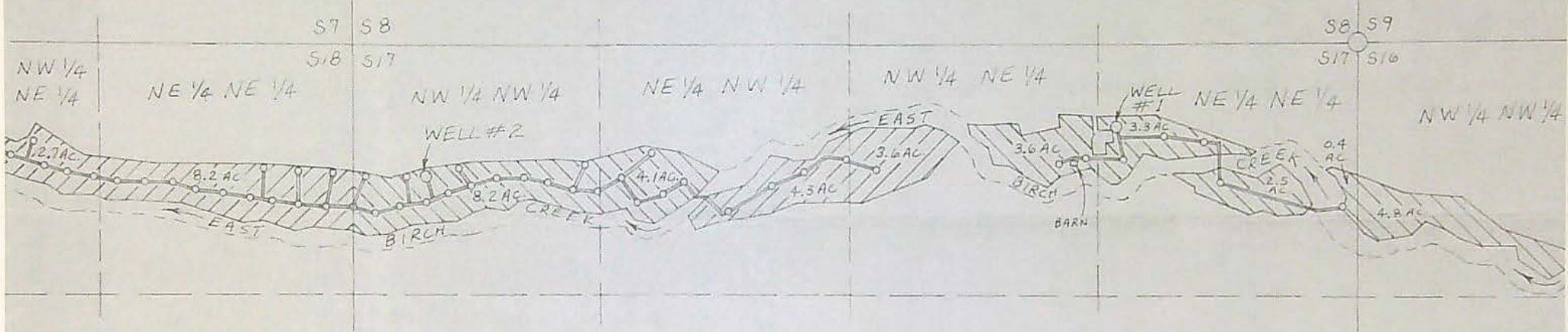
/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

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MAR 24 1962
WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T.2 S., R.33 E., W.M.



FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 IS 432' S & 1234' W
WELL #2 IS 651' S & 4881' W



LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- = AREA UNDER IRRIGATION - BENEFICIAL USE
- = PLACE OF USE - GROUND WATER APPLICATION



APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-9B
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CW
4107 S.W. LAKE DRIVE
PENDLETON, OR. 978
503-276-6260

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-11873

FINAL ORDER

Extension of Time for Permit Number G-10861
Permit Holder: William Woodfin, Linda Woodfin, and Miller Valley Limited Partnership

Permit Information

Application File:	G-11873
Permit:	G-10861
Basin:	7 – Umatilla / Watermaster District 5
Date of Priority:	November 18, 1988
Source of Water:	One well within East Birch Creek Basin
Purpose of Use:	Irrigation of 27.0 Acres
Maximum Rate:	151.5 gallons per minute (gpm)

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

Appeal Rights

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

Application History

Permit G-10861 was issued by the Department on February 27, 1989. The permit called for completion of construction by October 1, 1990, and complete application of water to beneficial use by October 1, 1991. On March 10, 2008, Miller Valley Limited Partnership, William Woodfin and Linda Woodfin submitted to the Department an Application for Extension of Time for Permit G-10861. In accordance with OAR 690-315-0050(2), on May 13, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2018, and the time to fully apply water to beneficial use to October 1, 2018. The protest period closed June 27, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 13, 2014.

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

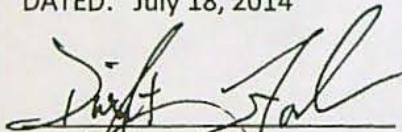
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-11873, Permit G-10861, therefore, is approved. The deadline for completing construction is extended from October 1, 1990, to October 1, 2018. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1991, to October 1, 2018.

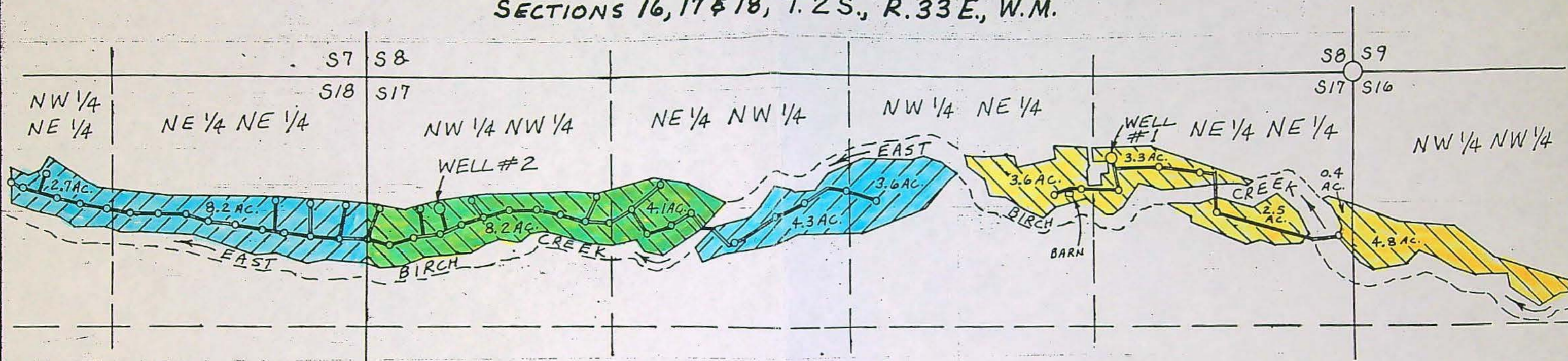
DATED: July 18, 2014



Dwight W. French,
Water Right Services Division Administrator, for
DIRECTOR, Oregon Water Resources Department

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

**FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T. 2 S., R. 33 E., W.M.**



**FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861**

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

**APPLICATION - PLACE OF USE
AND SOURCE**







LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

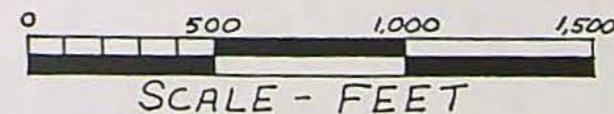
LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 is 432' S & 1,234' W
WELL #2 is 651' S & 4,881' W



LEGEND

-  = SECTION CORNER TIED (FOUND MARKED STONE)
-  = WELL
-  = RISER
-  = BURIED DISTRIBUTION LINE
-  = AREA UNDER IRRIGATION - BENEFICIAL USE
-  = PLACE OF USE - GROUND WATER APPLICATION



THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

Well#: #2 2S-33-17 bbd *well 2
UMAT 5531*

Owner: Bill & Linda Woodfin
Address: PO Box 135
City: Pilot Rock, Oregon, 97868
(541) 443-3214

Flowmeter make: DLJ Meter
Serial No: 05-000050
Meter Reads in: gallons x 1000

Power Meter Serial No:
Multiplier:

Permit No: G-12242
Priority Date: 3/23/92

Tax Lot#: 1600
County: Umatilla
G.P.S. N45.39666 W118.70022

No. Of Acres: 18.8
Duty: 56.4 acft Rate: 105 gpm

Remarks: 11/20/00 Power meter running house also. Flowmeter in the ground inside corral/pasture.

Date	Flowmeter Reading	Power Meter Reading	Use
11/20/2000	649086		
01/03/2002	669990		
12/19/2002	678743		
11/05/2003	678759		
11/17/2004	6787-?	Flowmeter had condensation	
12/29/2004	678759	Mike Corey called in reading	Broken FM?
01/09/2006	678759	PM also records house	broken FM
12/26/2006	001596000	"	4.9 acft

01/11/06: Broken FM letter sent. 01/12/06: Bill Woodfin called. He will contact PGG and get meter fixed or replaced. He will call when this is done. 01/23/2007: Per Linda Woodfin new flowmeter at house in 2006. Old meter was Hayes ID#2041152.

Larry Nunn

From: Frank Dye
Sent: Tuesday, December 11, 2007 1:18 PM
To: Larry Nunn
Subject: Woodfin upper well fm G-12242
Attachments: Woodfin G12242 fm.pdf

Hi Larry,

Attached is the upper fm card (permit G-12242) near their house. Thanks,

Frank

12/11/2007

Larry Nunn

From: Larry Nunn
Sent: Thursday, December 06, 2007 1:21 PM
To: Tony Justus
Subject: Meter Card for File G-11873, Permit G-10861

Tony,

I am working on the proposed certificate for this permit. It was originally Louisiana Pacific. Now it is in the name of Pioneer Resources LLC, in Eugene

The permit originally allowed one well (Well 1). The permit required special construction to insure it was a basalt well. It also required a meter.

The COBU shows 2 wells. Well 1 the original well. Well 2 is also a basalt well, built to the special standards. GW says they develop water from the same source.

The COBU only describes a meter on Well 2.

Do you have meter cards for both Wells? Do they show a meter for well 1 installed prior to 1990?

Thanks,

Larry

12/6/2007

Larry Nunn

From: Frank Dye
Sent: Tuesday, December 11, 2007 11:09 AM
To: Larry Nunn
Subject: Permit G-10861 fm info
Attachments: Woodfin G10861 fm.pdf

Hello Larry,

I scanned the flowmeter card for you (attached to this email). There is a flowmeter on the well. Let me know if you need anything. Thanks,

Frank

12/11/2007

Well#: #1 2S-33-17 aab

Well 1
UMAT 5271

Flowmeter make: Grainland

Serial No: 13331

Meter Reads in: Gallons x 100

Owner: Bill Woodfin

Address: PO Box 135

City: Pilot Rock, Oregon, 97868

(541) 443-3214

Permit No: G-10861

Priority Date: 11/18/88

Power Meter Serial No: 02362855

Multiplier: none

Tax Lot#: 1600

County: Umatilla

G.P.S. N45.39584 W118.71433

969-2154 cell Combo to gate: 1952

No. Of Acres: 27

Duty: 81 acft Rate: 151 gpm

Remarks: 12/19/02 bad battery in meter? Talked to Mrs. Woodfin and sent letter. 1/14/03 went back to FM pulled face plate got analog reading. (7/21/03 meter gone P.G.G. sent in to be repaired. Mrs. Woodfin will report use until meter is repaired and installed.) 12/15/2003 approx. Mrs. Woodfin called - meter repaired and installed.

Date	Flowmeter Reading	Power Meter Reading	Use
11/20/2000	16068	53003	
01/03/2002	off	97154	
12/14/2002	no reading	19835	
01/14/2003	1179518 x 100	19834	
11/05/2003	meter pulled		
12/03/2003	reported use		19.99 acft
11/17/2004	73600		22.5 acft
03/01/2006	143500	033064 (014)	0.2145 acft
01/22/2007	196600	040401 (014)	.1629 acft

Old power meter #: 86-273-976. 3/1/06: Notified Bill of low reading on flowmeter. He reports he used more water. He will check the meter and call back. 01/23/2007: Per Linda Woodfin minimal use on pasture below house in 2006.

elapsed
days

04
used

meter
Reading

Demand

Use
kWh

30 4/27-5/27 2435 KWh

8143 - 10578

33.631

34%

34 5/27-6/30 ∅

10578

28 6/30-7/28 4346

14924

22.294

22

30 7/28-8/27 3424

18348

22.005

22

33 8/27-9/29 653

19001

21.734

22

27 9/29-10/26 295

19296

21.523

22

34 10/26-11/29 ∅

19296

30 11/29-12/29 ∅

"

05

11,153 04'

28 5/28-6/25

1914

21210

22.022

22

58 opening
6/1 - 7/29

7387

prev 19764

27151

21.628

22

31 7/29-8/29

1952

29103

21.95

22

30 8/29-9/28

3961

33064

21.981

22

28 9/28-10/26 ∅

35 10/26-11/30 ∅

05' 15,214

24.7% MORE USAGE IN 05' THAN 04'

TO: MOLLY

FROM BILL & LINDA

WOODFIN

IRRIGATION WELL 04 & 05

SUMMARY

FAX # 278-0287

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

In the Matter of the Diminution of a)
Perfected and Developed Water) FINAL ORDER
Right evidenced by Certificate)
2528)

Findings of Fact

1. On November 18, 1988, the Department received an affidavit from Louisiana-Pacific Corp. stating they are the owners of the land and the water right appurtenant to it, and, upon issuance of a water use permit for use of ground water for primary irrigation, requests the diminution of the water right to supplemental irrigation. The affidavit was accompanied by the necessary copied of deeds to establish ownership.
2. Permit G-10861, in the name of Louisiana-Pacific Corporation, for use of water from a well, for [primary] irrigation, was issued February 27, 1989.
3. ORS 540.505 defines primary water right as the principal water supply for the authorized use. Supplemental water right is defined as an additional appropriation of water used in conjunction with a primary right.
4. It is clear in the record that the water right perfected under Permit G-10861 is the primary water right. Therefore the water right evidenced by Certificate 2528 should have been diminished to supplemental irrigation, in accordance with the request of the applicant, Louisiana-Pacific Corp.
5. Instructions in the file directed staff to issue an order diminishing the water right in conjunction with issuing Permit G-10861. Apparently this did not happen.
6. The right to be diminished was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Department, in Volume 3, at page 127. The date of priority is 1875.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

7. The right allows the use of East Birch Creek, a tributary of the Umatilla River, for irrigation of 22.0 acres, domestic, and stock use. This right is limited to 0.27 cubic foot per second of water, subject to the provisions of paragraph 33 of the decree, and all other conditions and limitations contained in the decree.

8. A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	33 E	WM	17	NE NE	6.0
2 S	33 E	WM	17	NW NE	3.0
2 S	33 E	WM	17	NE NW	4.0
2 S	33 E	WM	17	NW NW	4.0
2 S	33 E	WM	18	NE NE	5.0

9. Certificate 2528 should be cancelled, and a new certificate issued to describe the diminished water right.

Now, therefore, it is ORDERED:

1. The water right evidenced by Certificate 2528 is diminished to supplemental irrigation.
2. Certificate 2528 is cancelled.
3. A new certificate shall be issued to describe the diminished water right.

Issued: _____

PROPOSED

 Phillip C. Ward, Director
 Water Resources Department

A F F I D A V I T

RECEIVED

STATE OF IDAHO)
) ss.
 County of Kootenai)

NOV 18 1988

WATER RESOURCES DEPT.
 SALEM, OREGON

(I), (We), Louisiana-Pacific Corp., being first
 duly sworn, depose and say that (I am), (we are) the owner(s)
 of a water right and the land to which it is appurtenant,
 which is for the use of not to exceed .27 cubic foot of
 water per second from East Birch Creek for the irrigation of

- 6 Acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
- 3 Acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
- 4 Acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
- 4 Acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
- 5 Acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 18

under a priority date of 1875, as evidenced by the certificate
 recorded at Page 2528. (I), (We) wish to diminish the character
 of the water right from Primary Irrigation to Supplemental
 Irrigation. We are in the process of filing for a Primary
 Permit from a well.

The above change contingent upon approval of the ground
 water application to a permit.

IN WITNESS WHEREOF, (I), (We) have hereunto set (my)
 (our) hand(s) this 10th day of November, 1988.

Joe R. Tolson

Subscribed and sworn to before me this 10th day
 of November, 1988.

Lea Bennett
 Notary Public for Idaho

My commission expires 1-20-92

To: Bruce Estes
 Order approving change
 should be same date as
 shouldly after approval
 date for approval: 6-11-873

STATE OF OREGON.

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Court)

This is to Certify, That THOS. S. GIBSON of Pilot Rock State of Oregon has a right to the use of the waters of East Birch Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 22 acres of land, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 3, at page 127; that the priority of the right hereby confirmed dates from 1875

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose, and shall not exceed 0.27 cubic feet per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 6 acres in the Northeast quarter of Northeast quarter; 3 acres in the Northwest quarter of Northeast quarter; 4 acres in the Northeast quarter of Northwest quarter and 4 acres in the Northwest quarter of Northwest quarter of Section Seventeen, and 5 acres in the Northeast quarter of Northeast quarter of Section Eighteen, Township Two South, Range Thirty-three East of Willamette Meridian, in Umatilla County, Oregon.

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

WITNESS the seal and signature of the State Water Board, affixed this 29th day

of December, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper State Engineer, President

Attest:

R.W. Potter, Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2528



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

December 21, 2007

Pioneer Resources, LLC
PO Box 26139
Eugene, OR 97402

Reference: File G-11873, Permit G-10861

We are reviewing the Claim of Beneficial Use submitted for your Permit G-10861. This permit is for use of a well for irrigation of lands located along East Birch Creek, in Umatilla County. The permit was originally in the name of Louisiana-Pacific Corporation. There are some issues which must be resolved before we may issue a proposed certificate.

The claim describes the use of two wells for irrigation; each with its separation delivery system. The permit only allowed one well. Our Ground Water Section reviewed the information provided and the associated well logs. Their opinion is that both wells develop water from the same ground water source. We may be able to issue a certificate that includes both wells.

The permit required that construction of the water system be completed by October 1, 1990 (B-date). The well log indicates that the second well was not drilled until May 1991. That is after the B-date. In order for the second well, and lands irrigated from that well, to be included in the certificate, an extension of time will be required. You may request an extension of time using the form found on the Department's website at:

http://www1.wrd.state.or.us/pdfs/extension_form2007.pdf

We do not know if an extension of time request would be approved. If the extension of time request is not approved, the resulting water right will be greatly reduced. If the extension of time request is approved, and additional conditions are placed on the permit, a new Claim of Beneficial Use may need to be submitted in accordance with the current rules.

Another issue is the underlying surface water right. At the time of the application there was a surface water right for use of water from East Birch Creek for irrigation on a portion of the land. Louisiana-Pacific Corporation submitted an affidavit requesting the surface water right be diminished to supplemental irrigation. The diminution was so that the ground water right would be the primary irrigation right. Instructions in the file directed staff to issue a diminution order at the time the permit was issued. Apparently that did not happen. If you do not object, we propose to issue the diminution order at the time the certificate is issued.

Please submit the extension of time application, including the required fees, within 60 days. If we do not receive the extension request, we may prepare a proposed certificate for the reduced water right.

Pioneer Resources, LLC
Reference: File G-11873, Permit G-10861
December 21, 2007

Page 2

We brought in Larry Nunn, to review these and other claims. If you have any questions, you may call Larry between 9:00am and 2:00pm, at 503-986-0809. Or you may call me at 503-986-0811.

Sincerely,

Larry Nunn
for Gerry Clark
Natural Resource Specialist

cc: Tony Justus, Watermaster 5
Bill Woodfin

A F F I D A V I T

RECEIVED

STATE OF IDAHO)
) ss.
County of Kootenai)

NOV 18 1988

WATER RESOURCES DEPT.
SALEM, OREGON

(I), (We), Louisiana-Pacific Corp. , being first
duly sworn, depose and say that (I am), (we are) the owner(s)
of a water right and the land to which it is appurtenant,
which is for the use of not to exceed .27 cubic foot of
water per second from East Birch Creek for the irrigation of

- 6 Acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
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Joe R. Tolbr

Subscribed and sworn to before me this 10th day
of November, 1988.

Lea Bennett
Notary Public for Idaho

My commission expires 1-20-92

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOS S GIBSON
PILOT ROCK OR 97868

confirms the right to use the waters of EAST BIRCH CREEK, tributary to the UMATILLA RIVER for SUPPLEMENTAL IRRIGATION of 22.0 ACRES, DOMESTIC AND STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is 1875.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.270 CUBIC FEET PER SECOND, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree, or its equivalent in case of rotation, measured at the point of diversion.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	33 E	WM	17	NE NE	6.0
2 S	33 E	WM	17	NW NE	3.0
2 S	33 E	WM	17	NE NW	4.0
2 S	33 E	WM	17	NW NW	4.0
2 S	33 E	WM	18	NE NE	5.0

This certificate is issued to confirm the diminution of a water right approved by an order of the Water Resources Director entered _____, at Special Order Volume _____, Page _____, and supersedes Certificate 2528, State record of Water Right Certificates.

The right to the use of the water for the above pupose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed _____.

Phillip C. Ward, Director

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

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



Oregon

Theodore R. Kulongoski, Governor

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

December 21, 2007

Pioneer Resources, LLC
PO Box 26139
Eugene, OR 97402

Reference: File G-11873, Permit G-10861

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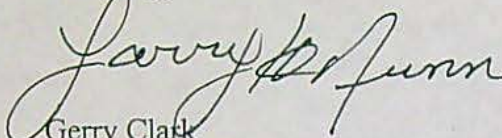
Please submit the extension of time application, including the required fees, within 60 days. If we do not receive the extension request, we may prepare a proposed certificate for the reduced water right.

Pioneer Resources, LLC
Reference: File G-11873, Permit G-10861
December 21, 2007

Page 2

We brought in Larry Nunn, to review these and other claims. If you have any questions, you may call Larry between 9:00am and 2:00pm, at 503-986-0809. Or you may call me at 503-986-0811.

Sincerely,


for Gerry Clark
Natural Resource Specialist

cc: Tony Justus, Watermaster 5
Bill Woodfin

RECEIVED

MAR 23 1992

Oregon

Joe Tolson

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN 16 1992

LOUISIANA-PACIFIC CORP.
HAYDEN LAKE, ID

WATER
RESOURCES
DEPARTMENT

January 13, 1992

Louisiana-Pacific Corporation
PO Box 4000-98
Hayden Lake, ID 83835

REFERENCE: File G-11873

This letter is in regard to your water use Permit G-10861. As we pointed out to you in our letter of April 16, 1992, your claim of beneficial use must be received in this office by April 3, 1992.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before April 3, 1992, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

TES:tcb

cc: Robert DeBow, Watermaster District #5

CERTIFIED - RETURN RECEIPT REQUESTED



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

January 13, 1992

Louisiana-Pacific Corporation
PO Box 4000-98
Hayden Lake, ID 83835

REFERENCE: File G-11873

This letter is in regard to your water use Permit G-10861. As we pointed out to you in our letter of April 16, 1992, your claim of beneficial use must be received in this office by April 3, 1992.

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If you have any questions, please contact the Water Rights Section.

TES:tcb

cc: Robert DeBow, Watermaster District #5

CERTIFIED - RETURN RECEIPT REQUESTED



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

November 2, 1995

JOE TOLAR
c/o LOUISIANA-PACIFIC CORP.
P.O. BOX 4000-98
HAYDEN LAKE, ID 83835

WATER
RESOURCES
DEPARTMENT

REFERENCE: File applications G-12832 & G-11873

Dear Mr. Tolar,

We have received your letter dated October 30, 1995 requesting amendment to file G-12832. It will be sufficient to cover the underlying 1875 right on 5 acres in the NE 1/4 NE 1/4 section 18.

However, after reviewing the nearby, (similar) groundwater application G-11873, I find in the file an application map from David Krumbein, CWRE showing what I believe to be all the 1875 water rights. This map along with an affidavit diminishing the older right certificate 2528 to supplemental was the basis for the issuance of permit G-10861.

The affidavit shows, in part, 5 acres in the NE 1/4 NE 1/4 of section 18 to be supplemental to application G-11873, although there were no lands to cover it as this new application was not submitted as of that date. My request for your amending the new application may have been premature if your intent is to have this new application, along with the other groundwater application remain, as you originally intended, to be the primary, underlying right. A copy of the affidavit will be placed in this file G-12832.

Currently, the final proof survey (on permit G-10861) portion of the map from Dennis Gaylord shows lands outside the permitted boundaries. The allowable acreage will be handled at a later date when a certificate is issued.

I propose to go ahead with the generation of the Proposed Final Order of file G-12832, and, with your approval, identify all lands as primary irrigation and rely on the intent of the affidavit dated November 10, 1988 as per our telephone conversation today.

Please verify in writing your request to invalidate your letter of October 30, 1995 in regards to this 5 acres; then once processed, would go back to its original status as requested in the affidavit.

Respectfully,



KEN DOWDEN
WATER RIGHTS/ADJUDICATION DIVISION



enclosures: affidavit from file G-11873, map

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

April 16, 1991

Louisiana-Pacific Corporation
PO Box 4000-98
Hayden Lake, ID 83835

REFERENCE: File G-11873

We have received your notice that complete application of water has been made under Permit G-10861.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before April 3, 1992. A list of certified examiners is enclosed for your information.

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

If you have any questions, please contact the Water Rights Section at 378-3739.

MS:tcb

enclosure



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



Louisiana-Pacific Corporation

RECEIVED

MAR 14 1990

WATER RESOURCES DEPT.
SALEM, OREGON

P.O. Box 4000-98
Hayden Lake, Idaho 83835
208/772-6011

March 12, 1990

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

Gentlemen:

Please find enclosed our "Notice of Beginning", and "Notice of Completion" of our water well on Permit No. G10861, application No. G11873.

Apparently due to an oversight on my part this information was not sent to you at the proper time.

I apologize for any inconvenience this may have caused you, and hope that this has not affected our permit in any way.

If there is any more information you need please be sure to contact me.

Sincerely

Joe Tolar,
Louisiana-Pacific Corp.

JT/po

Enclosure

MAR 14 1989

UMAT 5271 = well 1

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 637.765)

WATER RESOURCES DEPT.
OREGON

(START CARD) # 8339

(1) OWNER: Well Number: _____
Name Louisiana-Pacific Corp.
Address P.O. Box 4000-98
City Hayden Lake State ID Zip 83835

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 25 N or S, Range 33E E or W, WM.
Section 17 NE $\frac{1}{4}$ NE $\frac{1}{4}$
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) East Birch Creek,
Pilot Rock, OR 97868

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

(10) STATIC WATER LEVEL:
15 ft. below land surface. Date 4-11-89
Artesian pressure _____ lb. per square inch. Date _____

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other _____

(11) WATER BEARING ZONES:
Depth at which water was first found 45

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

From	To	Estimated Flow Rate	SWL
<u>45</u>	<u>68</u>	<u>20</u>	<u>15</u>
<u>245</u>	<u>250</u>	<u>280</u>	<u>15</u>

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 250 ft.
Explosives used Yes No Type _____ Amount _____

(12) WELL LOG: Ground elevation _____

HOLE		SEAL		Amount
Diameter	From To	Material	From To	sacks or pounds
<u>12"</u>	<u>0 180</u>	<u>Cement</u>	<u>0 180</u>	<u>70 sacks</u>
<u>8"</u>	<u>180 250</u>			

Material	From	To	SWL
<u>Brown clay soil</u>	<u>0</u>	<u>1</u>	
<u>Brown clay w/ cobbles</u>	<u>1</u>	<u>29</u>	
<u>Gray basalt</u>	<u>29</u>	<u>33</u>	
<u>Broken gray basalt</u>	<u>33</u>	<u>45</u>	
<u>Brown basalt</u>	<u>45</u>	<u>68</u>	<u>WB</u>
<u>Gray basalt</u>	<u>68</u>	<u>149</u>	
<u>Gray basalt, medium</u>	<u>149</u>	<u>245</u>	
<u>Broken gray basalt</u>	<u>245</u>	<u>250</u>	<u>WB</u>
<u>with green Soapstone</u>			

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

Date started 4-6-89 Completed 4-11-89

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 8" 12 180 250
Liner: _____
Final location of shoe(s) 180

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

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Patrick C. Waller WWC Number 1218
Date 4-20-89

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 300 Drawdown _____ Drill stem at 250 Time 1 hr.

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

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

RECEIVED

AUG - 9 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Application G-11873 Water Resources Department Permit G-10861

The place of use is as follows:

	ACRES	1/41/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE	NE	17	2 S 33 E
primary	3.00	NW	NE	17	2 S 33 E
primary	4.00	NE	NW	17	2 S 33 E
primary	4.00	NW	NW	17	2 S 33 E
primary	5.00	NE	NE	18	2 S 33 E
Total:	27.00				acres.

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Issued this date, February 27, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

RECEIVED

AUG - 9 1996

WATER RESOURCES DEPT.
SALEM, OREGON

August 15, 1996

PIONEER RESOURCES LLC
PO BOX 26139
EUGENE OR 97402-0463

REFERENCE: Files G-11873 & G-12832

The assignments of Permits G-10861 and G-12242 from Louisiana Pacific Corporation to you have been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original assignments are enclosed.

Our receipts number 5261 and 5262 covering the \$20 recording fee have been sent to Louisiana Pacific Corporation.

Sincerely,

Dallas S. Miller
Water Rights Specialist

DSM:jh

enclosures

cc: Tony Justus, Watermaster
Dennis Gaylord, CWRE
Louisiana Pacific Corporation



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

INVOICE DATE	INVOICE NUMBER	VENDOR NUMBER	INVOICE AMOUNT	DISCOUNT	AMOUNT PAID
7/25/96	PERMIT	95020	10.00		10.00
			10.00	.00	10.00 *

RECEIVED

AUG - 9 1996

WATER RESOURCES DEPT.
SALEM, OREGON

DETACH BEFORE DEPOSITING

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIPT # **5262** INVOICE # _____

RECEIVED FROM: Louisiana-Pacific APPLICATION 11273
BY: _____ PERMIT 10861
TRANSFER _____

CASH: CHECK: # 50-227 OTHER: (IDENTIFY) TOTAL REC'D \$ 10.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE CASH ACCT. \$ _____
PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT

0407 MISCELLANEOUS	\$
0410 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>PCA66111</u>	\$ <u>10.00</u>
TC165 DEPOSIT LIAB. (IDENTIFY)	\$

0201 SURFACE WATER	EXAM FEE	0202 RECORD FEE
0203 GROUND WATER	\$	\$
0205 TRANSFER	\$	\$
0218 WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
WELL DRILL CONSTRUCTOR	\$	\$
LANDOWNER'S PERMIT	\$	\$
OTHER (IDENTIFY) _____		

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY LIC NUMBER

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

RECEIPT # **5262**

DATED: 8-9-96 BY: Flu L

AUG - 9 1996

REQUEST FOR ASSIGNMENT

WATER RESOURCES DEPT.

SALEM, OREGON

COPY

I, (permit holder/applicant) LOUISIANA-PACIFIC CORP.

P.O. BOX 4000-98 HAYDEN LAKE KOTENAI ID 83835 (208)772-6011
(mailing address) (city) (county) (state) (zip) (phone)

CHECK ONE

-hereby assign all my interest in and to application/permit;

-hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);

-hereby assign a portion of my interest in and to the entire application/permit;

Application # G-12832, Permit # G-12242: Or GR Statement # _____, GR Certificate of Registration # _____ as filed in the office of the Water Resources Director, to:

PIONEER RESOURCES, LLC
(name of new owner)

P.O. BOX 26139 EUGENE LANE OR 97402-0463 (541) 465-4890
(address) (city) (county) (state) (zip) (phone)

(Note: If there are other owners of the property described in this Application, Permit or Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 28 day of June 19 96.

applicant/permit holder [Signature]

applicant/permit holder _____

The completed assignment must be submitted to the Water Resources Department, together with a recording fee of \$10. Additional pages will cost \$5 per page.

STATE OF OREGON,)
) ss
County of Marion.)

WATER RESOURCES DEPARTMENT
158 12 TH STREET NE
SALEM, OREGON 97310-0210

I certify that the within was received by me on the 9th day of August, 19 96 at 8 o'clock A.M., and was recorded in the Miscellaneous Records, Vol. 7

Page 3218
Water Resources Director

OK
DSM

RECEIVED
MAR 14 1989

✓
No 8339

"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 delivered to the Water Resources Department prior to commencement of construction, alteration or abandonment of each well.

Owner's Name and Mailing Address Louisiana-Pacific Corp.
P.O. Box 4000-98
Hayden Lake, ID 83835

Proposed Commencement Date 4-6-89

Proposed Well Depth 400', Diameter 8"

and Use:
 Domestic Community Industrial Irrigation
 Thermal Injection Other _____

Proposed Well Location: County Umatilla

Township 2S (N or S) Range 33E (E or W) Section 17

- At least 2 of these must be provided
- NE 1/4 of NE 1/4 of above section
 - street address of well location East Birch Creek
Pilot Rock, OR 97868
 - tax lot number of well location _____
 - attach approved map with location identified.
(see reverse of this form for approved maps)

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 and septic drain fields.

X Per J. [Signature]
Owner's Signature

X Patrick C. Wallace
Bonded Water Well Constructor

Ronich MANAGER
Title
4-5-89
Date

License No. 1218
Company Wallace 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 the rights of appropriation 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 promulgation 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.

The following summarized requirements are highlighted:

1. The well constructor is to be licensed (or landowner permitted) and bonded to insure that the well is constructed to minimum well construction standards.
2. The well shall not be located within 50 feet of any septic tank or within 100 feet of any sewage disposal area.
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 either a minimum 2 or 4 inches (depending on grouting method used) larger in diameter than the well casing, and a grout seal placed in this annulus. Grout material shall be neat cement or, under special circumstances, dry granular bentonite. Additional seal depths are required where geologic conditions necessitate and additional standards apply to artesian wells.
5. A well report (well log) shall be prepared by the constructor for each well constructed, 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. All wells 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.

Approved Maps (the map submitted must have the following identified: a. map publisher, b. map title, c. date of the map's revision/update, and d. scale): 1. United States Department of the Interior Geological Survey 7.5 minutes series (topographic) (15 minute series will be accepted if a 7.5 minute series has not yet been printed for the area within the last 5 years). These maps are available at many bookstores, office supply stores, and government agencies. 2. Cadastral maps, 8½ x 11 size, in the most detailed scale available that has been printed in the last 5 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.

TOWNSHIP 25 RANGE 33E W. M.

SECTION 17

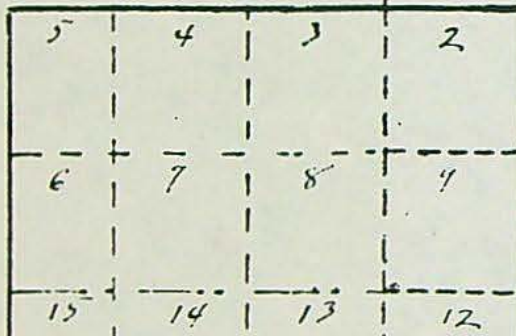
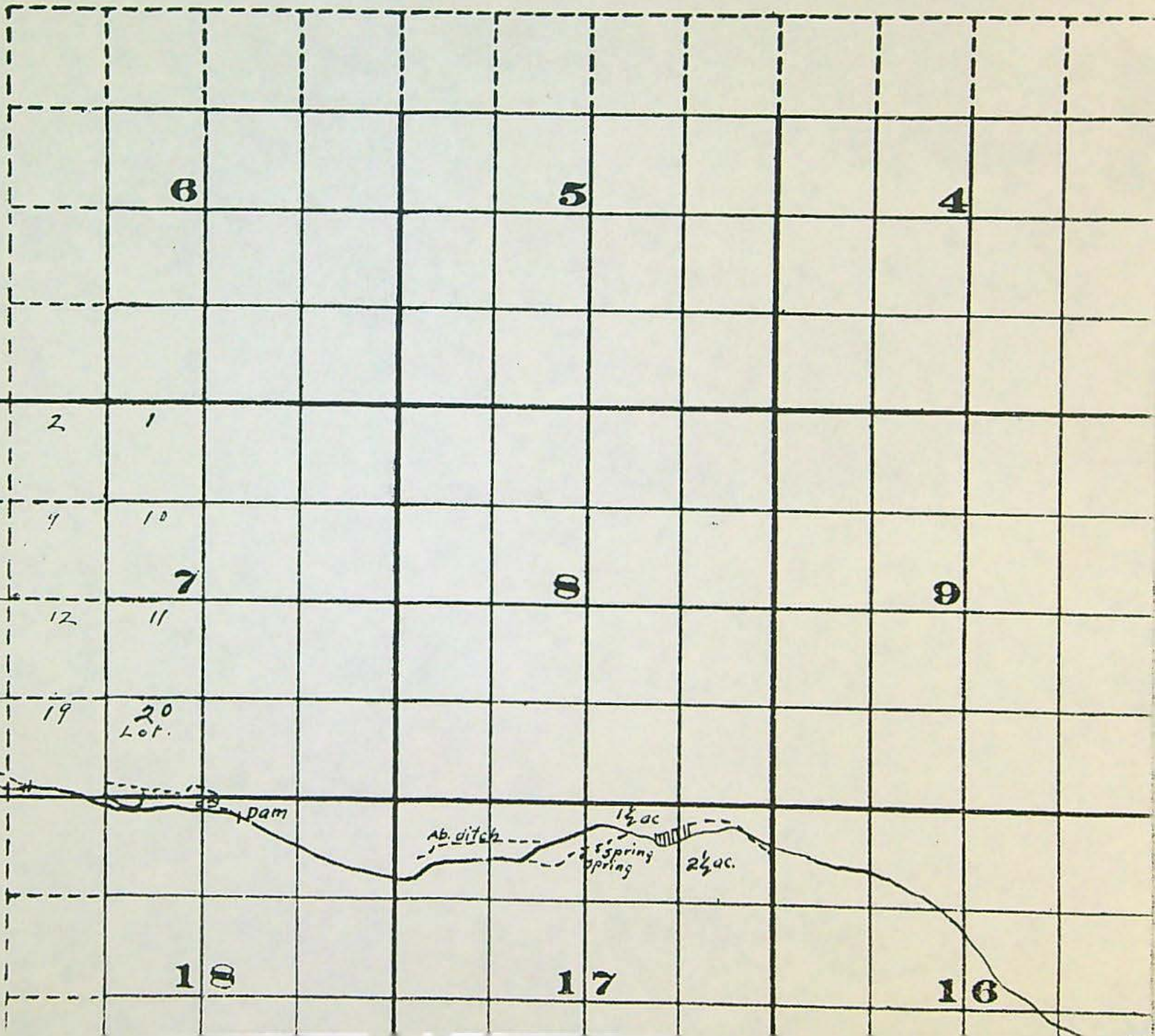
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
6	3			4	4											Decree. Vol. 3	Page 127	2528
11°	3°			4°	4°											G-11873		2

TOWNSHIP 25 RANGE 33E W. M.

North half SECTION 18

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16			
ACREAGE IN LOT OR				LEGAL SUBDIVISION AS SHOWN				ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES										
40				40				36				32						
5																Decree. Vol. 3	Page 127	2528
																Decree. Vol. 3	Page 127	2569
1.7	x	4.3		Part cancelled												16903	12663	15572
2.8		1.6														61611	43865	
5°																G-11873		2

(SEE BACK OF CARD FOR PLAT OF SECTION)



Excess in Township



16 3 ac
 17 3 1/2 ac
 18 6 1/2 ac
 19
 20 Lot.
 dam
 Ab. ditch
 Spring
 Spring
 1 1/2 ac
 2 1/2 ac

P. 2/10
RECEIVED

QUITCLAIM DEED — STATUTORY FORM
(Individual or Corporation)

R 157 PAGE 1607

132624

NOV 18 1988

S6 RANCHES, INC., AN OREGON CORPORATION
Grantor, conveys and warrants to LOUISIANA PACIFIC, A DELAWARE CORPORATION

WATER RESOURCES DEPT.
SALEM, OREGON

Grantee, all right, title and interest in and to the following described real property: Including any and all interest in any timber located on the property: Township 2 South Range 33, Section 18 described as beginning at the Northwest corner of the Northeast Quarter of said Section 18; thence East along the North line thereof, a distance of 660 feet to the Northwest corner of that tract of land in Section 18, conveyed to R. G. Schubert, et ux, by Deed recorded in Book 319, Page 107, Deed Records, and the true point of beginning of this description; thence continuing East along the North line of said Section 18 a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northwesterly in a straight line a distance of 250 feet to a point which is 143 feet South of the North line of said Section 18, when measured at right angles thereto, said point also being on the West line of the said Schubert tract mentioned hereinabove; thence North along the West line of the said Schubert tract a distance of 143 feet to the point of beginning. All being in Umatilla County, Oregon.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

MAYESTAD TITLE 18383E

The true consideration for this conveyance is \$ Clearing Title (Here comply with the requirements of ORS 93.030*)

Dated this 9th day of August 1987, if a corporate grantor, it has caused its name to be signed by order of its board of directors.

S6 RANCHES INC.
BY: R. G. Schubert, President

STATE OF OREGON, County of)
Personally appeared the above named)

STATE OF OREGON, County of Umatilla)
Personally appeared R. G. Schubert)

and acknowledged the foregoing instrument to be voluntary act and deed.

who, being duly sworn, each for himself and not one for the other, did say that the former is the President and that the latter is the secretary of the S6 Ranches, INC a corporation, and that said instrument was signed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be a voluntary act and deed.

Before me:

Before me:

Notary Public for Oregon
My commission expires:

Notary Public for Oregon
My commission expires: 7/31/89

* If the consideration consists of or includes other property or value, add the following:
The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (herein which).

S6 RANCHES, INC.
Rt. 2, Box 116B
Milton Freewater, OR 97862
Grantor's Name and Address

STATE OF OREGON, COUNTY OF UMATILLA }
I, J. Dean Fouquette, Sr., County Clerk, certify that this instrument was received and recorded

LOUISIANA PACIFIC
111 S. W. Fifth Avenue
Portland, OR 97204
Grantee's Name and Address

ON SEP. 10. 1987
at 9:56 o'clock A.M. in the record of DEEDS of said County in

After recording return to:
HOMESTEAD TITLE & ESCROW CO., INC.
P. O. Box 1475
Pendleton, OR 97801
Name, Address, Zip

Book R157 Page 1607

Until a change is requested all tax statements shall be sent to the following address:
LOUISIANA PACIFIC
111 S. W. Fifth Avenue
Portland, OR 97204
Name, Address, Zip

J. DEAN FOUQUETTE, SR.
County Clerk
By: Beth J. Brown, Deputy
Page 16 No. 132624

HST-5

Application No. 8-11873
Permit No. G10861



FILED
J. DEAN FOUQUETTE, SR.
UMATILLA COUNTY CLERK
1987 SEP 10 A 9 56

R 140 PAGE 529

QUITCLAIM DEED -- STATUTORY FORM
(Individual or Corporation)

121207 RECEIVED

HOMESTEAD TITLE R 383 E

..... S6 RANCHES, INC., AN OREGON CORPORATION
Grantor, conveys and warrants to LOUISIANA PACIFIC, A DELAWARE CORPORATION NOV 18 1988

..... WATER RESOURCES DEPT
Grantee, all right, title and interest in and to the following described real property: including any and all SALEM, OREGON
interest in any timber located on the property:

See Exhibit "A", Attached

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses.

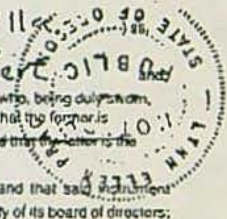
The true consideration for this conveyance is \$ -0- (Here comply with the requirements of ORS 93.030*).

Dated this 11th day of July, 1986 if a corporate grantor, it has caused its name to be signed by order of its board of directors.

R.G. Schubert pro S6 Ranches

STATE OF OREGON,)
County of) ss.
, 19)
Personally appeared the above named)
and acknowledged the foregoing instrument to be)
voluntary act and deed.

STATE OF OREGON, County of Umatilla)
July 11 19 86)
Personally appeared R.G. Schubert)
who, being duly sworn,)
each for himself and not one for the other, did say that the former is)
the president and that the latter is the)
secretary of the)
S6 Ranches, Inc.) a corporation, and that said instrument)
was signed in behalf of said corporation by authority of its board of directors;)
and each of them acknowledged said instrument to be its voluntary act and)
deed.



Before me:

Before me:

Notary Public for Oregon
My commission expires:

Kyrrin Ellen Prag
Notary Public for Oregon
My commission expires: 6-18-89

* If the consideration consists of or includes other property or value, add the following:
* The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which)*.

S6 Ranches, Inc.
Rt. 2, Box 116B
Milton-Freswater, Or
Grantor's Name and Address

Louisiana Pacific
111 S.W. Fifth Ave.
Portland, Oregon 97204
Grantee's Name and Address

After recording return to:
Homestead Title and Escrow Company
Pendleton, Branch
#86-110P
Name, Address, Zip

Until a change is requested all tax statements shall be sent to the following address:

Louisiana Pacific
111 S.W. Fifth Ave.
Portland, Oregon 97204
Name, Address, Zip

Application No. *9-11873*
Permit No. G10861

P. 4/10
RECEIVED

R 140 PAGE **530**

Township 2 South, Range 33 East of the Willamette Meridian, Umatilla County, Oregon ^{116/18 1988}

**WATER RESOURCES DEPT.
SALEM, OREGON**

Section 5: Lots 9, 12, 14 and 15; Southwest Quarter of Southeast Quarter;

Section 6: That portion of the Southwest Quarter of the Southeast Quarter lying South of the present existing county Road;
That portion of Lot 5 lying South of the present existing County Road.

Section 7: Parcel I:

Northeast Quarter;
Southeast Quarter, EXCEPTING THEREFROM the following:

Beginning at the Southwest corner of the Southeast Quarter of said Section 7; thence North along the West line thereof, a distance of 942 feet; thence East at right angles to the West line of the Southeast Quarter of said Section 7, a distance of 617 feet; thence Southeasterly in a straight line a distance of 435 feet to a point which measured 925 feet East of the West line of the Southeast Quarter of said Section 7, when measured at right angles thereto; thence South and parallel to the West line of the said Southeast Quarter a distance of 635 feet to a point on the South line of the said Southeast Quarter; thence West along the South line of the Southeast Quarter a distance of 925 feet to the Southwest corner of the Southeast Quarter of said Section 7 and the point of beginning.

Parcel II:

All that portion of the Southeast Quarter described as:

Beginning at the Southwest corner of the Southeast Quarter of said Section 7; thence North along the West line thereof, a distance of 942 feet; thence East at right angles to the West line of the Southeast Quarter of said Section 7 a distance of 617 feet; thence Southeasterly in a straight line a distance of 435 feet to a point which measured 925 feet East of the West line of the Southeast Quarter of said Section 7, when measured at right angles thereto; thence South and parallel to the West line of the said Southeast Quarter a distance of 635 feet to a point on the South line of the said Southeast Quarter; thence West along the South line of the Southeast Quarter a distance of 925 feet to the Southwest corner of the Southeast Quarter of said Section 7 and the point of beginning;

Excepting therefrom: The South 200 feet of the West Half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 2 South, Range 33, East of the Willamette Meridian, Umatilla County, Oregon

Application No. *9-11873*

Permit No. **G10861**

Section 8: All;

Section 9: Lots 6 and 7; Southwest Quarter of Northwest Quarter; South One-half;

Section 10: Lots 5, 6 and 7; South Half of Southwest Quarter;

Section 14: Lot 5;

Section 15: Lots 3 and 4; South Half of Northeast Quarter; East Half of Northwest Quarter; Northwest Quarter of the Northwest Quarter;

Section 16: North Half of Northeast Quarter; Northeast Quarter of Northwest Quarter; West Half of Northwest Quarter; Southwest Quarter;

Section 17: All

NOV 18 1988

Section 18: East Half of Northeast Quarter; East Half of West Half of Northeast Quarter; Southeast Quarter;

LAND RESOURCES DEPT
SALEM, OREGON

EXCEPTING THEREFROM: Beginning at the center of Section 18, Township 2 South, Range 33; running thence South along the West line of the Southeast Quarter of said Section 18, a distance of 34.29 chains; thence North 28° East 2.49 chains; thence North $73^{\circ}10'$ East 1.60 chains; thence North $16^{\circ}05'$ East 1.48 chains thence North $0^{\circ}30'$ East 3.27 chains; thence North $2^{\circ}20'$ West 3.03 chains; thence North $12^{\circ}35'$ East 3.13 chains; thence North $0^{\circ}10'$ West 4.54 chains; thence North $7^{\circ}50'$ East 1.51 chains; thence North $0^{\circ}55'$ West 2.29 chains; thence North $41^{\circ}00'$ East 5.78 chains; thence North $6^{\circ}05'$ East 7.83 chains; thence West 8.67 chains to the point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at the Northwest corner of the Northeast Quarter of said Section 18; thence East along the North line thereof, a distance of 660 feet to the Northwest corner of that tract of land in Section 18, conveyed to R. G. Schubert, et ux, by Deed recorded in Book 319, Page 107, Deed Records, and the true point of beginning of this description; thence continuing East along the North line of said Section 18; a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northwesterly in a straight line a distance of 250 feet to a point which is 143 feet South of the North line of said Section 18, when measured at right angles thereto, said point also being on the West line of the said Schubert tract mentioned hereinabove; thence North along the West line of the said Schubert tract a distance of 143 feet to the point of beginning.

Section 19: Northeast Quarter; North Half of Southeast Quarter;
Also, the following described lands being a part of Lot 20 in Section 18; and Lots 1 and 10 in Section 19, to-wit: Commencing at the center of said Section 19; thence running West 16 chains to bluff on the West side of Pearson Creek so called; thence along said bluff North $20^{\circ}25'$ East 48.82 chains to the North and South center line through said Section 18; thence South 45.75 chains to place of beginning;
EXCEPTING however that portion of said lands in Section 19, lying Westerly of the center line of the surfaced road constructed by Harris Pine Mills, Northerly and Southerly along Pearson Creek across said Section 19;

Section 20: North One-Half; North Half of South Half;

Section 21: North Half of Northwest Quarter; Southwest Quarter of Northwest Quarter.

Encumbrances: Property is assessed as Farm Use Land. If the land becomes disqualified an additional tax may be levied;

The Rights of the the public in and to that portion of the premises herein described lying within the limits of County Roads and Public Roads.

Easement as recorded in Book 180, Page 98; Easement as recorded in Book 182, Page 83; Easement as recorded in Book 160, Page 112; Assignment of easement as recorded in Book 208, Page 131; Easement as recorded in Book 185, Page 348; Easement as recorded in Book 194, Page 92; Timber Deed recorded in Book 208, Page 63; Easement as recorded in Book 230, Page 26; Oil and Gas Lease as recorded on Reel 84, Page 1449.

Taxes for the fiscal year 1986-87 a lien in an amount to be determined by not yet payable.

Application No. 2-11823

Permit No. G10861

R148 PAGE 057

WARRANTY DEED - STATUTORY FOR (INDIVIDUAL or CORPORATION)

126337

RECEIVED

R. C. SCHUBERT aka ROBERT G. SCHUBERT AND BETTY L. SCHUBERT

NOV 18 1988

Grantor, conveys and warrants to LOUISIANA PACIFIC, a Delaware Corporation

WATER RESOURCES DEPT SALEM, OREGON

Grantee, the following described real property free of encumbrances except as specifically set forth herein: Township 2 South Range 33, Section 18 described as beginning at the Northwest corner of the Northeast Quarter of said Section 18; thence East along the North line thereof, a distance of 660 feet to the Northwest corner of that tract of land in Section 18, conveyed to R. C. Schubert, et ux, by Deed recorded in Book 319, Page 107, Deed Records, and the true point of beginning of this description; thence continuing East along the North line of said Section 18 a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northwesterly in a straight line a distance of 250 feet to a point which is 143 feet South of the North line of said Section 18, when measured at right angles thereto, said point also being on the West line of the said Schubert tract mentioned hereinabove; thence North along the West line of the said Schubert tract a distance of 143 feet to the point of beginning. All being in Umatilla County, Oregon.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

Encumbrances: Property is assessed as Farm Use Land. If the land becomes disqualified on additional tax may be levied; The rights of the public in and to that portion of the premises here in described lying within the limits of County Roads and Public Roads; Easement recorded Book 180, Page 98; Easement recorded Book 182, Page 83; Easement recorded in Book 160, Page 112; Assignment of easement recorded Book 208, Page 131; Easement recorded in Book 185, Page 348; Easement as recorded in Book 194, Page 92; Timber Deed recorded in Book 208, Page 63; Easement recorded in Book 230, Page 26, Oil and Gas Lease as recorded on Reel 84, Page 1449. The true consideration for this conveyance is \$ Clearing Title (Here comply with the requirements of ORS 93.030).

Dated this 31st day of December, 1988; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

R.G. SCHUBERT ROBERT G. SCHUBERT Betty L. Schubert BETTY L. SCHUBERT STATE OF OREGON, County of Yuma, as Personally appeared the above named R.G. Schubert & Betty L. Schubert and acknowledged the foregoing instrument to be their voluntary act and deed.

B.G. Schubert Betty L. Schubert STATE OF OREGON, County of Umatilla, as Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of the a corporation, and that said instrument was signed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon My commission expires: 11/18/90

Before me: Notary Public for Oregon My commission expires:

* If the consideration consists of or includes other property or value, add the following: "The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which)".

SCHUBERT Grantor's Name and Address Louisiana Pacific 111 S. W. Fifth Avenue Portland, OR 97204 Grantor's Name and Address After recording return to: Homestead Title & Escrow Co., Inc. P. O. Box 1475 Pendleton, OR 97801 Name, Address, Zip Until a change is requested all tax statements shall be sent to the following address: Louisiana Pacific 111 S. W. Fifth Avenue Portland, OR 97204 Name, Address, Zip

STATE OF OREGON, COUNTY OF UMATILLA, I, J. Dean Fouquette, Sr., County Clerk, certify that this instrument was received and recorded ON JAN -8 1987 at 3:30 o'clock P.M. in the record of DEEDS of said County in Book R148 Page 57 J. DEAN FOUQUETTE, SR. County Clerk By Betty L. Schubert Deputy Filed 12/28/88 No. 126337

FILED J. DEAN FOUQUETTE, SR. UMATILLA COUNTY CLERK 1987 JAN -8 P 3:30

WARRANTY DEED — STATUTORY FORM
(INDIVIDUAL or CORPORATION)

R 140 PAGE 525

121206

RECEIVED

NOV 18 1988

HOMESTEAD TITLE 18383 E

R.G. SCHUBERT AKA ROBERT G. SCHUBERT AND BETTY L. SCHUBERT

Grantor, conveys and warrants to LOUISIANA PACIFIC, A DELAWARE CORPORATION

WATER RESOURCES DEPT
SALEM, OREGON

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT "A", ATTACHED

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses.

Encumbrances: SEE EXHIBIT "A"

The true consideration for this conveyance is \$ 302,000.00 (Here comply with the requirements of ORS 93.030').

Dated this 11th day of July, 1986; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

R.G. Schubert aka Robert G. Schubert *Betty L. Schubert*
R.G. Schubert AKA Robert G. Schubert Betty L. Schubert

STATE OF OREGON,)
County of Umatilla) ss.
July 11, 1986)

STATE OF OREGON, County of) ss.
Personally appeared)
and)

Personally appeared the above named)
R.G. Schubert, AKA Robert G.)
Schubert and Betty L. Schubert)

who, being duly sworn,)
each for himself and not one for the other, did say that the former is)
the president and that the latter is the)
secretary of the)

and they acknowledged the foregoing instru-)
ment to be his/her voluntary act and deed.)

a corporation, and that said instrument)
was signed in behalf of said corporation by authority of its board of directors;)
and each of them acknowledged said instrument to be its voluntary act and)
deed.)

Notary Public for Oregon
My commission expires: 6-18-89

Before me:
Notary Public for Oregon
My commission expires:

* If the consideration consists of or includes other property or value, add the following:
"The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which)".

R.G. and Betty L. Schubert
Grantor's Name and Address

Louisiana Pacific
111 S.W. Fifth Ave.
Portland, Oregon 97204
Grantee's Name and Address

After recording return to:
Homestead Title and Escrow Company
Pendleton, Branch
86-110P
Name, Address, Zip

Until a change is requested all tax statements shall be sent to the follow-
ing address:
Louisiana Pacific
111 S.W. Fifth Ave.
Portland, Oregon 97204
Name, Address, Zip

Application No. 2-11873
Permit No. G10861

RECEIVED

Township 2 South, Range 33 East of the Willamette Meridian, Umatilla County, Oregon NOV 18 1988

Section 5: Lots 9, 12, 14 and 15; Southwest Quarter of Southeast Quarter;

WATER RESOURCES DEPT
SALEM, OREGON

Section 6: That portion of the Southwest Quarter of the Southeast Quarter lying South of the present existing county Road;
That portion of Lot 5 lying South of the present existing County Road.

Section 7: Parcel I:

Northeast Quarter;
Southeast Quarter, EXCEPTING THEREFROM the following:

Beginning at the Southwest corner of the Southeast Quarter of said Section 7; thence North along the West line thereof, a distance of 942 feet; thence East at right angles to the West line of the Southeast Quarter of said Section 7, a distance of 617 feet; thence Southeasterly in a straight line a distance of 435 feet to a point which measured 925 feet East of the West line of the Southeast Quarter of said Section 7, when measured at right angles thereto; thence South and parallel to the West line of the said Southeast Quarter a distance of 635 feet to a point on the South line of the said Southeast Quarter; thence West along the South line of the Southeast Quarter a distance of 925 feet to the Southwest corner of the Southeast Quarter of said Section 7 and the point of beginning.

Parcel II:

All that portion of the Southeast Quarter described as:

Beginning at the Southwest corner of the Southeast Quarter of said Section 7; thence North along the West line thereof, a distance of 942 feet; thence East at right angles to the West line of the Southeast Quarter of said Section 7 a distance of 617 feet; thence Southeasterly in a straight line a distance of 435 feet to a point which measured 925 feet East of the West line of the Southeast Quarter of said Section 7, when measured at right angles thereto; thence South and parallel to the West line of the said Southeast Quarter a distance of 635 feet to a point on the South line of the said Southeast Quarter; thence West along the South line of the Southeast Quarter a distance of 925 feet to the Southwest corner of the Southeast Quarter of said Section 7 and the point of beginning;

Excepting therefrom: The South 200 feet of the West Half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 2 South, Range 33, East of the Willamette Meridian, Umatilla County, Oregon.

Section 8: All;

Section 9: Lots 6 and 7; Southwest Quarter of Northwest Quarter; South One-half;

Section 10: Lots 5, 6 and 7; South Half of Southwest Quarter;

Application No. G-11823

Section 14: Lot 5;

Permit No. G10861

Section 15: Lots 3 and 4; South Half of Northeast Quarter; East Half of Northwest Quarter; Northwest Quarter of the Northwest Quarter;

Section 16: North Half of Northeast Quarter; Northeast Quarter of Northwest Quarter; West Half of Northwest Quarter; Southwest Quarter;

Section 17: All

RECEIVED

Section 18: East Half of Northeast Quarter; East Half of West Half of Northeast Quarter; Southeast Quarter; 18 1988

EXCEPTING THEREFROM: Beginning at the center of Section 18, Township 12 N, Range 33, running thence South along the West line of the Southeast Quarter of said Section 18, a distance of 34.29 chains; thence North 28° East 2.49 chains; thence North 73°10' East 1.60 chains; thence North 18°05' East 1.48 chains; thence North 0°30' East 3.27 chains; thence North 2°20' West 3.03 chains; thence North 12°35' East 3.13 chains; thence North 0°10' West 4.54 chains; thence North 7°50' East 1.51 chains; thence North 0°55' West 2.29 chains; thence North 41°00' East 5.78 chains; thence North 6°05' East 7.83 chains; thence West 8.67 chains to the point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at the Northwest corner of the Northeast Quarter of said Section 18; thence East along the North line thereof, a distance of 660 feet to the Northwest corner of that tract of land in Section 18, conveyed to R. G. Schubert, et ux, by Deed recorded in Book 319, Page 107, Deed Records, and the true point of beginning of this description; thence continuing East along the North line of said Section 18, a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northwesterly in a straight line a distance of 250 feet to a point which is 143 feet South of the North line of said Section 18, when measured at right angles thereto, said point also being on the West line of the said Schubert tract mentioned hereinabove; thence North along the West line of the said Schubert tract a distance of 143 feet to the point of beginning.

Section 19: Northeast Quarter; North Half of Southeast Quarter;
Also, the following described lands being a part of Lot 20 in Section 18; and Lots 1 and 10 in Section 19, to-wit: Commencing at the center of said Section 19; thence running West 16 chains to bluff on the West side of Pearson Creek so called; thence along said bluff North 20°25' East 48.82 chains to the North and South center line through said Section 18; thence South 45.75 chains to place of beginning;
EXCEPTING however that portion of said lands in Section 19, lying Westerly of the center line of the surfaced road constructed by Harris Pine Mills, Northerly and Southerly along Pearson Creek across said Section 19;

Section 20: North One-Half; North Half of South Half;

Section 21: North Half of Northwest Quarter; Southwest Quarter of Northwest Quarter.

Encumbrances: Property is assessed as Farm Use Land. If the land becomes disqualified an additional tax may be levied;

The Rights of the the public in and to that portion of the premises herein described lying within the limits of County Roads and Public Roads.

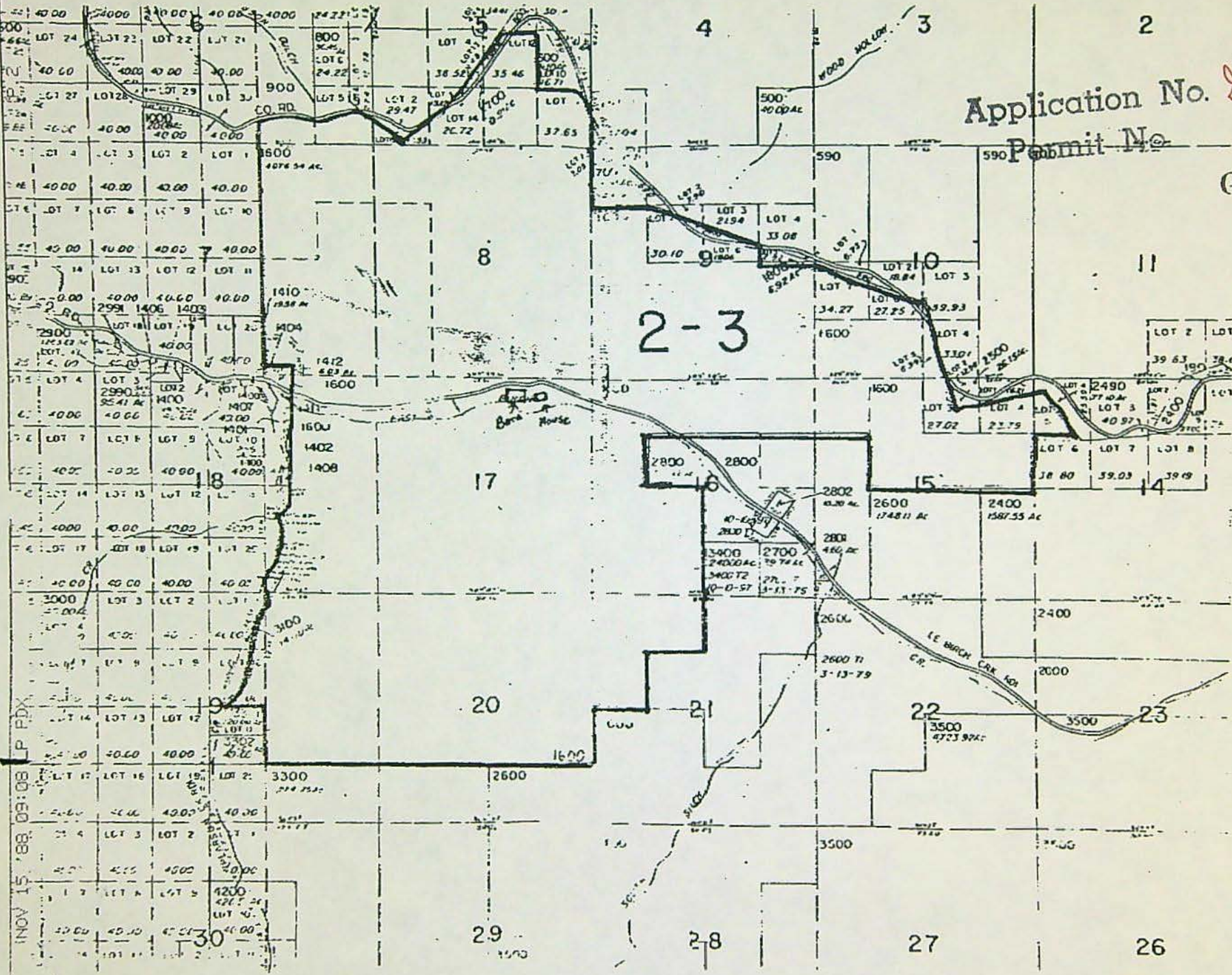
Easement as recorded in Book 180, Page 98; Easement as recorded in Book 182, Page 83; Easement as recorded in Book 160, Page 112; Assignment of easement as recorded in Book 208, Page 131; Easement as recorded in Book 185, Page 348; Easement as recorded in Book 194, Page 9; Timber Deed recorded in Book 208, Page 63; Easement as recorded in Book 230, Page 26; Oil and Gas Lease as recorded on Reel 84, Page 1449.

Taxes for the fiscal year 1986-87 a lien in an amount to be determined but not yet payable.

Application No. 9-11873

Permit No. G10861

Application No. **8-11873**
Permit No. **G10881**



SCHUBERT PROPERTY

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The place of use is as follows:

	ACRES	1/4 1/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E
Total:	27.00	acres.			

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

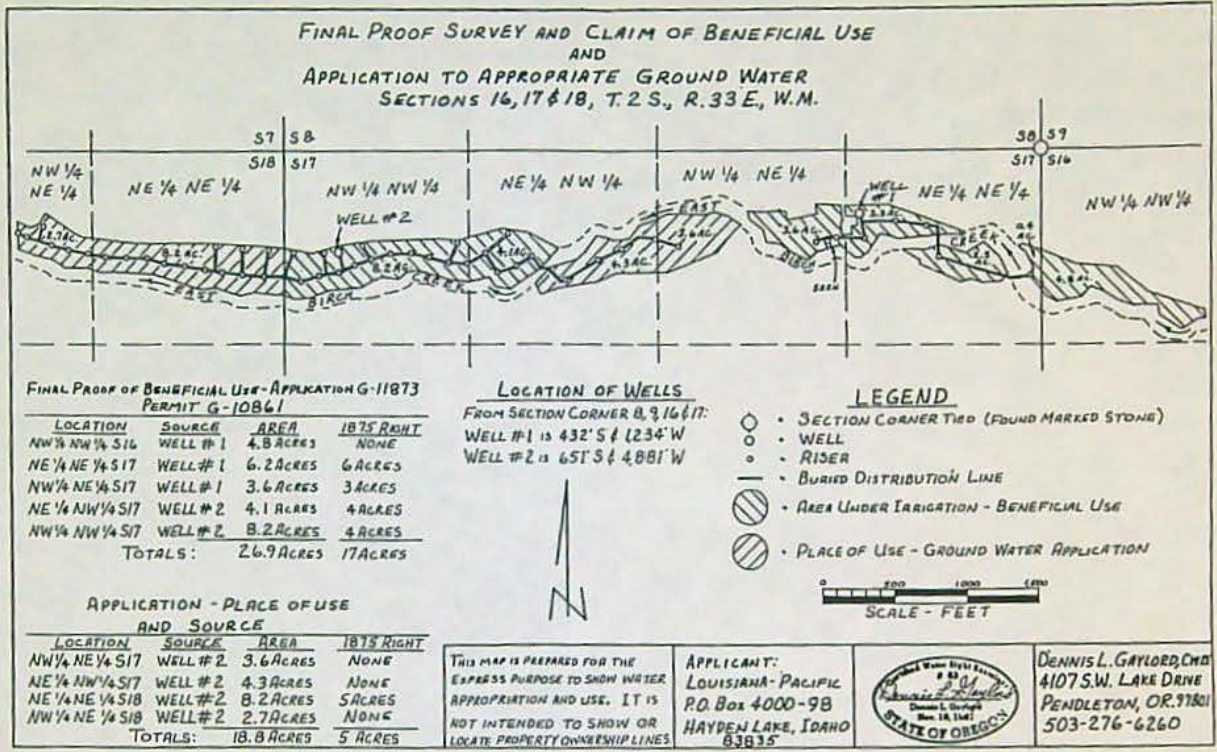
Issued this date, February 27, 1989.

Water Resources Department
William H. Young
Director

RECEIVED

MAR 27 1962

WATER RESOURCES DEPT
SALEM, OREGON



THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO 83835



DENNIS L. GAYLORD, C.E.
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

March 10, 1989

Louisana-Pacific Corporation
PO Box 4000-98
Hayden Lake, ID 83835

REFERENCE: File G-11873

ENCLOSED: Permit G-10861

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

The permit fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director is authorized to extend the time for completion of construction and for complete application of water upon proper showing, but has no authority to extend the time limit for beginning of construction.

Forms A, B and C may be attached for submitting (A) Notice of Beginning of Construction, (B) Notice of Completion of Construction and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the required forms will be attached.

The start of the drilling operation or other means of constructing the well will be considered as beginning of construction. If no canal system or other permanent type of distribution works is employed, the acquisition and installation of all the machinery or equipment necessary for the project will be considered as completion of construction.

When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The permit requires that an access port or other installation be provided to allow the measurement of the water level within the well at any time. Sketches of suggested methods of installation are attached.

Sincerely,

William H. Young
WILLIAM H. YOUNG
Director

WHY:wpc
enclosures
0032B/1



Louisiana-Pacific Corporation

RECEIVED

DEC 29 1988

WATER RESOURCES DEPT.
SALEM, OREGON

P.O. Box 4000-98
Hayden Lake, Idaho 83835
208/772-6011

December 27, 1988

Wayne J. Overcash, Water Rights Specialist
Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Reference: File G11873

Dear Mr. Overcash:

In response to your letter of December 16, 1988 concerning our application for water rights in the Birch Creek Area I offer the following:

Construction of the proposed well has not begun and will not begin until water rights are established.

Proposed well will be grout sealed and cased to a depth of 180 feet.

If any further information from me is needed please inform me as soon as possible. It is our plan to proceed with the proposed well in late February or March of 1989 if possible.

Sincerely

Joe Tolar,
Louisiana Pacific Corporation

JT/pa



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

December 16, 1988

Joe Tolar, Division Purchasing Manager
Louisiana-Pacific Corporation
P.O. Box 4000-98
Hayden Lake, Idaho 83835

REFERENCE: File G-11873

The application you submitted for Louisiana-Pacific Corporation for a permit to appropriate 0.3375 cubic foot per second from one well for irrigation of 27.0 acres has been filed and for reference numbered G-11873. The legal descriptions of properties, affidavit to provide for diminishing an existing right to a supplemental status and fees of \$334 were also received. Our Receipt 56646 is enclosed.

The Umatilla Basin Program (OAR 690-80) adopted by the Water Resources Commission in July of 1988 classified the surface waters of the Birch Creek. Permits that may be issued to provide for the use of such surface waters for irrigation is now limited to the irrigation of a lawn or garden not to exceed 1/2 acre in area.

We will need more information on the construction features of the proposed well before the application can be considered for approval. Due to the potential for interference with surface water by the proposed use of water from a well as located in the application, well construction features will very definitely need to be considered if it is intended to use the amount of water you have requested without causing interference with surface waters in the Birch Creek stream basin.

If it is determined that the well is constructed in such a manner that may allow adverse interference with surface waters, rejection of the application after a hearing is a possibility. However, if it determined from information available that interference is insignificant, a permit may be issued, but will contain a condition stating that the well will be regulated or use stopped if adverse interference is found.

Joe Tolar
December 16, 1988
Page 2

As a minimum, we suggest that the well be properly cased and grout sealed to a depth of 180 feet. Constructed as such may still result in interference with surface waters, but the interference would probably be insignificant. If you should have any questions regarding this matter, please call or write and advise us of a telephone number and time you can be reached.

We will hold action on the application for a reasonable length of time pending receipt of a reply advising of additional information on the proposed construction features of the well.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

Enclosure

WJO

cc: David H. Krumbein

STATE OF OREGON

INTEROFFICE MEMO

TO: JOHN WOODRUFF, PERMITTING SEC. DATE: NOV. 21, 1988

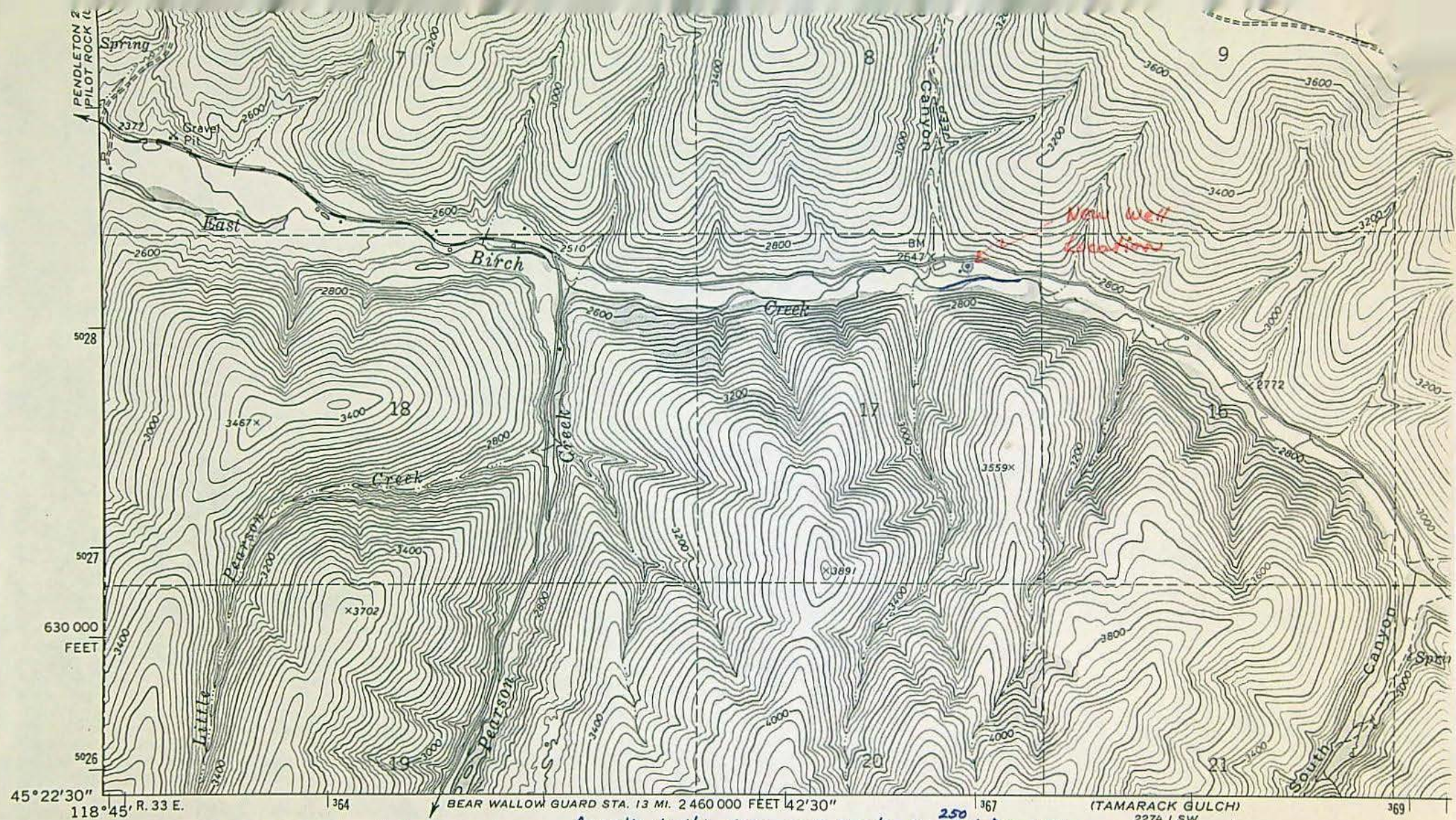
FROM: DONN MILLER ^{DM}

SUBJECT: PRE-FILED APPLICATION FOR LOUISIANA-PACIFIC CORP.
RECEIVED NOV. 18, 1988

This application seeks to divert 151.5 gpm for irrigation from a new well at T2S/R33W-17aa in Umatilla County. You have forwarded the application to me since there is a classification on nearby Birch Creek which would not allow the use. Therefore, my review is on the question of ground water/surface water connection.

The application is not clear with regard to the well. It appears that the well is not yet constructed and I find no log in the file. However, the application includes several important descriptors of the well. In particular the location is said to be 400' from the stream and the water level in the well is 25' below land surface datum. Similarly, the elevation difference from the well to the stream is 25'. The application does not indicate the number of feet of casing in the well but talks about a total depth of 375'. A well at this location would seem to derive most of its water from basalt. The casing, sealing depth, basalt fracturing, basalt lateral continuity of flow and dips of flows are important factors. All things considered, the construction of the well will be very important in judging the gw/sw connection.

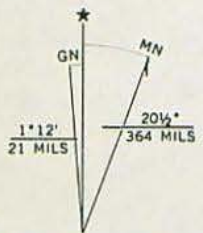
The potential for interference with surface water exists at this site. Well construction will aid in the determination whether interference is substantial or insignificant. I propose that we communicate the well construction issue to the applicant and propose a construction which will aid in an insignificant interference determination. As a minimum, I suggest that the well be cased and grouted to a depth of 180'. At the prevailing dip of about 2 degrees to the northwest, that casing and sealing will prevent the diversion of water from rocks which outcrop less than 1 mile from the well. That construction may still lead to an interference with the stream but it would probably be insignificant. We must have a well report before I can render a final opinion.



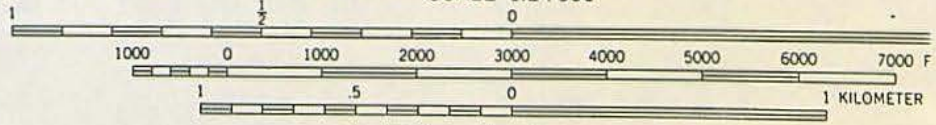
MEADOWS
IV SE

Mapped, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Topography by photogrammetric methods from aerial
 photographs taken 1965. Field checked 1967
 Polyconic projection. 1927 North American datum
 10,000-foot grid based on Oregon coordinate system,
 north zone
 1000-meter Universal Transverse Mercator grid ticks,
 zone 11, shown in blue
 Fine red dashed lines indicate selected fence lines

According to this topo, well location is 250' from stream.



UTM GRID AND 1967 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 20-FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

Louisiana Pacific Corp. Appl.

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



Louisiana-Pacific Corporation

P.O. Box 4000-98
Hayden Lake, Idaho 83835
208/772-6011

November 16, 1988

Application No. *2-11873*
Permit No.

RECEIVED
NOV 18 1988
WATER RESOURCES DEPT.
SALEM, OREGON

Water Rights Division
Water Resources Department
3850 Portland Road NE
Salem, Oregon 97310

Gentlemen:

Please find enclosed our application, legal description, fees and affidavit for ground water rights to property owned by Louisiana Pacific Corporation in Umatilla County, Oregon.

Please direct any correspondence pertaining to this application to myself:

Joe Tolar
C/O Louisiana Pacific Corporation
P.O. Box 4000-98
Hayden Lake, Idaho 38835
Phone (208) 772-6011

Thank you

Joe Tolar,
Division Purchasing Manager

JT/pa

Enclosures

Brin die

QUITCLAIM DEED - STATUTORY FORM
(Individual or Corporation)

RECEIVED

R 157 PAGE 1607

132624

NOV 18 1988

S6 RANCHES, INC., AN OREGON CORPORATION
Grantor, conveys and warrants to LOUISIANA PACIFIC, A DELAWARE CORPORATION

WATER RESOURCES DEPT.
SALEM, OREGON

Grantee, all right, title and interest in and to the following described real property: Including any and all interest in any timber located on the property: Township 2 South Range 33, Section 18 described as beginning at the Northwest corner of the Northeast Quarter of said Section 18; thence East along the North line thereof, a distance of 660 feet to the Northwest corner of that tract of land in Section 18, conveyed to R. G. Schubert, et ux, by Deed recorded in Book 319, Page 107, Deed Records, and the true point of beginning of this description; thence continuing East along the North line of said Section 18 a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northwesterly in a straight line a distance of 250 feet to a point which is 143 feet South of the North line of said Section 18, when measured at right angles thereto, said point also being on the West line of the said Schubert tract mentioned hereinabove; thence North along the West line of the said Schubert tract a distance of 143 feet to the point of beginning. All being in Umatilla County, Oregon.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

The true consideration for this conveyance is \$ Clearing Title (Here comply with the requirements of ORS 93.030*)

Dated this 9th day of August 1987, if a corporate grantor, it has caused its name to be signed by order of its board of directors.

S6 RANCHES INC.
BY: R. G. Schubert, pres.

HOMESTEAD TITLE 18383E

STATE OF OREGON,)
County of) ss.
Personally appeared the above named)
and acknowledged the foregoing instru-)
ment to be) voluntary act and deed.

STATE OF OREGON, County of Umatilla,) ss.
Personally appeared R.G. Schubert)
who, being duly sworn,)
each for himself and not one for the other, did say that the former is)
the President) president and that the latter is the)
secretary of the S6 Ranches, INC)
a corporation, and that said instrument)
was signed in behalf of said corporation by authority of its board of directors;)
and each of them acknowledged said instrument to be his) voluntary act and)
deed.

Before me:
Notary Public for Oregon
My commission expires:

Before me:
Notary Public for Oregon
My commission expires: 7/31/89



* If the consideration consists of or includes other property or value, add the following:
The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (Indicate which).

S6 RANCHES, INC.
Rt. 2, Box 116B
Milton Freewater, OR 97862
Grantor's Name and Address

LOUISIANA PACIFIC
111 S. W. Fifth Avenue
Portland, OR 97204
Grantee's Name and Address

After recording return to:
HOMESTEAD TITLE & ESCROW CO., INC.
P. O. Box 1475
Pendleton, OR 97801
Name, Address, Zip

Until a change is requested all tax statements shall be sent to the follo-
wing address:
LOUISIANA PACIFIC
111 S. W. Fifth Avenue
Portland, OR 97204
Name, Address, Zip

STATE OF OREGON }
COUNTY OF UMATILLA } ss.
I, J. Dean Fouquette, Sr., County Clerk, }
certify that this instrument was received and }
recorded }
ON SEP. 10. 1987 }
at 9:56 o'clock A.M. in the record }
of DEEDS of said County in }
Book Page }
R157 1607 }
J. DEAN FOUQUETTE, SR. }
County Clerk }
By Betty A. Brauning Deputy }
Per 1/6 No. 132624 }

FILED
J. DEAN FOUQUETTE, SR.
UMATILLA COUNTY CLERK
1987 SEP 10 A 9 56

R 140 PAGE 529

QUITCLAIM DEED -- STATUTORY FORM
(Individual or Corporation)

121207

HOMESTEAD TITLE R 383 E

S6 RANCHES, INC., AN OREGON CORPORATION
Grantor, conveys and warrants to LOUISIANA PACIFIC, A DELAWARE CORPORATION

RECEIVED

Grantee, all right, title and interest in and to the following described real property: including any and all interest in any timber located on the property:

NOV 18 1988

See Exhibit "A", Attached

WATER RESOURCES DEPT.
SALEM, OREGON

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses.

The true consideration for this conveyance is \$ 0- (Here comply with the requirements of ORS 93.030*)

Dated this 11th day of July, 1986 if a corporate grantor, it has caused its name to be signed by order of its board of directors.

R.G. Schubert pro S6 ranches

STATE OF OREGON,)
County of) ss.
Personally appeared the above named)
and acknowledged the foregoing instrument to be voluntary act and deed.

STATE OF OREGON, County of Umatilla
July 11 1986
Personally appeared R.G. Schubert
who, being duly sworn, did say that he is president and secretary of the S6 Ranches, Inc. a corporation, and that said instrument was signed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Before me:
Notary Public for Oregon
My commission expires:

Before me:
Lynn Ellen Prag
Notary Public for Oregon
My commission expires: 6-18-89

* If the consideration consists of or includes other property or value, add the following:
"The actual consideration consists of or includes other property or value given or provided which is part of the whole consideration (indicate which)".

S6 Ranches, Inc.
Rt. 2, Box 116B
Milton-Freewater, Or
Grantor's Name and Address

Louisiana Pacific
111 S.W. Fifth Ave.
Portland, Oregon 97204
Grantee's Name and Address

After recording return to:
Homestead Title and Escrow Company
Pendleton, Branch
#86-110P
Name, Address, Zip

Until a change is requested all tax statements shall be sent to the following address:

Louisiana Pacific
111 S.W. Fifth Ave.
Portland, Oregon 97204
Name, Address, Zip

R 140 PAGE 530

EXHIBIT "A"

RECEIVED

NOV 18 1988

WATER RESOURCES DE
SALEM, OREGON

Township 2 South, Range 33 East of the Willamette Meridian, Umatilla County, Oregon

Section 5: Lots 9, 12, 14 and 15; Southwest Quarter of Southeast Quarter;

Section 6: That portion of the Southwest Quarter of the Southeast Quarter lying South of the present existing county Road;
That portion of Lot 5 lying South of the present existing County Road.

Section 7: Parcel I:

Northeast Quarter;
Southeast Quarter, EXCEPTING THEREFROM the following:

Beginning at the Southwest corner of the Southeast Quarter of said Section 7; thence North along the West line thereof, a distance of 942 feet; thence East at right angles to the West line of the Southeast Quarter of said Section 7, a distance of 617 feet; thence Southeasterly in a straight line a distance of 435 feet to a point which measured 925 feet East of the West line of the Southeast Quarter of said Section 7, when measured at right angles thereto; thence South and parallel to the West line of the said Southeast Quarter a distance of 635 feet to a point on the South line of the said Southeast Quarter; thence West along the South line of the Southeast Quarter a distance of 925 feet to the Southwest corner of the Southeast Quarter of said Section 7 and the point of beginning.

Parcel II:

All that portion of the Southeast Quarter described as:

Beginning at the Southwest corner of the Southeast Quarter of said Section 7; thence North along the West line thereof, a distance of 942 feet; thence East at right angles to the West line of the Southeast Quarter of said Section 7 a distance of 617 feet; thence Southeasterly in a straight line a distance of 435 feet to a point which measured 925 feet East of the West line of the Southeast Quarter of said Section 7, when measured at right angles thereto; thence South and parallel to the West line of the said Southeast Quarter a distance of 635 feet to a point on the South line of the said Southeast Quarter; thence West along the South line of the Southeast Quarter a distance of 925 feet to the Southwest corner of the Southeast Quarter of said Section 7 and the point of beginning;

Excepting therefrom: The South 200 feet of the West Half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 2 South, Range 33, East of the Willamette Meridian, Umatilla County, Oregon.

Section 8: All;

Section 9: Lots 6 and 7; Southwest Quarter of Northwest Quarter; South One-half;

Section 10: Lots 5, 6 and 7; South Half of Southwest Quarter;

Section 14: Lot 5;

Section 15: Lots 3 and 4; South Half of Northeast Quarter; East Half of Northwest Quarter; Northwest Quarter of the Northwest Quarter;

Section 16: North Half of Northeast Quarter; Northeast Quarter of Northwest Quarter; West Half of Northwest Quarter; Southwest Quarter;

Section 17: All

RECEIVED

NOV 18 1988

Section 18: East Half of Northeast Quarter; East Half of West Half of Northeast Quarter; Southeast Quarter;

EXCEPTING THEREFROM: Beginning at the center of Section 18, Township 12³ RESOURCES D South, Range 33; running thence South along the West line of the Southeast SALEM, OREGON Quarter of said Section 18, a distance of 34.29 chains; thence North 28° East 2.49 chains; thence North 73°10' East 1.60 chains; thence North 16°05' East 1.48 chains thence North 0°30' East 3.27 chains; thence North 2°20' West 3.03 chains; thence North 12°35' East 3.13 chains; thence North 0°10' West 4.54 chains; thence North 7°50' East 1.51 chains; thence North 0°55' West 2.29 chains; thence North 41°00' East 5.78 chains; thence North 6°05' East 7.83 chains; thence West 8.67 chains to the point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at the Northwest corner of the Northeast Quarter of said Section 18; thence East along the North line thereof, a distance of 660 feet to the Northwest corner of that tract of land in Section 18, conveyed to R. G. Schubert, et ux, by Deed recorded in Book 319, Page 107, Deed Records, and the true point of beginning of this description; thence continuing East along the North line of said Section 18; a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northwesterly in a straight line a distance of 250 feet to a point which is 143 feet South of the North line of said Section 18, when measured at right angles thereto, said point also being on the West line of the said Schubert tract mentioned hereinabove; thence North along the West line of the said Schubert tract a distance of 143 feet to the point of beginning.

Section 19: Northeast Quarter; North Half of Southeast Quarter;
Also, the following described lands being a part of Lot 20 in Section 18; and Lots 1 and 10 in Section 19, to-wit: Commencing at the center of said Section 19; thence running West 16 chains to bluff on the West side of Pearson Creek so called; thence along said bluff North 20°25' East 48.82 chains to the North and South center line through said Section 18; thence South 45.75 chains to place of beginning;
EXCEPTING however that portion of said lands in Section 19, lying Westerly of the center line of the surfaced road constructed by Harris Pine Mills, Northerly and Southerly along Pearson Creek across said Section 19;

Section 20: North One-Half; North Half of South Half;

Section 21: North Half of Northwest Quarter; Southwest Quarter of Northwest Quarter.

Encumbrances: Property is assessed as Farm Use Land. If the land becomes disqualified an additional tax may be levied;

The Rights of the the public in and to that portion of the premises herein described lying within the limits of County Roads and Public Roads.

Easement as recorded in Book 180, Page 98; Easement as recorded in Book 182, Page 83; Easement as recorded in Book 160, Page 112; Assignment of easement as recorded in Book 208, Page 131; Easement as recorded in Book 185, Page 348; Easement as recorded in Book 194, Page 92 Timber Deed recorded in Book 208, Page 63; Easement as recorded in Book 230, Page 26; Oil and Gas Lease as recorded on Reel 84, Page 1449.

Taxes for the fiscal year 1986-87 a lien in an amount to be determined by not yet payable.

R 148 PAGE 057

WARRANTY DEED - STATUTORY FOR (INDIVIDUAL or CORPORATION)

126337 RECEIVED

R. C. SCHUBERT aka ROBERT G. SCHUBERT AND BETTY L. SCHUBERT

NOV 18 1988

Grantor, conveys and warrants to LOUISIANA PACIFIC, a Delaware Corporation

WATER RESOURCES DEPT. SALEM, OREGON

Grantee, the following described real property free of encumbrances except as specifically set forth herein: Township 2 South Range 33, Section 18 described as beginning at the Northwest corner of the Northeast Quarter of said Section 18; thence East along the North line thereof, a distance of 660 feet to the Northwest corner of that tract of land in Section 18, conveyed to R. C. Schubert, etux, by Deed recorded in Book 319, Page 107, Deed Records, and the true point of beginning of this description; thence continuing East along the North line of said Section 18 a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northwesterly in a straight line a distance of 250 feet to a point which is 143 feet South of the North line of said Section 18, when measured at right angles thereto, said point also being on the West line of the said Schubert tract mentioned hereinabove; thence North along the West line of the said Schubert tract a distance of 143 feet to the point of beginning. All being in Umatilla County, Oregon.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

Encumbrances: Property is assessed as Farm Use Land. If the land becomes disqualified an additional tax may be levied; The rights of the public in and to that portion of the premises here in described lying within the limits of County Roads and Public Roads; Easement recorded Book 180, Page 98; Easement recorded Book 182, Page 83; Easement recorded in Book 160, Page 112; Assignment of easement recorded Book 208, Page 131; Easement recorded in Book 185, Page 348; Easement as recorded in Book 194, Page 92; Timber Deed recorded in Book 208, Page 63; Easement recorded in Book 230, Page 26. Oil and Gas Lease as recorded on Book 84, Page 1449. The true consideration for this conveyance is \$ Clearing Title (Here comply with the requirements of ORS 93.030').

Dated this 31st day of December, 1988; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

R.G. SCHUBERT ROBERT G. SCHUBERT Betty L. Schubert BETTY L. SCHUBERT STATE OF OREGON, County of Yamhill, 1988. Personally appeared the above named R.G. Schubert & Betty L. Schubert

Betty L. Schubert STATE OF OREGON, County of Yamhill, 1988. Personally appeared and who, being duly sworn, did say that the former is the president and that the latter is the secretary of the

and acknowledged the foregoing instrument to be their voluntary act and deed. Notary Public for Oregon My commission expires: 11/18/90

Before me: Notary Public for Oregon My commission expires:

* If the consideration consists of or includes either property or value, add the following: "The actual consideration consists of or includes either property or value given or promised which is part of the whole consideration (indicate which)".

SCHUBERT GRANTOR Louisiana Pacific 111 S. W. Fifth Avenue Portland, OR 97204 Grantor's Name and Address After recording return to: Homestead Title & Escrow Co., Inc. P. O. Box 1475 Pendleton, OR 97801 Name, Address, Zip Until a change is requested all tax statements shall be sent to the following address: Louisiana Pacific 111 S. W. Fifth Avenue Portland, OR 97204 Name, Address, Zip

STATE OF OREGON, COUNTY OF UMATILLA, } ss I, J. Dean Fouquette, Sr., County Clerk, certify that this instrument was received and recorded ON JUN -8, 1987 at 3:30 o'clock P.M. in the record of DEEDS of said County in Book R148 Page 57 J. DEAN FOUQUETTE, SR. County Clerk By Betty L. Schubert Deputy Feet 17900 No. 126337

FILED J. DEAN FOUQUETTE, SR. UMATILLA COUNTY CLERK 1987 JUN -8 P 3 30

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

R 140 PAGE 525

121206

RECEIVED

HOMESTEAD TITLE 18383 E

R.G. SCHUBERT AKA ROBERT G. SCHUBERT AND BETTY L. SCHUBERT

Grantor, conveys and warrants to ... LOUISIANA PACIFIC, A DELAWARE CORPORATION

NOV 18 1988

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

WATER RESOURCES DEPT.
SALEM, OREGON

SEE EXHIBIT "A", ATTACHED

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses.

Encumbrances: SEE EXHIBIT "A"

The true consideration for this conveyance is \$ 302,000.00 (Here comply with the requirements of ORS 93.030*)

Dated this 11th day of July, 1986; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

R.G. Schubert AKA *Robert G. Schubert* and *Betty L. Schubert*
R.G. Schubert AKA Robert G. Schubert and Betty L. Schubert

STATE OF OREGON,)
County of Umatilla) ss.
July 11, 1986)

STATE OF OREGON, County of) ss.

Personally appeared the above named
R.G. Schubert, AKA Robert G. Schubert
Schubert and Betty L. Schubert
and they acknowledged the foregoing instrument to be their voluntary act and deed.

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of the _____ a corporation, and that said instrument was signed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Ellen Pray
Notary Public for Oregon
My commission expires: 6-12-89

Before me:

Notary Public for Oregon
My commission expires:

* If the consideration consists of or includes other property or value, add the following:
"The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which)".

R.G. and Betty L. Schubert

Grantor's Name and Address

Louisiana Pacific
111 S.W. Fifth Ave.
Portland, Oregon 97204

Grantee's Name and Address

After recording return to:

Homestead Title and Escrow Company
Pendleton, Branch
86-110P

Name, Address, Zip

Until a change is requested all tax statements shall be sent to the following address:

Louisiana Pacific
111 S.W. Fifth Ave.
Portland, Oregon 97204

Name, Address, Zip

R 140 PAGE 526

NOV 18 1988

Township 2 South, Range 33 East of the Willamette Meridian, Umatilla County, Oregon

WATER RESOURCES DEPT.
SALEM, OREGON

Section 5: Lots 9, 12, 14 and 15; Southwest Quarter of Southeast Quarter;

Section 6: That portion of the Southwest Quarter of the Southeast Quarter lying South of the present existing county Road;
That portion of Lot 5 lying South of the present existing County Road.

Section 7: Parcel I:

Northeast Quarter;

Southeast Quarter, EXCEPTING THEREFROM the following:

Beginning at the Southwest corner of the Southeast Quarter of said Section 7; thence North along the West line thereof, a distance of 942 feet; thence East at right angles to the West line of the Southeast Quarter of said Section 7, a distance of 617 feet; thence Southeasterly in a straight line a distance of 435 feet to a point which measured 925 feet East of the West line of the Southeast Quarter of said Section 7, when measured at right angles thereto; thence South and parallel to the West line of the said Southeast Quarter a distance of 635 feet to a point on the South line of the said Southeast Quarter; thence West along the South line of the Southeast Quarter a distance of 925 feet to the Southwest corner of the Southeast Quarter of said Section 7 and the point of beginning.

Parcel II:

All that portion of the Southeast Quarter described as:

Beginning at the Southwest corner of the Southeast Quarter of said Section 7; thence North along the West line thereof, a distance of 942 feet; thence East at right angles to the West line of the Southeast Quarter of said Section 7 a distance of 617 feet; thence Southeasterly in a straight line a distance of 435 feet to a point which measured 925 feet East of the West line of the Southeast Quarter of said Section 7, when measured at right angles thereto; thence South and parallel to the West line of the said Southeast Quarter a distance of 635 feet to a point on the South line of the said Southeast Quarter; thence West along the South line of the Southeast Quarter a distance of 925 feet to the Southwest corner of the Southeast Quarter of said Section 7 and the point of beginning;

Excepting therefrom: The South 200 feet of the West Half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 2 South, Range 33, East of the Willamette Meridian, Umatilla County, Oregon.

Section 8: All;

Section 9: Lots 6 and 7; Southwest Quarter of Northwest Quarter; South One-half;

Section 10: Lots 5, 6 and 7; South Half of Southwest Quarter;

Section 14: Lot 5;

Section 15: Lots 3 and 4; South Half of Northeast Quarter; East Half of Northwest Quarter; Northwest Quarter of the Northwest Quarter;

Section 16: North Half of Northeast Quarter; Northeast Quarter of Northwest Quarter; West Half of Northwest Quarter; Southwest Quarter;

Section 17: All

NOV 18 1988

Section 18: East Half of Northeast Quarter; East Half of West Half of Northeast Quarter; Southeast Quarter;

EXCEPTING THEREFROM: Beginning at the center of Section 18, Township 2 South, Range 33; running thence South along the West line of the Southeast Quarter of said Section 18, a distance of 34.29 chains; thence North 28° East 2.49 chains; thence North $73^{\circ}10'$ East 1.60 chains; thence North $16^{\circ}05'$ East 1.48 chains; thence North $0^{\circ}30'$ East 3.27 chains; thence North $2^{\circ}20'$ West 3.03 chains; thence North $12^{\circ}35'$ East 3.13 chains; thence North $0^{\circ}10'$ West 4.54 chains; thence North $7^{\circ}50'$ East 1.51 chains; thence North $0^{\circ}55'$ West 2.29 chains; thence North $41^{\circ}00'$ East 5.78 chains; thence North $6^{\circ}05'$ East 7.83 chains; thence West 8.67 chains to the point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at the Northwest corner of the Northeast Quarter of said Section 18; thence East along the North line thereof, a distance of 660 feet to the Northwest corner of that tract of land in Section 18, conveyed to R. G. Schubert, et ux, by Deed recorded in Book 319, Page 107, Deed Records, and the true point of beginning of this description; thence continuing East along the North line of said Section 18, a distance of 265 feet; thence Southwesterly in a straight line a distance of 228 feet to a point; thence Northwesterly in a straight line a distance of 250 feet to a point which is 143 feet South of the North line of said Section 18, when measured at right angles thereto, said point also being on the West line of the said Schubert tract mentioned hereinabove; thence North along the West line of the said Schubert tract a distance of 143 feet to the point of beginning.

Section 19: Northeast Quarter; North Half of Southeast Quarter;
Also, the following described lands being a part of Lot 20 in Section 18; and Lots 1 and 10 in Section 19, to-wit: Commencing at the center of said Section 19; thence running West 16 chains to bluff on the West side of Pearson Creek so called; thence along said bluff North $20^{\circ}25'$ East 48.82 chains to the North and South center line through said Section 18; thence South 45.75 chains to place of beginning; EXCEPTING however that portion of said lands in Section 19, lying Westerly of the center line of the surfaced road constructed by Harris Pine Mills, Northerly and Southerly along Pearson Creek across said Section 19;

Section 20: North One-Half; North Half of South Half;

Section 21: North Half of Northwest Quarter; Southwest Quarter of Northwest Quarter.

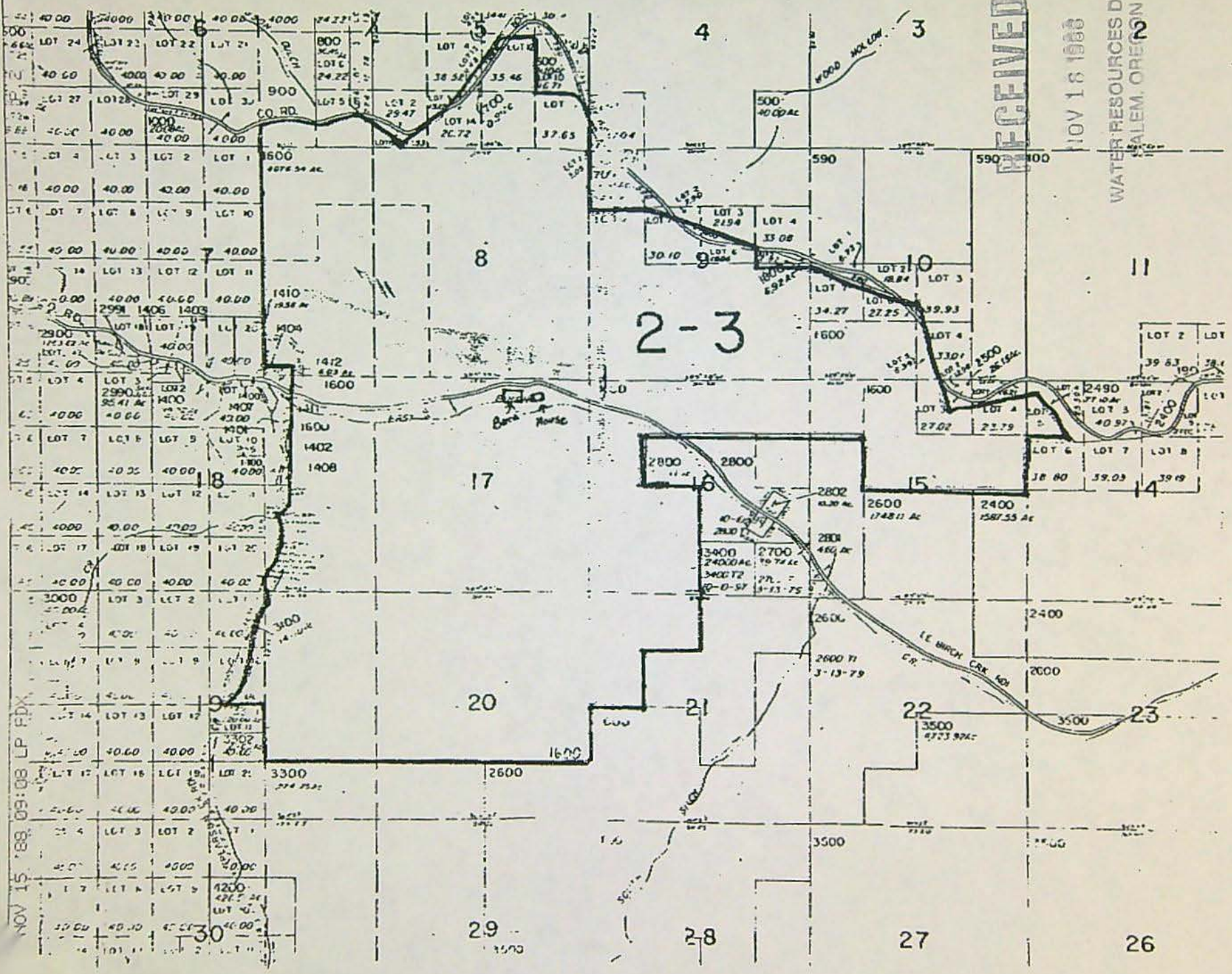
Encumbrances: Property is assessed as Farm Use Land. If the land becomes disqualified an additional tax may be levied;

The Rights of the the public in and to that portion of the premises herein described lying within the limits of County Roads and Public Roads.

Easement as recorded in Book 180, Page 98; Easement as recorded in Book 182, Page 83; Easement as recorded in Book 160, Page 112; Assignment of easement as recorded in Book 208, Page 131; Easement as recorded in Book 185, Page 348; Easement as recorded in Book 194, Page 9; Timber Deed recorded in Book 208, Page 63; Easement as recorded in Book 230, Page 26; Oil and Gas Lease as recorded on Reel 84, Page 1449.

Taxes for the fiscal year 1986-87 a lien in an amount to be determined but not yet payable.

NOV 15 '88 09:08 LP RDX



SCHUBERT PROPERTY

RECEIVED

NOV 18 1988

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That THOS. S. GIBSON of Pilot Rock State of Oregon 97868 has a right to the use of the waters of East Birch Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 22 acres of land, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 3, at page 127; that the priority of the right hereby confirmed dates from 1875

that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.27 cubic feet per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 6 acres in the Northeast quarter of Northeast quarter; 3 acres in the Northwest quarter of Northeast quarter; 4 acres in the Northeast quarter of Northwest quarter and 4 acres in the Northwest quarter of Northwest quarter of Section Seventeen, and 5 acres in the Northeast quarter of Northeast quarter of Section Eighteen, Township Two South, Range Thirty-three East of Willamette Meridian, in Umatilla County, Oregon.

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

WITNESS the seal and signature of the State Water Board, affixed this 29th day of December, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper State Engineer, President

Attest:

R.W. Potter, Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2528

Memorandum

October 22, 2007

TO: Groundwater Section

FROM: Larry Nunn

SUBJECT: Same Source Determination File G-11873, Permit G-10861

I am reviewing the COBU for Permit G-10861. The permit allowed the use one well for irrigation of 27.0 acres along East Birch Cr in Umatilla County. The permit was conditioned to require the well be cased and grout sealed to at least 180 feet.

The claim describes two wells, both cased and sealed to at least 180 feet. I do not find a well log for the second well in the well log database.

To determine if the second well can be included in proposed certificate, we need to know if the second well develops water from the same ground water source as the first well.

Attached is a copy of the COBU and well log for Well 1. There may be additional information about well 2 in file G-12832. File G12832 is checked out to Zack (probably Zack McMillan) and should be in the Groundwater Section.

UMAT 5271 not attached here
2 is UMAT 5531 (attached) appears to be mislocated by the driller.

Both wells develop the same source.

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CLAIM OF BENEFICIAL USE AND SITE REPORT
GROUND WATER RIGHT APPLICATION G-11873, PERMIT G-10861

MAR 23 1992

INFORMATION: This report is the final proof of claim of beneficial use of ^{WATER} RESOURCES DEPT. ground water as outlined in permit G-10861, dated February 27, 1989. The owner of the land and irrigation system is SALEM, OREGON Louisiana-Pacific Corporation, P.O. Box 4000-98, Hayden Lake, Idaho, 83835. My principal contact with the owner has been through Mr. Joe Tolar, at Hayden Lake. The system developed by the landowner consists of two wells and two separate distribution systems. The wells and systems are shown on the accompanying Final Proof Map and are referred to herein as well # 1 and well # 2. The site investigation was conducted on February 17, 1992.

Source: The source of ground water is two wells, located as follows:

Well # 1 is located 432 feet south and 1,234 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M.

Well # 2 is located 651 feet south and 4,881 feet west of the section corner common to sections 8, 9, 16 and 17, T. 2 S., R. 33 E., W.M. The section corner common to sections 7, 8, 17 and 18 was searched but not recovered, thus both wells are tied to the same section corner.

DESCRIPTION: WELL # 1:

This well is 250 feet deep. It is 12 inches in diameter to a depth of 180 feet and 8 inches in diameter from 180 feet to 250 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 180 feet, and grouted with cement (70 sacks) to a depth of 180 feet. The well was tested at the time of drilling to yield 300 gallons per minute. There are two water bearing zones. One, at 45 to 68 feet, is sealed with grout. The second is at 245 to 250 feet. The static water level at time of drilling was at 15 feet below the ground surface.

There are two pumps installed in well # 1, as follows:

A 3 horsepower pump is 168 feet below the ground surface.

MOTOR: The motor is a Franklin 3 horsepower single phase 230 volt electric motor that rotates at 3,450 revolutions per minute.

PUMP: The pump is a Grundfos with a 1 1/4 inch discharge pipe. The motor/pump is rated to produce 25 gallons per minute.

A 5 horsepower pump is 147 feet below the ground surface.

MOTOR: The motor is a Franklin 5 horsepower single phase 230 volt electric that rotates at 3,450 revolutions per minute.

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PAGE 2 OF 3

MAR 23 1992

PUMP: The pump is a Grundfos with a 2 inch diameter discharge pipe. The motor/pump is rated to produce 40 gallons per minute.

RESOURCES DEPT
CLATSOP COUNTY, OREGON

Both pumps are in operation when irrigating, and could move as much as 65 gallons per minute. The 3 horsepower pump, only, is used to provide water to the dwelling during times when no irrigation is being done from well # 1.

DISTRIBUTION SYSTEM: The water from well # 1 is distributed through buried pipes located as shown on the Final Proof Map. The pipes are 3 inches in diameter with risers located as shown on the Final Proof Map. The water is further distributed by the use of 3 inch diameter aluminum hand lines. The hand lines are fitted with sprinkler heads of varying sizes of nozzles. I estimate this system will distribute around 65 gallons per minute at it's maximum output.

No meter -

WELL # 2:

This well is 230 feet deep. It is 12 inches in diameter to a depth of 193 feet and 8 inches in diameter from 193 feet to 230 feet. It is cased with 8 inch diameter by .25 inch thick steel casing to a depth of 193 feet, and sealed with bentonite clay (22 sacks) from the ground surface to a depth of 34 feet and grouted with cement (150 sacks) from 34 feet to a depth of 193 feet. The well was tested at the time of drilling to yield in excess of 300 gallons per minute. There are three water bearing zones. The first is from 1 foot to 34 feet below the ground surface. The second is from 103 feet to 117 feet below the ground surface. Both of these zones are sealed. The third water bearing zone is from 205 to 230 feet below the ground surface. The static water level at the time of drilling was 6 feet below the ground surface.

MOTOR/PUMP: Well # 2 is fitted with two motor/pumps. In the well is a 25 horsepower Franklin electric motor which rotates at 3,450 revolutions per minute. This motor is fitted directly to a Jacuzzi turbine pump with a 4 inch diameter discharge. At the ground surface is a booster pump. This pump is powered by a 25 horsepower Marathon electric motor which rotates at 3,470 revolutions per minute. This motor is short coupled direct to a Paco 7.1 inch diameter centrifugal pump. Intake and discharge pipes on this pump are 2 inch diameter.

DISTRIBUTION SYSTEM: Water from well # 2 is distributed by a system of buried pipes as shown on the Final Proof Map. The pipes are 5 inch diameter near the well and reduce to 4 inch diameter on the lines furthest away from the well and for all lateral lines to risers. There is a total of 5,040 feet of 5 inch diameter buried line and 2,580 feet of 4 inch diameter buried line. Water is placed on the ground directly from the

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MAR 23 1992

risers shown on the Final Proof Map using four Nelson sprinkler heads. These heads have a .60 inch diameter nozzle. Three of the heads are model QC - F100 and one is a QC - SR100. There is a Grainland model 400R flow meter on this system. The system was not in operation at the time of the site visit, but the output of this system is estimated to be in excess of 300 gallons per minute.

USES: Water from the two wells is beneficially used to irrigate hay crops and pasture for livestock. Water from well # 1 is also used for domestic purposes at one household and guest house/bunkhouse complex. The dwelling is located about 150 feet southwest of well # 1.

AREA:	LOCATION	SOURCE	ACRES	1875 RIGHT (ACRES)
	NW1/4NW1/4	S16 WELL # 1	4.8	NONE
	NE1/4NE1/4	S17 WELL # 1	6.2	6
	NW1/4NE1/4	S17 WELL # 1	3.6	3
	NE1/4NW1/4	S17 WELL # 2	4.1	4
	NW1/4NW1/4	S17 WELL # 2	8.2	4
		TOTALS	26.9	17

An affidavit executed on November 10, 1988 diminished the 1875 surface water right from East Birch Creek from primary to supplemental for irrigation of the above shown acreages.

The systems herein described are to be the primary source of water for irrigation of the 17 acres of land with the 1875 priority date.

The final proof survey and site inspection of the water use was completed by me on February 17, 1992 and the facts contained in this report and the accompanying Final Proof Survey Map are correct to the best of my knowledge.

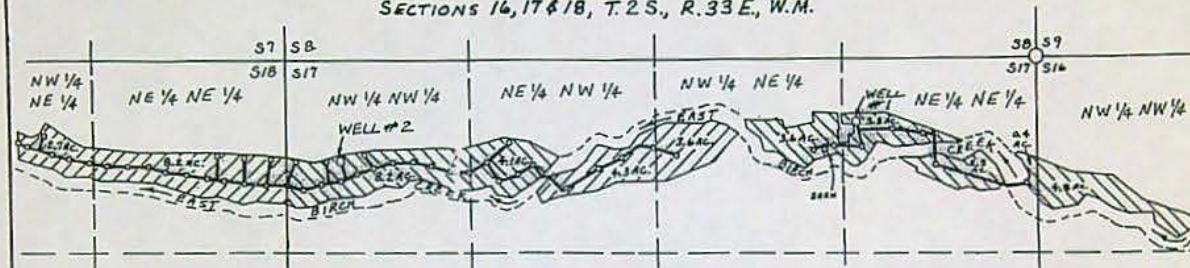


I, Joe Tolar, Division Purchasing Manager for the landowner, Louisiana-Pacific Corporation, agree to the findings of the Certified Water Right Examiner and do submit this site report and the accompanying Final Proof Survey Map as my Claim of Beneficial Use of the water as provided under the terms and conditions of the permit to appropriate the public waters, number G-10861 (Application G-11873), issued February 27, 1989.

Joe Tolar
JOE TOLAR

3/19/92
DATE

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T.2 S., R.33 E., W.M.



FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 is 432' S & 1234' W
WELL #2 is 651' S & 4,881' W



LEGEND

- SECTION CORNER TIED (ROUND MARKED STONE)
- WELL
- RIDER
- BURIED DISTRIBUTION LINE
- ▨ AREA UNDER IRRIGATION - BENEFICIAL USE
- ▨ PLACE OF USE - GROUND WATER APPLICATION



SCALE - FEET

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, C.E.
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

SCALE REDUCED TO 1" = 1,320 ft.



84
27
34
43
190

12832

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

LOUISIANA-PACIFIC CORPORATION
PO BOX 4000-98
HAYDEN LAKE, IDAHO 83835

208-772-6011

is hereby issued a permit to use the waters from ONE WELL WITHIN EAST BIRCH CREEK BASIN for IRRIGATION OF 27.0 ACRES. The permit to the use of these waters has been issued under Application G-11873 with a date of priority of NOVEMBER 18, 1988. The permit is limited to not more than 151.5 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, Section 17, T 2 S, R 33 E, WM;
480 FEET SOUTH & 1140 FEET WEST FROM NE CORNER, SECTION 17.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The permit shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights of others.

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to appropriation of water only to the extent such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

The use of water allowed under this permit shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Application G-11873

Water Resources Department

Permit G-10861

The place of use is as follows:

	ACRES	1/4 1/4	SECTION	TOWNSHIP	RANGE, WM
primary	11.00	NE NE	17	2 S	33 E
primary	3.00	NW NE	17	2 S	33 E
primary	4.00	NE NW	17	2 S	33 E
primary	4.00	NW NW	17	2 S	33 E
primary	5.00	NE NE	18	2 S	33 E
Total:	27.00	acres.			

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 27, 1990, and shall be completed on or before October 1, 1990. Complete application of the water to the use shall be made on or before October 1, 1991.

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Issued this date, February 27, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

#5

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

~~UMAT~~
5531

UMAT
5531

25/33E/18 aa

(START CARD) # 23057

(1) OWNER: Well Number: 2
Name Louisiana-Pacific Corp.
Address P.O. Box 4000-98
City Hayden Lake State ID Zip 83835

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

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No
Explosives used Yes No Type _____ Amount _____
Depth of Completed Well 230 ft.

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
12"	0 193	Cement	34 193	150 sacks	
8"	193 230	Bentonite	0 34	22 sacks	

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	71	193	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Casing:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 193

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Telo/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 300+ Drawdown _____ Drill stem at 230 Time 1 hr.

Temperature of water 61° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 25 N or S. Range 33E E or W. WM.
Section 18 NE 1/4 NE 1/4
Tax Lot 1600 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) East Birch Creek
Pilot Rock, OR 97868

(10) STATIC WATER LEVEL:
6 ft. below land surface. Date 5-22-91
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 16

From	To	Estimated Flow Rate	SWL
1	34	30	15
103	117	100	15
205	230	300+	6

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Brown clay soil	0	1	
Gravel with some cobbles	1	34	WB
Gray basalt	34	103	
Black basalt with yellow soapstone	103	117	WB
Gray basalt	117	172	
Broken gray basalt with green soapstone	172	180	
Gray basalt	180	205	
Red & gray basalt with green soapstone	205	230	WB

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JUN 3 1991

WATER RESOURCES DEPT.
SALEM, OREGON

Date started 5-13-91 Completed 5-22-91

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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Patrick Wallace WWC Number 1218
Date 5-29-91

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

UMAT
5271

APR 27 1989

WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD) # 8339

28/33E/Maa

(1) OWNER: Louisiana-Pacific Corp. Well Number: _____
Address: P.O. Box 4000-98
City: Hayden Lake State: ID Zip: 83835

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

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 250 ft.
Explosives used: Yes No Type _____ Amount _____

HOLE		SEAL		Amount
Diameter	From	To	Material	sacks or pounds
12"	0	180	Cement	70 sacks
8"	180	250		

How was seal placed: Method A B C D E
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:
Casing: Diameter 8" From 0 To 180 Gauge 2 Steel Plastic Welded Threaded
Liner: _____

Final location of shoe(s) 180

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

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 300 Drawdown 250 Drill stem at 1 hr. Time 1 hr.

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

(9) LOCATION OF WELL by legal description:
County Umatilla Latitude _____ Longitude _____
Township 25 N or S, Range 33E E or W, WM.
Section 17 NE 1/4 NE 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) East Birch Creek, Pilot Rock, OR 97868

(10) STATIC WATER LEVEL:
15 ft. below land surface. Date 4-11-89
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 45

From	To	Estimated Flow Rate	SWL
45	68	20	15
245	250	280	15

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Brown clay soil	0	1	
Brown clay w/ cobbles	1	29	
Gray basalt	29	33	
Broken gray basalt	33	45	
Brown basalt	45	68	WB
Gray basalt	68	149	
Gray basalt, medium	149	245	
Broken gray basalt with green soapstone	245	250	WB

Date started 4-6-89 Completed 4-11-89

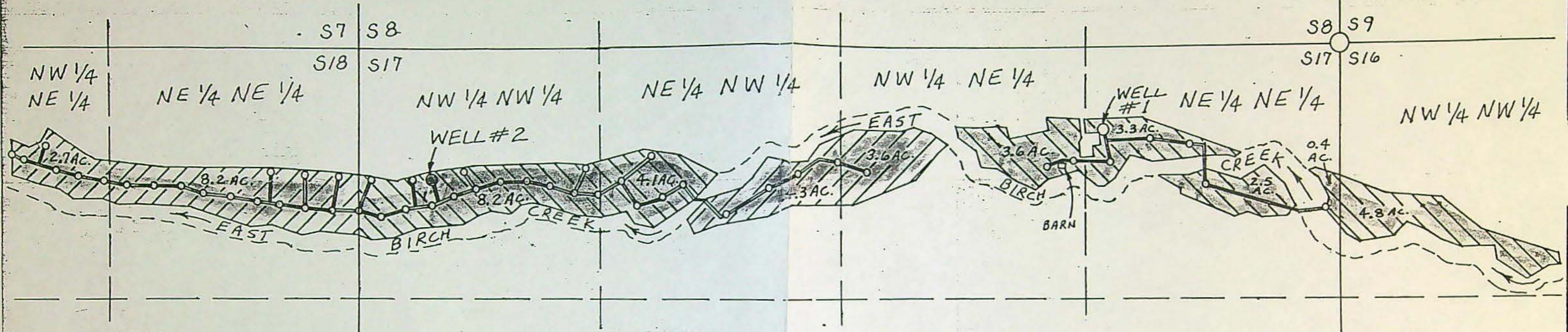
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
WWC Number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

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Patrick C. Waller WWC Number 1218
Date 4-20-89

FINAL PROOF SURVEY AND CLAIM OF BENEFICIAL USE
AND
APPLICATION TO APPROPRIATE GROUND WATER
SECTIONS 16, 17 & 18, T.2 S., R.33 E., W.M.

Application No. G-12832
Permit No. G-12242
MAR 23 1992
WATER RESOURCES DEPT.
SALEM, OREGON

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FINAL PROOF OF BENEFICIAL USE - APPLICATION G-11873
PERMIT G-10861

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NW 1/4 S16	WELL #1	4.8 ACRES	NONE
NE 1/4 NE 1/4 S17	WELL #1	6.2 ACRES	6 ACRES
NW 1/4 NE 1/4 S17	WELL #1	3.6 ACRES	3 ACRES
NE 1/4 NW 1/4 S17	WELL #2	4.1 ACRES	4 ACRES
NW 1/4 NW 1/4 S17	WELL #2	8.2 ACRES	4 ACRES
TOTALS:		26.9 ACRES	17 ACRES

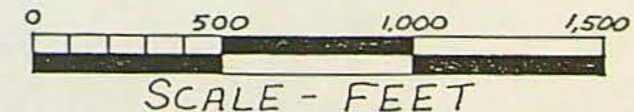
LOCATION OF WELLS

FROM SECTION CORNER 8, 9, 16 & 17:
WELL #1 IS 432' S & 1,234' W
WELL #2 IS 651' S & 4,881' W



LEGEND

- = SECTION CORNER TIED (FOUND MARKED STONE)
- = WELL
- = RISER
- = BURIED DISTRIBUTION LINE
- = AREA UNDER IRRIGATION - BENEFICIAL USE
- = PLACE OF USE - GROUND WATER APPLICATION

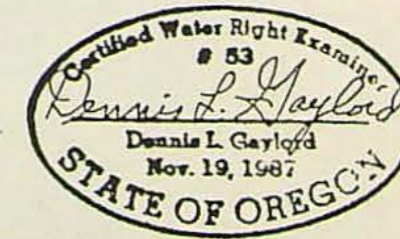


APPLICATION - PLACE OF USE
AND SOURCE

LOCATION	SOURCE	AREA	1875 RIGHT
NW 1/4 NE 1/4 S17	WELL #2	3.6 ACRES	NONE
NE 1/4 NW 1/4 S17	WELL #2	4.3 ACRES	NONE
NE 1/4 NE 1/4 S18	WELL #2	8.2 ACRES	5 ACRES
NW 1/4 NE 1/4 S18	WELL #2	2.7 ACRES	NONE
TOTALS:		18.8 ACRES	5 ACRES

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

APPLICANT:
LOUISIANA-PACIFIC
P.O. Box 4000-98
HAYDEN LAKE, IDAHO
83835



DENNIS L. GAYLORD, CWRE
4107 S.W. LAKE DRIVE
PENDLETON, OR. 97801
503-276-6260

Application No. G-11873

Permit No. 21

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 151.5 gallons per minute cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from one well.

The use to which this water is to be applied is irrigation of 27.0 acres.

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year;

Use of water under this permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to the appropriation of water only to the extent that such appropriation does not interfere with or deplete the flow of Birch Creek or any tributary thereof; any depletion of surface waters will require the well to be shut down, since waters of Birch Creek and tributaries thereof have been withdrawn from further appropriation except for certain uses by the Umatilla Basin Program adopted by the Water Resources Commission (OAR 690-80).

make UMA not of 27.0 acres in Umatilla

The well shall be properly cased and grout sealed to a depth of not less than 180 feet and shall be constructed in accordance with the General Standards for -----

make AS5 position above ie, (A) M

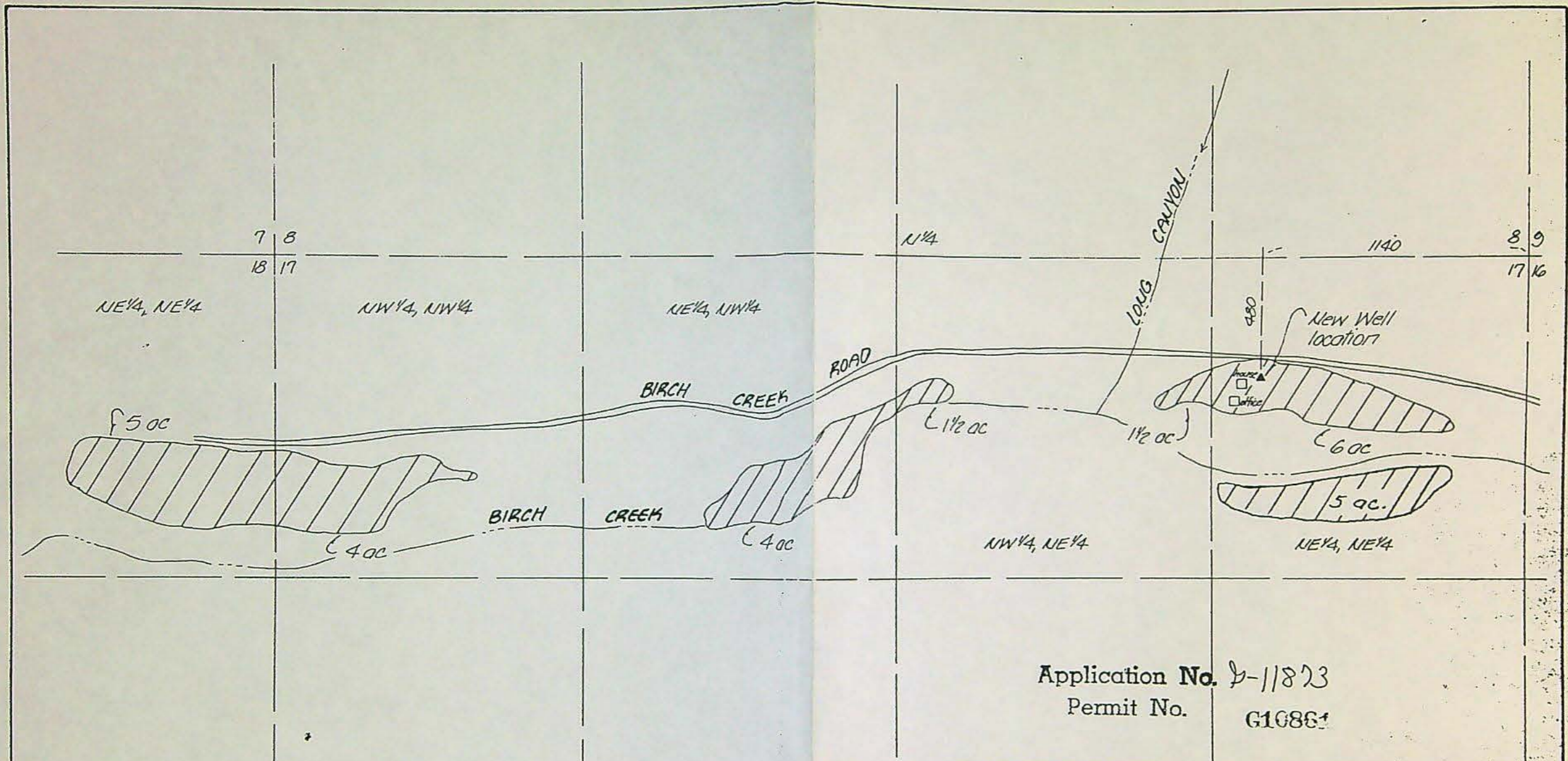
keep a complete record of the amount of ground water withdrawn. shall

The priority date of this permit is November 13, 1988

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....


Complete application of the water to the proposed use shall be made on or before October 1, 19.....

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




Application No. D-11873
 Permit No. G10861

RECEIVED
 NOV 18 1968
 WATER RESOURCES DEPT
 SACRAMENTO, CALIF

 denotes irrigated lands

K KRUMBEIN ENGINEERING LTD. ENGINEERS - SURVEYORS - PLANNERS 361 S.E. Second Pendleton, Oregon	Scale 1" = 400'	Des. By MJD	Drawn By MJD	Revision
	Date 11-7-68	Ckd. By DHT	Job No. 80-45	Revision

Water Right Application for
LOUISIANA PACIFIC



STATE OF OREGON
Office of the Water Resources Director
Salem, Oregon 97310

The terms of your water right permit No. 6-10261, require you to begin on or before February 27, 1990 actual construction of the works and/or the purchase and installation of the pump and other equipment necessary to your use of water. We have not received the notice of beginning of construction. If you have begun such work you should promptly fill out, sign and forward the notice (Form A) which was attached to your permit.

In case you failed to begin construction work, your right has been lost. In order that the records of this office may be complete without strict notice procedure, a statement of the fact and authorization to cancel the permit would be greatly appreciated.

Application No. G-11873

Permit No. G10861

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIVED

NOV 18 1988

Application for a Permit to Appropriate Groundwater

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: Louisiana-Pacific Corporation

Mailing address: P.O. Box 4000-98

Hayden Lake Idaho 83835 (208) 772-6011
City State Zip Phone No.

I hereby make application for a permit to appropriate the following described groundwaters of the State of Oregon:

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

One water well with casing

Use of water: Irrigation

Amount of water: .3375 CFS or 151.5 GPM
(cubic feet per second) (gallons per minute)

Diameter of well: 8" Depth in feet: 375'

Type and size of well casing: Steel 8" No. of feet: _____

Estimated depth to water: 25'
(feet)

Type of access port or measuring device: Air Line

Wells to be drilled by: Wallace Drilling

Address: Hermiston Oregon 97838
City State Zip

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

If development is less than 1/4 mile from a natural stream, give the following:

Distance from development to stream: 400'

Elevation difference between streambed and development: 25'

Note: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells.

200⁰⁰ 27
100⁰⁰ 10
34 17
334

2. **LOCATION** (if there is more than one well or source, describe on another sheet):

480 feet South and 1140 feet West
(N or S) (E or W)

from the NE corner of Section 17
(Public Land Survey Corner)

located within the NE 1/4 of the NE 1/4 of Section 17,

Township 2 S., Range 33 E, WM. Tax Lot 1600
2S 33

in Umatilla County.

3. **PLACE OF USE** (attach additional sheets, if necessary):

Township	Range	Section	¼ ¼ Section	Tax Lot No.	Use	Use or acres to be irrigated
2S	33E	17	NE¼, NE¼	1600	Irrigation	11.0
2S	33E	17	NW¼, NE¼	1600	Irrigation	3.0
2S	33E	17	NE¼, NW¼	1600	Irrigation	4.0
2S	33E	17	NW¼, NW¼	1600	Irrigation	4.0
2S	33E	18	NE¼, NE¼	1600	Irrigation	5.0

4. **DESCRIPTION OF WATER-DELIVERY SYSTEM:**

Length and dimensions of supply ditch or pipeline: Approx. 200' of 4" sprinkler pipe

Size and type of pump and motor: 5 HP to 7½HP single phase electric motor.

Type of irrigation system (check appropriate box): Flood Wheel line

Hand line Drip Other _____

Other systems: _____

Proposed date construction will begin: Approx. February, 1989

Proposed date of completion of system: March, 1989

Proposed date water use will be completed: _____

Is this groundwater source supplemental to another supply? NO

If so, identify the supply and the existing water right: Certificate No. 2528, Pg. 75

in decree of 1875, from Birch Creek.

Comments: An affidavit is being filed to diminish the character of the surface water rights on the following property from primary irrigation to supplemental irrigation, contingent upon the approval of this application.

- 6 Acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
- 3 Acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
- 4 Acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
- 4 Acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 17
- 5 Acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ TSP. 2-S RANGE 33E SECTION 18

LOUISIANA PACIFIC CORP. BY *Joe Tolson*
 Signature of Applicant
PURCHASING MANAGER
PO BOX 4000-98 HAYDEN LAKE, ID. 83835

NOTE: This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Application No. D-11873

Permit No. G10861

PC

(DO NOT WRITE IN THIS SPACE)

Dear Applicant:

I certify that I have examined the foregoing application, together with any accompanying information. I am returning it to you for the following reason(s):

In order to retain your priority, you must return this application with the requested corrections or additions on or before _____, 19 ____

Date: _____, 19 ____

WATER RESOURCES DEPARTMENT

By: _____

RECEIVED at Oregon Water Resources Department on: November 18, 19 88
at 8:00 o'clock AM/PM.

Application No. 9-11873 Permit No. _____