

DGWSA

Name _____ G-16298
 By _____ *Assigned*
 Address _____ **TERESA SCHNELL**
 69750 HOLMES RD
 SISTERS OR 97759

 _____ *C15* _____
 Priority _____
 County _____ WM# _____

RELATED FILES

DEVELOPMENT

Date

Completion 10-1-2010
 Extended to 10-1-2015

 Final Proof received _____
 Proposed Cert. Mailed _____

Application No. G16298
 Permit No. G-16011
 Certificate No. _____

Date

DENIED _____
 MISFILED _____ Volume Page
 WITHDRAWN _____
 CANCELLED _____

FEES PAID

Date	Amount	Receipt No.
8/13/04	\$500.00	69322
1-6-06	250.00	79362
5-29-12	75.00	105848
6-26-12	500.00	106100
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address
5/29/2012	JEROME WAND & DANA WAND 69750 HOLMES ROAD SISTERS OR 97759	

REMARKS _____

MAP LOCATION _____

**REIMBURSEMENT AUTHORITY PERMIT
APPLICATION G-16298 PERMIT G-16011**

CONTRACT NEVER EXECUTED.



Outlook

Fw: Certificate RA Estimate R13184-27 for Jerome & Dana Wand involving Application G-16298

From KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>

Date Fri 4/10/2026 1:05 PM

To Bryce Withers <brycewrs@gmail.com>

Cc KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>

 3 attachments (4 MB)

RA contract_G-16298.pdf; certificate estimate request_G-16298.pdf; certificate estimate receipt_G-16298.pdf;

Hello,

I am wondering if Jerome and Dana Wand wish to pursue the expedited review of the claim of beneficial use for Application G-16298.

Please advise.

Thank you,
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>



OREGON
WATER
RESOURCES
DEPARTMENT

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

From: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>

Sent: Monday, November 17, 2025 11:37 AM

To: Bryce Withers <brycewrs@gmail.com>; John Short <johnshort@usa.com>

Cc: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>

Subject: Certificate RA Estimate R13184-27 for Jerome & Dana Wand involving Application G-16298

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 users, please ask Jerome & Dana Wand 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.

**STATE OF OREGON
WATER SOURCES DEPARTMENT**

Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **146282**

INVOICE # _____

RECEIVED FROM: Dana D Wand

BY: Jerome B Wand

APPLICATION G-16298

PERMIT _____

TRANSFER _____

CASH: _____ CHECK:# _____ OTHER: (IDENTIFY) _____

☐ ☒ 1173 ☐ _____

TOTAL REC'D \$ 470.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47/23 R13184-27 \$ _____

0413 OTHER: (IDENTIFY) Certificate RA \$ 185.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 4611 \$ _____

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 \$ _____

0200 OTHER (IDENTIFY) Cable \$ 345.00

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 (FW/WRD) \$ _____

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **146282**

DATED: 11-3-25 BY: cm-milla

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



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

Received by OWRD

NOV 03 2025

Salem, OR

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.

REQUEST	TYPE	FILE NUMBER
☒	Certificate Request	Application Number G-16298 Permit Number G-16011 Transfer Number/Permit Amendment (if applicable)

Applicant Information		Applicant's Representative/Contact
Name:	Jerome & Dana Wand	Bryce Withers/Water Right Services, LLC
Address:	69750 Holmes Rd Sisters, OR 97759	PO Box 1830 Bend, OR 97709
Phone:	541-588-6517	541-389-2837
Fax:		
E-Mail Address:		brycewrs@gmail.com & johnshort@usa.com

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.
- That this fee covers the 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

I certify that I am the (check one):

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

Name: Bryce Withers

Signature: Bryce Withers

OWRD USE ONLY: Reimbursement Authority Number: R1 3184-27

Oregon Water Resources Department

Water Right Services Division

Water Rights Application
Number G-16298

FINAL ORDER

Extension of Time for Permit Number G-16011
Permit Holder: Jerome Wand and Dana Wand

Permit Information

Application File:	G-16298
Permit:	G-16011
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	August 13, 2004
Source of Water:	A well in Deschutes River Basin
Purpose of Use:	Irrigation of 1.0 Acres
Maximum Rate:	0.0125 Cubic Feet per Second (cfs)

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

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-16011 was issued by the Department on January 26, 2006. The permit called for complete application of water to beneficial use by October 1, 2010. On June 26, 2012, Jerome Wand and Dana Wand submitted to the Department an Application for Extension of Time for Permit G-16011. In accordance with OAR 690-315-0050(2), on April 29, 2014, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2015. The protest period closed June 13, 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 April 29, 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.

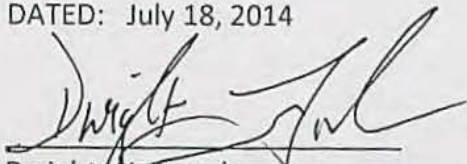
CONCLUSION OF LAW

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-16298, Permit G-16011, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2010 to October 1, 2015¹.

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
-

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

Mailing List for Extension FO Copies

FO Date: July 18, 2014

Copies Mailed

Application G-16298

Permit G-16011

By: BJ
On: 7/18/14

Original mailed to permit holder

Jerome Wand and Dana Wand
69750 Holmes Road
Sisters, OR 97759

Copies sent to:

1. WRD - App. File G-16298/ Permit G-16011
2. John Short, PO Box 1830 Bend, OR 97709

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 11, Jeremy Giffin ✓ SWP 7-17-14
5. WRD - Laura Wilke - Permit with mitigation requirements
Done by SWP Date 7-17-14

CASEWORKER: SWP

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THERESA SCHNELL
69750 HOLMES RD
SISTERS, OREGON 97759

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16298

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 1.0 ACRE

MAXIMUM RATE: 0.0125 CUBIC FOOT PER SECOND

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 13, 2004

WELL LOCATION: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 28, T14S, R11E, W.M.; 290 FEET SOUTH & 310 FEET WEST FROM EAST $\frac{1}{4}$ CORNER, SECTION 28

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRE
SECTION 28
TOWNSHIP 14 SOUTH, RANGE 11 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, shall keep a complete record of

the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation as required herein is maintained.

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation: 1.8 acre-feet in the General Zone of Impact (anywhere in the Deschutes Basin above the Madras gage, located on the Deschutes River below Lake Billy Chinook)

Mitigation Source: 1.8 permanent Mitigation Credits associated with Mitigation Project MP-3 (Transfer T-9360) which is a permanent instream transfer.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

STANDARD CONDITIONS

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.

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.

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.

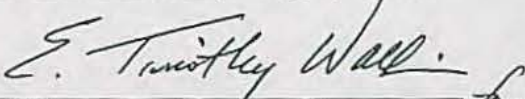
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Complete application of water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 26 , 2006

A handwritten signature in dark ink, appearing to read "P. Timothy Ward", is written over a horizontal line.

Phillip C. Ward, Director
Water Resources Department

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-16011, Water Right
Application G-16298 in the name of Jerome Wand and Dana Wand

Permit Information

Application File:	G-16298
Permit:	G-16011
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	August 13, 2004
Source of Water:	A well in Deschutes River Basin
Purpose of Use:	Irrigation of 1.0 Acres
Maximum Rate:	0.0125 Cubic Feet per Second (cfs)

****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 to apply water to full beneficial use from October 1, 2010, to October 1, 2015¹.*

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-16011 was granted by the Department on January 26, 2006. The permit authorizes the use of up to 0.0125 cfs of water from a well in Deschutes River Basin for irrigation of 1.0 acre. The permit specified complete application of water was to be made on or before October 1, 2010.
2. The permit holder submitted an "Application for Extension of Time" to the Department on June 26, 2012, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-16011 be extended from October 1, 2010, to October 1, 2015. This is the first permit extension requested for Permit G-16011.

3. Notification of the Application for Extension of Time for Permit G-16011 was published in the Department's Public Notice dated July 3, 2012. No public comments were received regarding the extension application.
4. The Department received additional information in 2013 indicating a meter had been installed and water use records submitted.

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)]

5. On June 26, 2012, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999, including this application.

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

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

7. As of June 26, 2012, the remaining work to be completed consisted of installing a totalizing flow meter, recording and submitting monthly water use reports to the Department.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2015, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-16011 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

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.

OAR 690-315-0040(2).

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

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

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

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Work was completed during the original development time frame under Permit G-16011 including construction of the well, installation of electric meter and the sprinkler system, and purchase of mitigation.

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

10. The following use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-16011 on January 26, 2006, a maximum rate of 0.0125 cfs of water has been appropriated from the well for irrigation of 1.0 acre.

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

11. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions. The record shows that a meter or other suitable measuring device was installed in 2013, an annual report of the amount of water used each month was received by the Department in 2013, and the appropriate permanent mitigation water has been purchased from Mitigation Credit Project MP-3.

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

12. Financial investments made toward developing the beneficial water use.
 - a. As of June 26, 2012, the permit holder has invested approximately \$36,000 which is approximately 97 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$1,000 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)]

13. As of June 26, 2012, the permit holder has invested approximately \$36,000 which is approximately 97 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$1,000 investment is needed for the completion of this project.

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

14. The Department has found good faith of the appropriator under Permit G-16011.

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:

15. 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-16011; 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-16011, located within the Deschutes River Basin, is not located within a limited or critical ground water area. The Deschutes River is located within or above a state or federal scenic waterway, and is it 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 not in an area listed by the Department of Environmental Quality as a water quality limited stream.
16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of June 26, 2012, the permit holder has invested approximately \$36,000.

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

a. None have been identified.

18. 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)]

19. 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)]

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

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

21. The economic recession reportedly impacted the previous permit holder's ability to complete the project sooner. The current permit holder was assigned the permit in 2012 and has been developing an understanding of needed actions.

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. Full application of water to beneficial use can be accomplished by October 1, 2015, 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 to apply water to beneficial use under Permit G-16011 from October 1, 2010 to October 1, 2015.

DATED: April 29, 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 13, 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;

- 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: April 29, 2014

Copies Mailed

Application G-16298

Permit G-16011

By: BLJ
On: 4/29/14

Original mailed to Applicant:

Jerome Wand and Dana Wand
69750 Holmes Road
Sisters, OR 97759

Copies sent to:

1. WRD - App. File G-16298/ Permit G-16011
2. John Short PO Box 1830 Bend, OR 97709

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 - Laura Wilke - Permit with mitigation requirements
Done by SWP Date 4-25-14

5. Watermaster DIST II Griffin ✓ 4-25-14 SWP

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- 16298 Permit: G- 16011 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Jerome Wand & Dana Wand

Permit Holder's Mailing Address: 69750 Holmes Road, Sisters, OR 97759 email na

Phone Number: 541-588-6517

POD Location: Township 14 S Range 11 E Section 28 $\frac{1}{4}$ $\frac{1}{4}$ NE SE

Drainage Basin: 5 County: Deschutes Watermaster District: 11 Watermaster: Jeremy Giffin

Date Permit was issued: 1/26/2006

Priority Date: 8/13/2004

Date of PN: 7/3/12

Source: A well in Deschutes River Basin

Use: Irrigation of 1.0 acre

"Q": 0.0125 cubic foot per second

Orig "A" Date:

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2010

Extension
request rec'd: 6/26/2012

Last Authorized
"B" Date: 10/1/

Last Authorized
"C" Date: 10/1/

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

Proposed
"B" Date: 10/1/

Proposed
C Date: 10/1/2015

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☒	Meter <u>Submitted 10/10/13</u>
☒	☒	Water use reporting <u>? 3-7-14</u>
☒	☐	Mitigation obligation
☐	☐	
☐	☐	

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: \$36,000 Estimated Remaining Cost: \$1,000

- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 0.0125 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on 1.0 acres

GW REVIEW: Y DNF

MITIGATION REVIEW: Y N

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

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

Identify the closest surface water or localized water basin. Deschutes R>Columbia R-AB Shitike Cr

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- ☒ ☐ above a state scenic waterway? Name Descutes 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 _____
- ☐ ☒ within a Withdrawn Area? Name of area _____
- ☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- ☒ ☐ within an area ranking ☐ low / ☒ moderate / ☐ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

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

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

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

☐ COBU Requirement - Surface Water - post July 9, 1987

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

☒ COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

AGENT: John Short, Water Right Servcies, LLC, PO Box 1830, Bend, OR 97709

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____



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
(Non-Municipal / Non-Quasi-municipal Water Use)

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, JEROME WAND AND DANA WAND

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

69750 HOLMES ROAD
ADDRESS

SISTERS
CITY

OR
STATE

97759
ZIP

541-588-6517
PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number G-16298

Permit Number G-16011
[OAR 690-315-0020(3)(b)]

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JUN 26 2012

WATER RESOURCES DEPT
SALEM, OREGON

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, be
extended to October 1, .

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

9/26/12 ☒ apply water to full beneficial use under the terms and conditions of the permit, which time now
expires on October 1, 2010, be extended to October 1, 2015.



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 (Non-Municipal / Non-Quasi-municipal Water Use)

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, JEROME WAND AND DANA WAND

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

69750 HOLMES ROAD SISTERS OR 97759
ADDRESS CITY STATE ZIP
541-588-6517
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G-16298

Permit Number G-16011
[OAR 690-315-0020(3)(b)]

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WATER RESOURCES DEPT
SALEM, OREGON

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, 2010 be
extended to October 1, 2015.

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

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, 2010, be extended to October 1, 2015.



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
(Non-Municipal / Non-Quasi-municipal Water Use)

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, JEROME WAND AND DANA WAND

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

69750 HOLMES ROAD SISTERS OR 97759
ADDRESS CITY STATE ZIP

541-588-6517 _____
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G-16298

Permit Number G-16011
[OAR 690-315-0020(3)(b)]

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JUN 26 2012

**WATER RESOURCES DEPT
SALEM, OREGON**

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, 2010, be
extended to October 1, 2015.

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

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, _____, be extended to October 1, _____.

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WATER RESOURCES DEPT
SALEM, OREGON

Oregon Water Right Agent Authorization

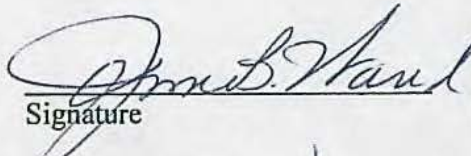
To Oregon Water Resources Department:

I/We, the undersigned, as owner(s) of that Oregon water right referenced below, do hereby authorize John A. Short of Water Right Services, LLC as our agent to represent me/us in all matters relating to this water right.

Application: G-16298

Permit: G-16011

Certificate:

 Signature	<u>Jerome B. Wand</u> Printed Name	<u>5-29-12</u> Date
 Signature	<u>Dana D. Wand</u> Printed Name	<u>5-29-12</u> Date

Water Right Services, LLC

John A. Short
541-389-2837

P.O. Box 1830
Bend, OR 97709

johnshort@usa.com
www.oregonwater.us

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

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

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

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

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**WATER RESOURCES DEPT
SALEM, OREGON**



GENERAL TIPS:

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

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

Reference Materials Needed to Complete this Application:

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

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

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



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

Date construction began is: WELL CONSTRUCTED 8-12-98

Details of construction: SYSTEM SUBSTANTIALLY COMPLETE UPON MY INSPECTION IN 2004 INCLUDING WELL, IRRIGATION POND, UNDERGROUND SPRINKLER SYSTEM, AND LAWN.

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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

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



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

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	2004	ELECTRICAL METER EXISTS.
2	N/A	NO WATER USE REPORTING IS KNOWN TO HAVE OCCURRED.
3	10/11/05	OWRD RECEIVED GROUND WATER MITIGATION DOCUMENTARY EVIDENCE
4	2004	COMPLETE APPLICATION OF WATER TO THE USE.

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SALEM, OREGON

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

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	2013	EXISTING METER DOES NOT ALLOW FOR CONVENIENT WATER USE MONITORING. TOTALIZING FLOW METER TO BE INSTALLED.
2	2013	NO WATER USE REPORTING IS KNOWN TO HAVE OCCURRED.

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

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

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

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1998	DESC 51830 WELL DRILLED	\$20,000
2000	IRRIGATION POND, SPRINKLER SYSTEM, AND LAWN INSTALLED PER AERIAL PHOTOGRAPHY.	\$10,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
1-26-06	Date the permit was signed - find date above signature on last page of permit.	
1-30-06	PERMANENT MITIGATION PURCHASED	\$6,000
N/A	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

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SALEM, OREGON

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> 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.	COST*
Total Cost for Chart-C		\$36,000

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

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

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/	"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.	

CHART-D (Continued)

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

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

4. Cost of project to date: \$36,000
(The total combined cost from CHART-C and CHART-D)

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

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WATER RESOURCES DEPT
SALEM, OREGON

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



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

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



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

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

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

Acre-feet stored to date = _____ AF

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



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

WATER RESOURCES DEPT
SALEM, OREGON

CHART-E

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? (See 5-C below)	Maximum instantaneous rate used 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		Yes ☒ No ☐	DESC	51830	Yes ☒ No ☐	0.0125 CFS	Yes ☐ No ☒	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
Total instantaneous rate from all wells utilized under this permit						0.0125 CFS		

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

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

Well #____: Actual location: _____

Well #____: Actual location: _____

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

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

Total acres irrigated to date: 1.0

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

Well #____ Acres 1.0 Well #____ Acres _____

Well #____ Acres _____ Well #____ Acres _____

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2012	INSTALL TOTALIZING FLOW METER	\$1,000
2013	RECORD AND REPORT MONTHLY WATER USE	N/A
		RECEIVED
		JUN 26 2012
Year: 2013	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	WATER RESOURCES DEPT SALEM, OREGON
Total Cost		\$1,000

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

8. Estimated remaining cost to complete the project: \$1,000
(The total cost from CHART-F)

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

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

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

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

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

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

ORIGINAL PERMIT HOLDER IMPACTED BY RECESSION / DIVORCE.
PERMIT ASSIGNMENT TO NEW OWNER JUST APPROVED BY OWRD 5/30/12.

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

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

TIME REQUESTED ALLOWS NEW OWNER TIME TO FIGURE OUT SYSTEM,
INSTALL METER, AND REPORT A FULL SEASON OF MONTHLY WATER
MEASUREMENTS WITH SOME ROOM FOR UNFORESEEN COMPLICATIONS.

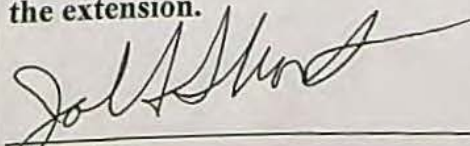
11. **Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.**

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WATER RESOURCES DEPT
SALEM, OREGON

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.


Signature

John A. Short

Date

6-25-12

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THERESA SCHNELL
69750 HOLMES RD
SISTERS, OREGON 97759

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16298

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 1.0 ACRE

MAXIMUM RATE: 0.0125 CUBIC FOOT PER SECOND

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 13, 2004

WELL LOCATION: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 28, T14S, R11E, W.M.; 290 FEET
SOUTH & 310 FEET WEST FROM EAST $\frac{1}{4}$ CORNER, SECTION 28

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 1.0 ACRE
SECTION 28

TOWNSHIP 14 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- 1.) A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of

Application G-16298 Water Resources Department PERMIT G-16011

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WATER RESOURCES DEPT
SALEM, OREGON

2.) the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation as required herein is maintained.

3.) **GROUND WATER MITIGATION CONDITIONS**

Mitigation Obligation: 1.8 acre-feet in the General Zone of Impact (anywhere in the Deschutes Basin above the Madras gage, located on the Deschutes River below Lake Billy Chinook)

Mitigation Source: 1.8 permanent Mitigation Credits associated with Mitigation Project MP-3 (Transfer T-9360) which is a permanent instream transfer.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

Application G-16298 Water Resources Department PERMIT G-16011

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SALEM, OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

Page 3

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

STANDARD CONDITIONS

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.

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.

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.

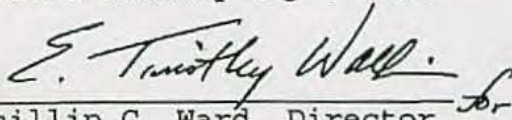
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

4.) Complete application of water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued January 26 , 2006


Phillip C. Ward, Director
Water Resources Department

Application G-16298 Water Resources Department
Basin 5
huffmaam

PERMITG-16011
District 11

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JUN 26 2012

WATER RESOURCES DEPT
SALEM, OREGON

Desc
51830

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JUN 26 2012

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

WATER RESOURCES DEPT
SALEM, OREGON

WELL I.D. # 2582C
START CARD # 110387

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

(1) OWNER: Richard Schendel Well Number
Name P.O. Box 728
Address SCAPPOOSE State OR Zip 97050
City

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

(3) DRILL METHOD:
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 655 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Sacks or pounds
12 0 19 BENTONITE 19 75 5 5 5
8 19 655

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

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 8 1 19 20 ☒ ☐ ☒ ☐
Liner: 6 6 655 188 ☒ ☐ ☒ ☐

Final location of shoe(s)
(7) PERFORATIONS/SCREENS:
☒ Perforations Method MACHINERY
☐ Screens Type _____ Material _____
From To Slot size Number Diameter Tele/pipe size Casing Liner
635 655 1/8 3 22 8 ☐ ☒

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing
Yield gal/min Drawdowns Drill stem at Time
50+ 655 1 hr.
Temperature of water 54 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 Dakota Latitude _____ Longitude _____
Township 14 N. or S. Range 11 E. or W. WM.
Section 28 NE 1/4 SE 1/4
Tax Lot 200 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 6950 Home Rd.
SP5123 OR.

(10) STATIC WATER LEVEL:
550 ft. below land surface. Date 8-11-98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 550

From	To	Estimated Flow Rate	SWL
<u>550</u>	<u>552</u>		<u>550</u>
<u>555</u>	<u>619</u>		<u>550</u>
<u>619</u>	<u>655</u>		<u>550</u>

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
<u>SANDY SOIL & Rock</u>	<u>0</u>	<u>4</u>	
<u>GRAY Basalt</u>	<u>4</u>	<u>88</u>	
<u>Brown clay congl</u>	<u>88</u>	<u>220</u>	
<u>GRAY Basalt</u>	<u>220</u>	<u>230</u>	
<u>FRAG GRAY Basalt</u>	<u>230</u>	<u>242</u>	
<u>BAN S/S congl</u>	<u>242</u>	<u>290</u>	
<u>GRAY Basalt</u>	<u>290</u>	<u>310</u>	
<u>BAN S/S congl</u>	<u>310</u>	<u>417</u>	
<u>tan cinders</u>	<u>417</u>	<u>440</u>	
<u>GRAY Basalt</u>	<u>440</u>	<u>545</u>	
<u>RED CONGLOMERATE</u>	<u>545</u>	<u>552</u>	<u>550</u>
<u>GRAY Basalt</u>	<u>552</u>	<u>575</u>	
<u>FRAG GRAY Basalt</u>	<u>575</u>	<u>619</u>	
<u>BAN S/S congl</u>	<u>619</u>	<u>655</u>	

RECEIVED
AUG 17 1998
WATER RESOURCES DEPT.
SALEM, OREGON
Date started 8-6-98 Completed 8-11-98
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1595 Date 8-12-98
(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1595 Date 8-12-98

Application # G-16298

Permit # G-16011

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: 6-26-2012

♦ **Extension Specialist ...**

☒ Added to tracking spreadsheet

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

♦ **Codi Holmes...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 7/3/12

☒ Update WRIS Database

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

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

☒ Yes or ☐ No: Return file to Extension Specialist after PN Jerry G

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 # **106100**

INVOICE # _____

RECEIVED FROM: Jerome B. Duna
BY: D. Wand

APPLICATION	G16298
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 8287 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 500.00

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 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 500.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **106100**

DATED: 6-26-12 BY: RIZ



Oregon

John A. Kitzhaber, MD, 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

July 2, 2012

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-16298 (Permit G-16011)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

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

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

If you have questions concerning your extension of time application, please contact Jerry Gainey (503) 986-0812. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



Water Use Reporting Entry

[Logout](#)[Update Contact Info](#)

JEROME & DANA WAND
6975HOLMES RD.
SISTERS, OR 97759

Next reporting period is for water year 2014. Online reporting will be available between 10/1/2014 and 2/28/2015.

Records per Page: 5

<u>Report ID</u>	<u>Facility</u>	<u>Associated Water Rights & Description</u>
<u>Select</u> 62895	DESC 51830	<u>Permit: G 16011 *</u> A WELL; 14S-11E-28-NE SE; 290 FEET SOUTH & 310 FEET WEST FROM E1/4, SECTION 28

Report ID: 62895

Water Use data may only be submitted online once per Report ID for a particular year. To correct or add to an existing Water Use report, send a message to: wateruse@ wrd.state.or.us, call (503) 986-0905, or mail the information to: Water Use Reporting, Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1266.

<u>Water Year</u>	<u>Unit</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>
2013	GALLONS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	30960.0	45410.0	33718.0	11272.0

JERRY WAND

6975D HOLMES RD. App G-16298

SISTERS, OR. 97759

	Initials	Date
Prepared By		
Approved By		

DATE

READING

RECEIVED BY OWRD

6-8-13 INSTALLED

0

OCT 10 2013

7-6-13

30960

SALEM, OR

8-7-13

76370

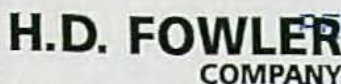
9-8-13

110088

10-6-13

121360

9-15-13 TURNED IRR. OFF



Packing Slip 3388066



SALEM, OR

Corporate Offices
13440 SE 30th St., Bellevue, WA 98005
PO Box 160, Bellevue, WA 98009-0160
Phone 425-746-8400 • Fax 425-641-8885

Page 1

Redmond Branch
155 NE 11TH ST
Redmond, OR 97756
541-923-2090 Fax 541-923-2191

To: RESPONSE TO NATURE INC 69582 HOLMES RD		Ship to: HD Fowler Company - Redmond . 155 NE 11TH ST Redmond OR 97756			
SISTERS OR 97759 (541) 504-2840		Order#: 04218749	Inv Date: 06/07/13	Order Writer: DAVID DELANGE	
Terms: NET 10TH PROX					
FOB: H. D. FOWLER		Ship Via: WILL CALL		PO/Job: JERRY WAND G16298	
Line	Qty Ship'd	Qty UoM BO'd	Part # Description	Unit Price	Extended T Price x
1	1	EA	MMMJ66CFDRNL 1 1/2" MASTER METER MULTI-JET COLD WATER METER, CUBIC FEET FLANGED, WITH DIALOG REGISTER AND PLASTIC LID NO LEAD	385.490	385.49
2	2	EA	ROF6 1 1/2" CI METER FLANGE ROMAC, 2-BOLT TYPE	16.000	32.00
3	2	EA	FOG6 1-1/2" DROP IN METER GASKET 1/8" THICK BLACK RUBBER	2.090	4.18
4	4	EA	BNG2X2.25 5/8" X 2-1/4" BOLT, PLATED A 307 GRADE A	1.080	4.32
5	4	EA	BNGN2 5/8" PLATED NUT, A307 GRADE A	0.300	1.20
7	1	EA	TFSF6 1 1/2" SLIP FIX COUPLING	5.020	5.02
8	1	EA	PFC66SS 1-1/2" COUPLING, SXS SCH 40 PVC	0.630	0.63
9	2	EA	PFA66ST 1-1/2" MIP ADAPT , SXT SCH 40 PVC	0.820	1.64
10	1	EA	MSCOMMENT MSCOMMENT JERRY WILL PICK UP THIS MATERIAL AND PAY FOR THE ORDER ALSO.	0.000	

Serving the Pacific Northwest since 1911
www.hdfowler.com



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

Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, Teresa K. Schnell

(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

8640 Kula Hwy.

Kula

OR

96790

808-298-2123

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

- ☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-16298

; Permit # G-16011

; Transfer # _____

-OR-

License # _____

; GR Statement # _____

; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

Jerome Wand and Dana Wand

(Name of New Owner)

69750 Holmes Road

Sisters

OR

97759

541-588-6517

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 14th day of May, 2012.

Applicant/Permit Holder Teresa K. Schnell

Applicant/Permit Holder _____

ASSIGN
5/14/12

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 105848
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

RECEIVED

MAY 29 2012

WATER RESOURCES DEPT
SALEM, OREGON



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

May 31, 2012

Deschutes Irrigation, LLC
P.O. Box 1830
Bend, Oregon 97709

Reference: Application G-16298, Permit G-16011

The assignment from Teresa Schnell to Jerome Wand and Dana Wand has been recorded in the records of the Water Resources Department.

The Departments records will now show Jerome Wand and Dana Wand as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 105848 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 105848

cc: Watermaster 11
Teresa K. Schnell
Data Center, OWRD (cover letter & request)
Hydrographics
File




Western Title & Escrow
Order Number: 53978

Grantor
Daniel R. Schnell 26545 Willard Rd. Bend, OR 97701
Grantee
Dana Wand Jerry Wand 23521 Butte Lane Aurora, OR 97002
Until a change is requested, all tax statements shall be sent to the following address:
Dana Wand Jerry Wand 23521 Butte Lane Aurora, OR 97002

Deschutes County Official Records **2012-015174**
D-D 04/24/2012 02:26:41 PM
Stn=1 PAMG
\$15.00 \$11.00 \$10.00 \$16.00 \$6.00 **\$58.00**
I, Nancy Blankenship, County Clerk for Deschutes County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Nancy Blankenship - County Clerk

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Daniel R. Schnell and Teresa K. Schnell, as tenants in common with no right of survivorship

Grantor(s) convey and warrant to

Dana Wand and Jerry Wand , as tenants by the entirety, Grantees the following described real property free of encumbrances except as specifically set forth herein:

The Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 28, in Township 14 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon.

Account No(s): [REDACTED]
Map/Tax Lot No(s): **14-11-28-00-00700**

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is **\$760,000.00**. (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11.

**RETURN TO WESTERN
TITLE & ESCROW**

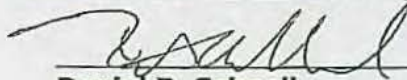
RECEIVED

MAY 2 9 2012

**WATER RESOURCES DEPT
SALEM, OREGON**

CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this 20 day of April, 2012

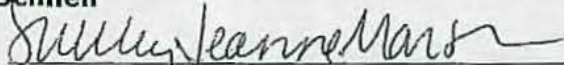

Daniel R. Schnell

Executed this _____ day of April, 2012

Teresa K. Schnell

State of **Oregon**, County of **Deschutes**) ss.

This Instrument was acknowledged before me on this 20 day of April, 2012 by **Daniel R. Schnell**


Notary Public for Oregon
My commission expires: 06-15-15



State of Hawaii, County of _____) ss.

This instrument was acknowledged before me on this _____ day of April, 2012 by **Teresa K. Schnell**

Notary Public for Hawaii
My commission expires: _____

RECEIVED

MAY 23 2012

**WATER RESOURCES DEPT
SALEM, OREGON**

CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed this ____ day of April, 2012

Daniel R. Schnell

Executed this 19 day of April, 2012

Teresa K. Schnell
Teresa K. Schnell

State of **Oregon**, County of **Deschutes**) ss.

This instrument was acknowledged before me on this ____ day of April, 2012 by **Daniel R. Schnell**

Notary Public for Oregon

My commission expires: _____

State of Hawaii, County of Maui) ss.

This instrument was acknowledged before me on this 19th day of April, 2012 by **Teresa K. Schnell**

Julia V. Lagrimas JULIA V. LAGRIMAS

Notary Public for Hawaii

My commission expires: 8/10/2012



Doc. Date: 4/19/12 # Pages 2

Notary Name: Julia V. Lagrimas Second Circuit

Doc. Description: Statutory Warranty Deed

Julia V. Lagrimas 4/19/12
Notary Signature Date



RECEIVED

MAY 29 2012

**WATER RESOURCES DEPT
SALEM, OREGON**

02537

app 6-16298

app 6-16295

USER-ID 29899

2007

Oregon Water Resources Department
October 2007 through September 2008
Annual Water Use - Monthly Quantities Form

2008

Facility →					
Report ID →					
October - 2007	0				
November - 2007					
December - 2007					
January - 2008					
February - 2008					
March - 2008	0				
April - 2008	7 acres 15 ²⁰ min				
May - 2008	aday evening				
June - 2008					
July - 2008					
August - 2008					
September - 2008					
Total *					

RECEIVED
NOV 03 2008
WATER RESOURCES DEPT
SALEM, OREGON

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

Describe the method of measurement used: _____ If used for irrigation, total number of acres irrigated: 7

I certify this information is true and accurate to the best of my knowledge.

Theresa K Schnell
Signature
Theresa K Schnell
Name

owner
Title
PO BOX 252 Sister OR 97759
Mailing Address

10/31/08
Date
541 5041234
Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1266.



Oregon

Theodore R. Kulongoski, Governor

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

October 6, 2008

TERESA SCHNELL
69750 HOLMES RD
SISTERS, OR 97759

REFERENCE: User Id and Password 29899

Dear Water User,

You are receiving this letter as a reminder of a water use reporting requirement listed on a water right. Online reporting is available at our web site (www.wrd.state.or.us). To begin, locate the *Water Use Reporting* link under *Featured Links*. By clicking this link, your browser will open a new page where you will be able to log in with your User Id and Password (above). Once you are logged in, the *Select* link will allow you to add data for a particular diversion. Please remember to report zeros for any given month when water was not used. Online reporting will be available through March 31, 2009. If the internet is not accessible, you may use the form provided on the back of this letter to submit your monthly water use data.

Although much effort has been done to add new permits to the Water Use Reporting database, there still may be diversions not included on the web site. Please be aware that most Transfer orders approved within the last few years will not likely appear online. If you notice a diversion not listed that should be, you can either use the form provided to report water use or let me know and we will add it to the database as soon as possible. Additionally, if you would like to designate a facility name for a diversion, please feel free to contact me.

For water rights authorizing less than 0.1 cubic foot per second (CFS) or 9.2 acre-feet, you may assume the maximum quantity allowed under the right and report that volume. For reporting purposes, please convert cubic feet per second to acre feet, using $(1.98)(\text{CFS})(\# \text{ of days used per month})$.

The time and effort of both recording and reporting your water use is greatly appreciated. If you have any questions or need additional time, please let me know.

Sincerely,

Alyssa Mucken
Water Measurement Specialist
Oregon Water Resources Department
Phone 503.986.0837 Fax 503.986.0902
alyssa.m.mucken@wrdd.state.or.us

Mailing List for Permit Copies

Application #G-16298
Original mailed to:

Mailing List Print Date January 11, 2006

THERESA SCHNELL, 69750 Holmes Rd., Sisters, OR 97759

Copies sent to:

1. WRD - File # G-16298
2. WRD - Laura Snedaker

FO and Map Copies sent to:

4. WRD - Watermaster # 11

Copies Mailed
By: <u>CJS</u>
(SUPPORT STAFF)
on: <u>1/24/06</u>
(DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. John Short, Deschutes Irrigation, LLC.

CASEWORKER : huffmaam

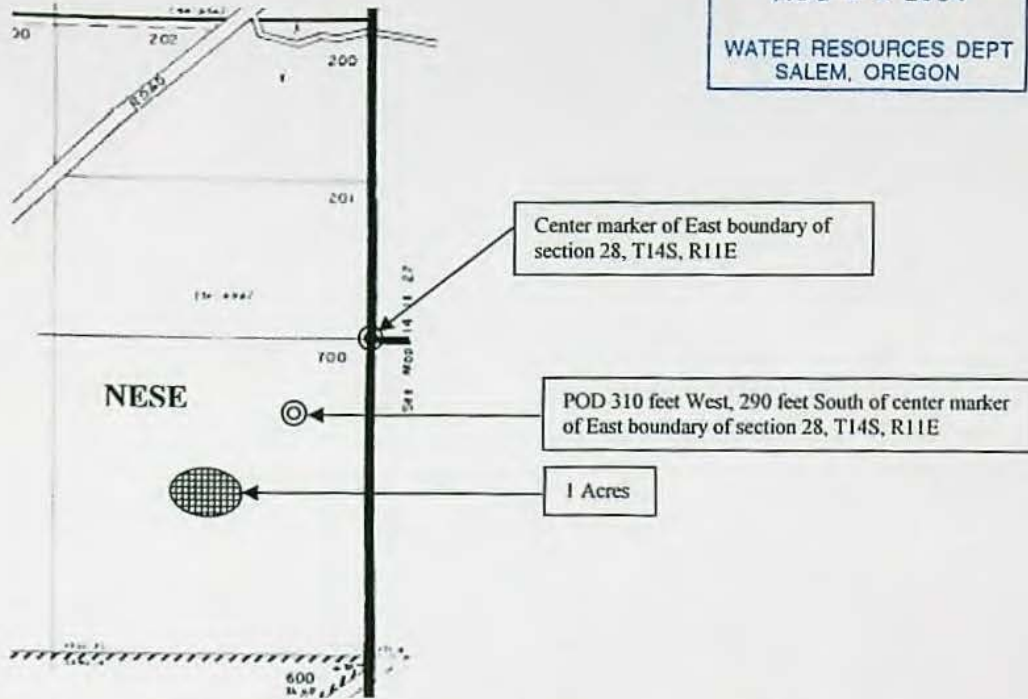
RECEIVED

AUG 13 2004

WATER RESOURCES DEPT
SALEM, OREGON



T14S, R11E Section 28



app # G 16298

Permit G-16011

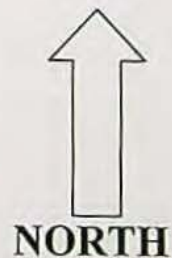
Application Map for Groundwater Permit
For
Teresa Schnell

 Proposed Place of Use  Approximate Well Location

T14S R11E Section 28, NE 1/4, SE 1/4, Tax Lot 0700

1 inch equals 800 feet

August 10, 2004



Deschutes Irrigation, LLC

P.O. Box 1830

Bend, OR 97709

541-322-9528

shortsales@usa.com

OREGON WATER RESOURCES DEPARTMENT
ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN-OF-CUSTODY (Additional Form)

Mitigation Credit Project: MP-3

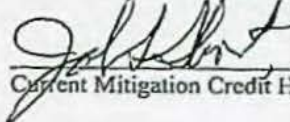
Mitigation Credits: 37.13 (# held by current credit holder)

Mitigation Credit Holder: Deschutes Irrigation, LLC

3.72 Mitigation credits have been assigned to (Name): Jay Butler (615238)

Mailing Address: 18005 Plainview Rd, Bend OR 97701

Phone Number: 541-771-9474

 *manager*
Current Mitigation Credit Holder Signature

1-21-05
Date

New Mitigation Credit Holder Signature

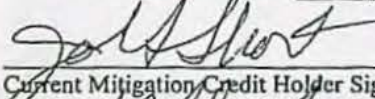
Date

Mitigation Credit Holder: Deschutes Irrigation, LLC (616296)

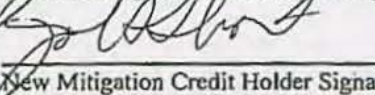
1.8 Mitigation credits have been assigned to (Name): Michael Robillard

Mailing Address: 69365 Green Ridge Loop, Sisters, OR

Phone Number: 541-549-0531


Current Mitigation Credit Holder Signature

10-6-05
Date

 *Agent*
New Mitigation Credit Holder Signature

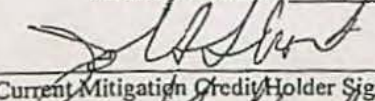
10-6-05
Date

Mitigation Credit Holder: Deschutes Irrigation, LLC (616298)

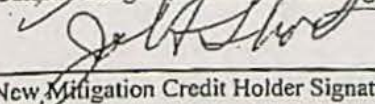
1.8 Mitigation credits have been assigned to (Name): Teresa Schnell

Mailing Address: 69750 Holmes Road, Sisters OR 97759

Phone Number: 541-504-7070


Current Mitigation Credit Holder Signature

10-6-05
Date

 *Agent*
New Mitigation Credit Holder Signature

10-6-05
Date

OREGON WATER RESOURCES DEPARTMENT
ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN-OF-CUSTODY (Additional Form)

Mitigation Credit Project: MP-3 Mitigation Credits: 2981 (# held by current credit holder)

Mitigation Credit Holder: Bill Perry Deschutes Irrigation, LLC

1,8 Mitigation credits have been assigned to (Name): William + Rose Perry

Mailing Address: 1000 NW 103rd, Redmond, OR 97756

Phone Number: 541-548-8944 (G16304)

[Signature] 10-6-05
Current Mitigation Credit Holder Signature Date

[Signature] Agent 10-6-05
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: Deschutes Irrigation, LLC

3.6 Mitigation credits have been assigned to (Name): David + Charlie Bray (G16315)

Mailing Address: 15650 SW Majestic View Lane, Powell Butte OR

Phone Number: 541-503-624-0356

[Signature] 10-6-05
Current Mitigation Credit Holder Signature Date

[Signature] Agent 10-6-05
New Mitigation Credit Holder Signature Date

Mitigation Credit Holder: Deschutes Irrigation, LLC

18 Mitigation credits have been assigned to (Name): Creative Water Solutions

Mailing Address: 64154 Pioneer Loop, Bend OR 97701

Phone Number: (541) 617-8936

[Signature] 10-21-05
Current Mitigation Credit Holder Signature Date

[Signature] 10-21-05
New Mitigation Credit Holder Signature Date

Exhibit A

OREGON WATER RESOURCES DEPARTMENT
ASSIGNMENT RECORD FOR MITIGATION CREDITS
CHAIN-OF-CUSTODY

Mitigation Credit Project: MP-3

Mitigation Credits: 109.1

Mitigation Credit Holder: James Cowan

#5153 Mitigation credits have been assigned to (Name): Deschutes Irrigation L.L.C.

Mailing Address: P.O. Box 1830, Bend, OR 97709

Phone Number: (541) 322-9528

James W. Cowan
Current Mitigation Credit Holder Signature

4-30-04
Date

John Short Manager, Deschutes Irrigation, LLC
New Mitigation Credit Holder Signature

4-30-04
Date

Mitigation Credit Holder: Deschutes Irrigation, LLC

#36 Mitigation credits have been assigned to (Name): Deschutes Water Exchange

Mailing Address: P.O. Box 1560, Bend OR 97709

Phone Number: 541-382-5186

John Short
Current Mitigation Credit Holder Signature

5-17-04
Date

Bruce Rye
New Mitigation Credit Holder Signature

5-17-04
Date

Mitigation Credit Holder: Deschutes Water Exchange

#21.6 Mitigation credits have been assigned to (Name): Deschutes Irrigation LLC

Mailing Address: PO Box 1830, Bend, OR 97709

Phone Number: 541-322-9528

Sammy Sailors
Current Mitigation Credit Holder Signature

6-8-04
Date

John Short
New Mitigation Credit Holder Signature

6-8-04
Date

9-4-03

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16298

Final Order

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Application History

On August 13, 2004, Theresa Schnell submitted an application to the Department for a water use permit. On May 10, 2005, the Department issued a Proposed Final Order concluding that, with the mitigation proposed by the applicant, water is available for the proposed use and that the proposed use would ensure the preservation of the public welfare, safety and health. The protest period closed June 24, 2005, and no protest was received.

On July 29, 2005, House Bill 3494, enacted by the 73rd Oregon Legislative Assembly, was signed by the Governor. Under Section 2 of this 2005 Act, Oregon Administrative Rules (OAR) 690-505-0600 through 690-505-0630, certified effective by the Secretary of State on September 27, 2002, satisfy the requirements relating to mitigation under Oregon Revised Statute (ORS) 390.805 to 390.925, 537.322 to 537.360, and 537.505 to 537.795.

As required by OAR 690-505-0615, the applicant must submit proposed mitigation that meets the requirements of OAR 690-505-0610(2)-(5). Pursuant to OAR 690-505-0620, a permit shall not be issued until the applicant provides documentary evidence that mitigation water, in an amount satisfying the mitigation obligation, is legally protected instream.

On October 11, 2005, the applicant submitted documentary evidence that 1.8 permanent mitigation credits within the General Zone of Impact had been assigned from Deschutes Irrigation, LLC., to this ground water permit application. These mitigation credits originate from mitigation project MP-3, an instream transfer which established mitigation credits in the General Zone of Impact. One mitigation credit is equivalent to one acre-foot of mitigation water.

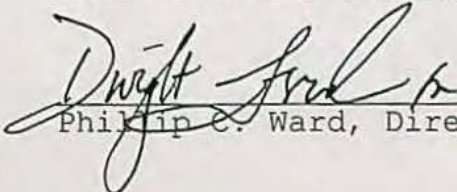
Order

Upon payment of outstanding permit recording fees in the amount of \$250.00, Application G-16298 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit. As provided on the draft permit and Proposed Final Order, Application G-16298 will ensure the preservation of the public welfare, safety and health.

Permit recording fees are required in the amount of \$250.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application G-16298.

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED December 2, 2005


Philip C. Ward, Director

This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0815.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

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

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department,

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

THERESA SCHNELL
69750 HOLMES RD
SISTERS, OREGON 97759

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16298

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 1.0 ACRE

MAXIMUM RATE: 0.0125 CUBIC FOOT PER SECOND

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 13, 2004

WELL LOCATION: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 28, T14S, R11E, W.M.; 290 FEET
SOUTH & 310 FEET WEST FROM EAST $\frac{1}{4}$ CORNER, SECTION 28

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRE
SECTION 28
TOWNSHIP 14 SOUTH, RANGE 11 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, shall keep a complete record of the amount of water used each month and shall submit a report

which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation as required herein is maintained.

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation: 1.8 acre-feet in the General Zone of Impact (anywhere in the Deschutes Basin above the Madras gage, located on the Deschutes River below Lake Billy Chinook)

Mitigation Source: 1.8 permanent Mitigation Credits associated with Mitigation Project MP-3 (Transfer T-9360) which is a permanent instream transfer.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

STANDARD CONDITIONS

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.

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.

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.

Complete application of water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2005

DRAFT - THIS IS NOT A PERMIT

Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #G-16298

Mailing List Print Date November 2, 2005

Original mailed to:

THERESA SCHNELL, 69750 Holmes Rd., Sisters, OR 97759

Copies sent to:

1. WRD - File # G-16298
2. Water Availability: Ken Stahr
3. WRD - Laura Snedaker

FO and Map Copies sent to:

4. WRD - Watermaster # 11

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. John Short, Deschutes Irrigation, LLC.
2. Zachary Tillman

CASEWORKER : huffmaam

Copies Mailed
By: <u>AS</u>
(SUPPORT STAFF)
on: <u>11/2/05</u>
(DATE)

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **79362**

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

INVOICE # _____

RECEIVED FROM: Daniel R. Schnell

APPLICATION 5-16298

BY: _____

PERMIT

TRANSFER

CASH: ☐ CHECK: # 154 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 250.00

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 \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 \$

0203 GROUND WATER EXAM FEE 0204 \$ 250.00

0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM 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 (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: **79362**

DATED: 1-6-06

BY: Jan Smith

DESCHUTES GWSA FO CHECKLIST

Application #: 616298 Applicant: Theresa Schnell PFO week: 512 FO week: 483

☒ Has applicant name and/or address changed, or has the file been assigned? Y / ☒ N

If new: _____

☒ Were comments received? If so, from whom and when? ND

Respond to significant comments, issues, or disputes related to the proposed use of water

☒ Mitigation team notified? ☒ Y / ☐ N Comments rec'd? None significant

☒ Verify names and mailing addresses of all commentors, affected landowners and those who paid \$10 fee on PFO cc: list.

☒ Have affected landowner(s) been notified? Y / N / ☒ NA If not, do not issue FO. Send a letter to affected landowner(s).

☒ Has applicant provided mitigation information ☒ Y / ☐ N If yes, has documentary evidence been submitted? 10/11/05

1.8 credits MP-3

☒ Will the mitigation be provided incrementally? Y / ☒ N

☒ Are requested GW conditions included in permit ☒ Y / ☐ N If not, add condition(s) 7B

☒ Do PFO conclusions require modification due to typos or errors? Y / ☒ N What and why? _____

☒ Fees

Base Fee

Water Amount (Q)

\$100 / \$150

1st CFS/AF

\$250 / \$300

200

Addl @ _____

+

300

+

200

(Q)

=

500

(total exam fee)

EXAM FEE REQUIRED

500

RECORDING FEE REQUIRED

\$175 / \$250

EXAM FEE PAID

500

RECORDING FEE PAID

0

STILL OWED

0

STILL OWED

250

FO type DENIAL

FO w/ Permit # _____

☒ FO w/o permit

☒ lacks fees

☐ lacks easement

☐ lacks documentary evidence

Name: Anita Huffman Date: 11/3/05

Peer Reviewer: [Signature]

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16298

Proposed Final Order

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

Application History

On August 13, 2004, TERESA SCHNELL submitted an application to the Department for the following water use permit:

- Amount of Water: 0.045 CUBIC FOOT PER SECOND (CFS)
- Use of Water: IRRIGATION OF 1.0 ACRE
- Source of Water: A WELL IN DESCHUTES RIVER BASIN
- Area of Proposed Use: DESCHUTES COUNTY within SECTION 28, TOWNSHIP 14 SOUTH, RANGE 11 EAST, W.M.

On February 18, 2005, the Department mailed the applicant notice of its Initial Review, determining that the proposed well has the potential for substantial interference with the Deschutes River, and therefore use of 0.013 CFS of water from a well in the Deschutes River Basin for irrigation of 1.0 acre cannot be allowed. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On February 22, 2005, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

The February 18, 2005 Initial Review included the Notice of Mitigation Obligation for the proposed groundwater use pursuant to the Deschutes Ground Water Mitigation Rules. The applicant proposed to obtain mitigation credits to satisfy the mitigation obligation of the proposed ground water use.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use

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

Findings of Fact

The Department has determined that the proposed ground water use is located within the Deschutes Ground Water Study Area (DGWSA) and is subject to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505. The Deschutes Ground Water Mitigation Rules identify that new ground water appropriations within the DGWSA will have the potential for substantial interference with surface water rights (OAR Chapter 690, Division 09) and will cause a measurable reduction in scenic waterway flows (ORS 390.835).

The Department has determined the proposed use will have the potential for substantial interference with the Deschutes River. The Department also finds there is a preponderance of evidence that the proposed use will measurably reduce surface water flows necessary for the Deschutes River Scenic Waterway (ORS 390.835(9)).

Senior water rights exist on a well in Deschutes River basin, or on downstream waters.

The Department has determined that the applicant must mitigate for the proposed ground water use pursuant to the Deschutes Groundwater Mitigation Rules (OAR 690-505). A permit may not be issued unless the mitigation obligation of the proposed ground water use, as identified by the Department, is satisfied. Water in an amount equal to the mitigation obligation must be legally protected instream before a permit may be issued.

The applicant requested the use of 0.045 CFS for irrigation of 1.0 acre. The Department has determined that no more than 0.013 CFS (5.8 GPM) is necessary for the proposed use. Therefore the proposed use shall be limited to 0.013 CFS.

The Department has determined the mitigation obligation for the proposed use of groundwater for irrigation of 1.0 acre from April 1 through October 31 is 1.8 acre-feet (OAR 690-505-0610(5)). The mitigation obligation represents the Department's determination of consumptive use of the proposed groundwater use (OAR 690-505-0610(5)).

To satisfy the mitigation obligation, the applicant must also provide mitigation water in the zone of impact identified by the Department. The

proposed use for this application is located within the General Zone of Impact, defined as anywhere in the Deschutes Basin above the Madras gage, located on the Deschutes River below Lake Billy Chinook (OAR 690-505-0610(5)).

The applicant has proposed to obtain 1.8 mitigation credits within the General Zone of Impact from Mitigation Project MP-3. Each mitigation credit is equivalent to 1.0 acre-foot of mitigation water.

Following submission of the applicant's mitigation proposal, the Department requested comments on the application and proposed mitigation from Oregon Department of Fish and Wildlife, Department of Environmental Quality, Division of State Lands, Department of Parks and Recreation, and Department of Agriculture pursuant to the Deschutes Ground Water Mitigation Rules. No significant comments relating to the mitigation obligation were received.

The Department finds that the mitigation proposed by the applicant will satisfy the mitigation required under OAR Chapter 690, Division 505; therefore, pursuant to OAR 690-505-0630, the proposed ground water appropriation is deemed to be a ground water appropriation that does not have the potential for substantial interference with surface water.

The Department finds that the Deschutes Basin Program allows the use of groundwater for irrigation.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing groundwater rights and the groundwater resource.

The proposed well is not within a designated critical ground water area.

As required by the Deschutes Ground Water Mitigation Rules, any Final Order issued approving the proposed use, and any subsequent permit will include the following conditions (690-505-0620(1)):

Mitigation Obligation: 1.8 acre-feet annually in the General Zone of Impact (defined as anywhere in the Deschutes Basin above the Madras gage, located on the Deschutes River below Lake Billy Chinook)

Mitigation Source: 1.8 Mitigation Credits from Mitigation Project MP-3, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5), within the General Zone of Impact.

Measurement, recording and reporting conditions:

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

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the terms and conditions of a valid contract, or a satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, or proposing to cancel the ground water permit or subsequent certificate(s).

The next step in the permit application process under OAR 690-310 is the Final Order. The applicant will have five years from the issuance of any Final Order approving the application to provide the proposed mitigation required under the Deschutes Ground Water Mitigation Rules (OAR 690-505-620[2]). For mitigation credits, documentary evidence that the qualifying credits have been obtained must be submitted to the Department. Any Final Order issued approving the proposed use will expire after five years if mitigation is not provided.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Deschutes Basin Plan.

The mitigation proposed by the applicants will satisfy the mitigation required under OAR 690-505. Therefore, notwithstanding OAR 690-09:

groundwater is available for the proposed use;

the proposed use will not measurably reduce surface water flows necessary for the Deschutes River Scenic Waterway;

the proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The applicant has provided mitigation pursuant to the Scenic Water Way Act (ORS 390.835(9)(d)(A) and (10)).

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

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

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

- (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

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

In order to obtain a permit for the proposed ground water use, the applicants must submit documentary evidence that the proposed mitigation credits have been obtained. Documentary evidence of mitigation credits must be submitted to the Department within five years of the issuance of a Final Order approving the proposed ground water use.

Recommendation

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

DATED May 10, 2005


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and

- If you are not the applicant, the \$250 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **June 24, 2005**.

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

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

This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0815

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

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group 503-986-0801.

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 SUMMER STREET NE, Suite A, SALEM, OR 97301-1271 Fax: 503-986-0901

huffmaam- WEEK 512

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

TERESA SCHNELL
69750 HOLMES RD
SISTERS, OR 97759

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16298

SOURCE OF WATER: A WELL IN DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 1.0 ACRE

MAXIMUM RATE: 0.013 CUBIC FOOT PER SECOND

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 13, 2004

WELL LOCATION: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 28, T14S, R11E, W.M.; 290 FEET SOUTH
& 310 FEET WEST FROM EAST $\frac{1}{4}$ CORNER, SECTION 28

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:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRE
SECTION 28
TOWNSHIP 14 SOUTH, RANGE 11 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may

require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation is maintained.

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation: 1.8 acre-feet annually in the General Zone of Impact (anywhere in the Deschutes Basin above the Madras gage, located on the Deschutes River below Lake Billy Chinook)

Mitigation Source: 1.8 Mitigation Credits from Mitigation Project MP-3, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5), within the General Zone of Impact.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

The Department will require additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for

the ground water permit, or proposing to cancel the ground water permit or subsequent certificate(s).

STANDARD CONDITIONS

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.

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.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2005

DRAFT - THIS IS NOT A PERMIT

Phillip C. Ward, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

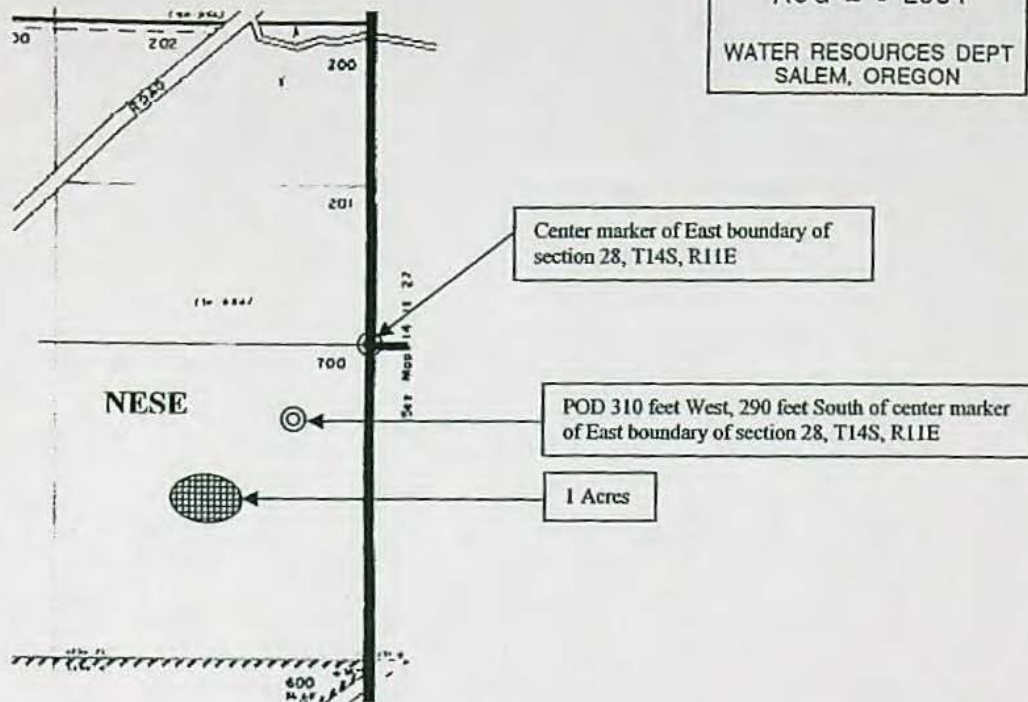
RECEIVED

AUG 13 2004

WATER RESOURCES DEPT
SALEM, OREGON



T14S, R11E Section 28



app # G 16298

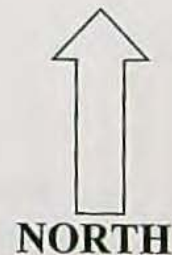
Application Map for Groundwater Permit
For
Teresa Schnell

 Proposed Place of Use  Approximate Well Location

T14S R11E Section 28, NE ¼, SE ¼, Tax Lot 0700

1 inch equals 800 feet

August 10, 2004



Deschutes Irrigation, LLC

P.O. Box 1830

Bend, OR 97709

541-322-9528

shortsales@usa.com

DESCHUTES PFO CHECKLIST

Application #: 6-16298

APPLICANT NAME: Teresa Schnell

MAILING ADDRESS: 69750 Holmes Rd, Sisters, OR 97759

County _____ (Sub)Basin: Deschutes WID: _____
Township _____ Range _____ Section _____ 1/4 1/4 _____

1. Is the file complete by the Minimum Requirements Checklist? Y / N
2. Priority Date 8/13/04
3. Quantity Requested 0.04 (20° Gpm) Quantity Allowed 0.0125 (5.6 gpm)
4. Use IRR 1° ACUE Mitigation Obligation 1.8 AF
5. Source Arwell in Deschutes Basin Zone of Impact General zone
6. Recalculated MO? Y/N If yes, new MO amount _____
7. IR date 2/11/05 Public Notice date 2/15/05
8. NOMO Mailing date 2/11/05 Revised NOMO mailing date N/A
9. Season requested 4/1 - 10/31 Season Allowed 4/1 - 10/31
10. Well Location: 1/4 1/4 NESE SEC 28 T 14S R 11E
Description 290' SOUTH : 310' WEST OF E 1/4 cor sec 28
11. POU NESE SEC 28, T14S R11E 1° AC

12. Have conflicts been addressed? Y / N NON

13. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
If the use is Municipal and ≤ 0.1 CFS, use **Large** condition.

14. Conditions 7B, 7J - standard Deschutes conditions.

15. Was the application filed on or after October 23, 1999? Y / N If yes, then no A date.

16. Mitigation Team notified? Y Comments: NO significant

17. Final Report Checklist
 - Documents used in determination are attached to this checklist and highlighted
 - Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N
 - b. Check Watermaster Dist. on the CC list and draft permit.
 - Spell Check and Accuracy Check
 - Final PFO report hard copy check (format, margins, etc.)
 - Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: _____ Date: _____

Please print in ink or type all information.

July 21, 2003

**OREGON WATER RESOURCES DEPARTMENT
DESCHUTES BASIN MITIGATION CREDIT
DOCUMENTARY EVIDENCE FORM**

This form is to be completed when mitigation credits are obtained from a mitigation credit holder, other than a mitigation bank, by a ground water application holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules.

Ground Water User Information:

Name: Teresa Schnell

Mailing Address (Street, City, State, Zip): 69750 Holmes Road, Sisters, OR 97759

Phone Number (Home and Work): 541-504-7070

E-Mail (optional): tschnell@pcez.com

Ground Water Application, Permit, or Certificate #: G-16298

Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): 1.8 credits

Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): General Zone

Mitigation Credit Holder Information:

Mitigation Credit Holder Name: Deschutes Irrigation, LLC

Mailing Address: P.O. Box 1830, Bend, OR 97709

Phone Number: 541-389-2837

E-Mail (optional): waterrights@usa.com

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based (The Mitigation Bank shall notify purchasers of mitigation credits of the category of credits purchased. The Bank shall state if the credits are temporary or whether subject to the continued maintenance of a mitigation project. By Charter agreement, the Mitigation Bank has assumed an obligation to maintain or replace mitigation credits based on non-permanent mitigation projects.). Project Type Codes: Instream Lease = ISL Time-Limited Instream Transfer = TLT Allocation of Conserved Water = ACW
Permanent Instream Transfers = PT Storage Release = SR Aquifer Recharge = AR
Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID	# Mitigation Credits Assigned	Zone of Impact	Mitigation Project Type Code (see above)
MP-3	1.8	General	PT
MP-			

Add additional mitigation projects and credits below using above format: _____

Mitigation Project Operator (if other than original credit holder): _____ (for example, name of storage project or aquifer recharge project operator)

Mailing Address: _____

Phone Number: _____

For Stored Water Releases (if applicable):

Name of Reservoir: _____

Reservoir Permit/Certificate: _____

Contract Number(s): _____



The above described mitigation credits have been transferred from Deschutes Irrigation, LLC, mitigation credit holder, to Teresa Schnell, ground water application/permit/certificate holder.

Teresa Schnell
Mitigation Credit Holder Signature

10-6-05
Date

Teresa Schnell
Ground Water Application Holder Signature

10-6-05
Date

To: Anita.M.HUFFMAN@wrд.state.or.us
From: Laura K Snedaker <Laura.K.SNEDAKER@wrд.state.or.us>
Subject: Mitigation Obligation for G-16298 (Schnell)

Anita:

On October 11, 2005, the Department received a documentary evidence form demonstrating that Teresa Schenell has obtained 1.8 mitigation credits from Mitigation Project MP-3 for ground water permit application g-16298.

MP-3 generated mitigation credits that are available for use in the General Zone of Impact only.

The Mitigation Obligation for this ground water application is:
1.8 acre-feet in the General Zone of Impact

This project provides credits in the general zone and there are sufficient credits available to satisfy the obligation for this ground water permit application. Mitigation Credits in the amount of 1.8 credits have been removed from the MP-3 account, held by Deschutes Irrigation LLC, and assigned to this ground water permit application.

Laura

Laura Snedaker
Senior Water Resource Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.oregon.gov/OWRD

Mailing List for PFO Copies

Application #G-16298

PFO Date May 10, 2005

Original mailed to:

~~TERESA SCHNELL, 69750 HOLMES RD, SISTERS, OR 97759~~

Copies sent to:

- ~~1. WRD - File # G-16298~~
- ~~2. Water Availability: Ken Stahr~~
- ~~3. WRD - Laura Snedaker~~
- ~~4. DRC - Zach Tillman~~

Copies Mailed By: <u>TCB</u> (SUPPORT STAFF) on: <u>5/10/05</u> (DATE)
--

PFO and Map Copies sent to:

- ~~5. WRD - Watermaster # 11~~
- ~~6. ODFW: Steve Marx & Clair Kunkel (Bend) (one copy only)~~
- ~~7. ODFW - Rick Kepler~~
- ~~8. Columbia River Intertribal Fish Commission~~
- ~~9. US Fish & Wildlife~~
- ~~10. NW Power Planning Council~~
- ~~11. DEQ — Dick Nichols, Eastern Region~~
- ~~12. DOA (Salem): Jim Johnson & Paul Measeles (one copy per office)~~
- ~~13. Oregon State Parks Department (Jan Houck and Dave Wright) (one copy per office)~~
- ~~14. Division of State Lands (Steve Purchase)~~

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

~~DESCHUTES IRRIGATION, LLC.~~

CASEWORKER : huffmaam- WEEK 512

To: Anita M Huffman <Anita.M.HUFFMAN@wrд.state.or.us>
From: Laura K Snedaker <Laura.K.SNEDAKER@wrд.state.or.us>
Subject: Re: Notices of Mitigation Obligation Acknowledgements
Cc: Ron.Campbell@state.or.us ...snip... Jeremy.T.GIFFIN@wrд.state.or.us>

Anita:

With regard to the two applications (G-16316 and G-16283) proposing to use T-9835 (MP-29) for mitigation, I just wanted to mention that this mitigation project is still being evaluated by the Department. This project may generate 38.0 mitigation credits which could potentially be used to satisfy a mitigation obligation in the Little Deschutes Zone of Impact. If approved with 38.0 mitigation credits, this project would not be able to satisfy the mitigation obligation of both ground water applicants, which totals 46.8 AF. However, it appears that application G-16283 is proposing to use a combination of credits from this project, if approved, and/or temporary credits.

For ground water applications G-16296, G-16298, and G-16304, there are still sufficient credits from MP-3 to satisfy the mitigation obligation of these three ground water permit applications in the General Zone of Impact. Based on the most recent updated account information, for MP-3 there are 53.9 credits left in James Cowan's account, 33.41 credits left in John Short's (Deschutes Irrigation LLC) account, and 2.67 mitigation credits left in Craig Petrie's account. These applications need a total of 5.4 credits in the general zone of impact. Assuming that these credits have not already been sold to another party, then there should be sufficient credits available for these applicants.

Laura

At 10:39 AM 3/3/2005 -0800, Anita M Huffman wrote:

The following applicants have submitted their notice of mitigation obligation acknowledgement. The information provided by the applicants satisfies the requirements for the permitting process to continue:

G16296 Michael Robillard	1.8 AF Mitigation within the General Zone of Impact for 0.0125 CFS for 1.0 acre
AF. The	irrigation April 1 through October 31. Maximum volume allowed is 3.0
completed	applicant is proposing to purchase credits from MP-3 (transfer 9360, a mitigation project)
G16298 Teresa Schnell	1.8 AF Mitigation within the General Zone of Impact for 0.0125 CFS for 1.0 acre
AF. The	irrigation April 1 through October 31. Maximum volume allowed is 3.0
completed	applicant is proposing to purchase credits from MP-3 (transfer 9360, a mitigation project)
G16304 William & Rose Perry	1.8 AF Mitigation within the General Zone of Impact for 0.0125 CFS for 1.0 acre
AF. The	irrigation April 1 through October 31. Maximum volume allowed is 3.0
completed	applicant is proposing to purchase credits from MP-3 (transfer 9360, a mitigation project)
G16316 Tobias & Jennifer Wilson	1.8 AF Mitigation within the Little Deschutes Zone of Impact for 0.0125 CFS for 1.0
allowed is 3.0 AF. The	acre irrigation April 1 through October 31. Maximum volume

applicant is proposing to purchase credits from a mitigation project under T-9835.

G16283 Scottie Johnson 45.0 AF Mitigation within the Little Deschutes River Zone of Impact for 0.30 CFS for

allowed is 75.0

project under

T-9835, and/or temporary credits.

Please submit your comments by April 4, 2005. If you need a hard copy of the NOMO form, or additional information, please let me know.

Laura Snedaker
Senior Water Resource Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Phone: (503) 986-0884
Web: www.wrd.state.or.us



Oregon

Theodore R. Kulongoski, Governor



Department of Fish and Wildlife

High Desert Region

61374 Parrell Road

Bend, OR 97702

(541) 388-6363

FAX (541) 388-6281

March 29, 2005

Anita Huffman
Oregon Water Resources Department
725 Summer Street N.E., Suite "A"
Salem, Oregon 97301-2430

Re: Notice of Mitigation Obligation

Dear Anita,

At the request of the Oregon Water Resources Department (OWRD), ODFW has reviewed the Deschutes Ground Water Mitigation Obligation Notices for G16286, G16295, G16290, G16281, G16296, **G16298**, G16304, G16316, and G16283 and provides the following assessment:

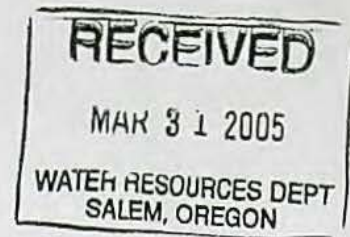
From the Notice of Obligation and supplemental information, ODFW understands the projects will be mitigated through acquisition of mitigation credits generated by permanent or temporary instream transfers of surface water rights. In addition, OWRD supplemental information indicates that mitigation credits are currently not available to mitigate for new groundwater withdrawals within the Squaw Creek Zone of Impact.

ODFW comments are based on information published by the U.S. Geological Survey (USGS) Report no. 02-4015 and 03-4195 regarding groundwater flow patterns and simulations, and knowledge of fish life histories and habitat availability versus discharge information documented by Aney et.al. (1967).

Specific issues include:

- 1) Use of short-term limited duration mitigation projects to mitigate long-term effects of new groundwater withdrawal.
- 2) Lack of mitigation outside the April 1 to October 31 season.
- 3) Mitigation credits unavailable within the Squaw Creek Zone of Impact.

The USGS (Report 03-4195) conducted simulations to determine the effect of groundwater pumping on streamflows. Simulated effects of ground water pumping near Bend indicate that surface flows are diminished by approximately 57-58% of the pumping rate after 10 years and 90% after 35 to 42 years. Unmitigated streamflow reductions in upper Deschutes River tributaries below the Zone of Impact and in the lower Deschutes will directly reduce habitat availability for threatened fish species



including summer steelhead and bull trout, fall and spring chinook, redband trout, and other aquatic resources. These simulations demonstrate the need for long-term mitigation to offset the effects of groundwater pumping.

The Oregon Department of Fish and Wildlife (ODFW) follows its Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0000 through 0025) in evaluating actions that may have an effect on fish and wildlife. The Habitat Mitigation Policy sets consistent goals and standards to mitigate impacts to fish and wildlife habitat caused by land and water development actions. The lower Deschutes River is classified as "Habitat Category 2" and is essential habitat for fish species. The mitigation goal for impacts to category 2 habitat is to avoid impacts or, if unavoidable, to mitigate through in-kind, in-proximity the same quality and quantity of habitat with no net loss. In addition, a net benefit to habitat quantity and quality must be provided.

ODFW believes that groundwater withdrawals will result in flow impacts that reduce quantity and quality of critical habitat for bull trout, summer steelhead, fall chinook, and redband trout below the predicted Zone of Impact and in the lower Deschutes River. Specifically, depletions of discharges reflected below the Pelton-Round Butte Hydroelectric Project could result in low flows in early spring critical to rearing fall chinook, spawning summer steelhead, and spawning redband trout and in the fall for spawning fall chinook (Aney et.al. 1967). Fall chinook in the lower Deschutes River spawn from September 15 through December 15 with incubation between September 15 and March 1. Fry emergence of fall chinook typically begins in January or February and is completed by late April. Summer steelhead spawn timing is typically between March and June with incubation and emergence through July.

Therefore ODFW recommends that to provide sustainable fish habitat, mitigation flows should be extended beyond the proposed April 1 through October 31 season to encompass the period from early March through late November. River flows should be stable or increasing between November and February consistent with the existing hydrograph pattern. Mitigation water should be applied to supplement streamflows as they decline in early March through the time when streamflows increase in late November.

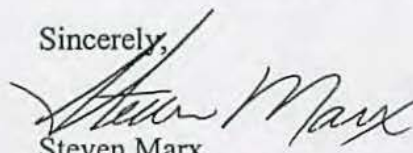
ODFW finds it is difficult to assess cumulative effects on flow, fish, and habitat attributable to individual groundwater mitigation actions. ODFW strongly encourages OWRD to provide an assessment of groundwater mitigation actions to date to help put these cumulative effects into perspective. This assessment should include cumulative effects of groundwater pumping demands and mitigation project effectiveness through modeling and transaction accounting by zone of impact, flow rate, and timing followed

by a planning effort designed to assess options and lay out a long-term strategy for mitigation.

In summary, ODFW's assessment is that habitat impacts from new groundwater use associated with the referenced applications should be effectively offset by the proposed mitigation credit assignments within the April 1 to October 31 period. However, direct impacts to fish populations and habitat will occur in stream areas below the predicted Zone of Impact and in the lower Deschutes River unless mitigation is provided to offset impacts during the early spring and late fall and beyond the lease period if temporary credits are assigned. Effects associated with G16295 and G16290 cannot be assessed until specific mitigation credits have been generated for the Squaw Creek Zone of Impact.

Thank you for the opportunity to review these applications.

Sincerely,



Steven Marx
District Fisheries Biologist

RECEIVED

MAR 31 2005

WATER RESOURCES DEPT
SALEM, OREGON

From: PUSTIS Nancy <Nancy.Pustis@state.or.us>
To: HUFFMAN Anita M <Anita.M.Huffman@state.or.us>
Subject: RE: Notices of Mitigation Obligation Acknowledgements

DSL has no comment.

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

From: Anita M Huffman [mailto:Anita.M.Huffman@state.or.us]
Sent: Thursday, March 03, 2005 10:40 AM
To: CAMPBELL Ron; steven.D.Marx@state.or.us; NICHOLS Dick; LAMB Bonnie; WRIGHT Dave; clair.m.kunkel@state.or.us; KEPLER Rick J; JOHNSON James W; MEASELES Paul A; PUSTIS Nancy; jeremy Giffin; SNEDAKER Laura K
Subject: Notices of Mitigation Obligation Acknowledgements

The following applicants have submitted their notice of mitigation obligation acknowledgement. The information provided by the applicants satisfies the requirements for the permitting process to continue:

G16296 Michael Robillard 1.8 AF Mitigation within the General Zone of Impact for 0.0125 CFS for 1.0 acre
allowed is 3.0 AF. The irrigation April 1 through October 31. Maximum volume applicant is proposing to purchase credits from MP-3 (transfer 9360, a completed mitigation project)

G16298 Teresa Schnell 1.8 AF Mitigation within the General Zone of Impact for 0.0125 CFS for 1.0 acre
allowed is 3.0 AF. The irrigation April 1 through October 31. Maximum volume applicant is proposing to purchase credits from MP-3 (transfer 9360, a completed mitigation project)

G16304 William & Rose Perry 1.8 AF Mitigation within the General Zone of Impact for 0.0125 CFS for 1.0 acre
allowed is 3.0 AF. The irrigation April 1 through October 31. Maximum volume applicant is proposing to purchase credits from MP-3 (transfer 9360, a completed mitigation project)

G16316 Tobias & Jennifer Wilson 1.8 AF Mitigation within the Little Deschutes Zone of Impact for 0.0125 CFS for 1.0 acre
allowed is 3.0 AF. The irrigation April 1 through October 31. Maximum volume applicant is proposing to purchase credits from a mitigation project under T-9835.

G16283 Scottie Johnson 45.0 AF Mitigation within the Little Deschutes River Zone of Impact for 0.30 CFS for 25.0 acres irrigation April 1 through October 31. Maximum volume allowed is 75.0

mitigation project under AF. The applicant is proposing to purchase credits from a T-9835, and/or temporary credits.

Please submit your comments by April 4, 2005. If you need a hard copy of the NOMO form, or additional information, please let me know.

To: deschutes team
From: Anita M Huffman <Anita.M.HUFFMAN@wrд.state.or.us>
Subject: Notices of Mitigation Obligation Acknowledgements
Cc:
Bcc:
Attached:

The following applicants have submitted their notice of mitigation obligation acknowledgement. The information provided by the applicants satisfies the requirements for the permitting process to continue:

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T-9835, and/or temporary credits.

Please submit your comments by **April 4, 2005**. If you need a hard copy of the
NOMO form, or additional information, please let me know.

RESPONSE TO NOTICE OF MITIGATION OBLIGATION
CREDIT OR PROJECT OPTION

OAR 690-50-06610(2) states a mitigation obligation may be satisfied by obtaining mitigation credits or by providing for implementation of a mitigation project. Please read and complete the acknowledgment of Mitigation Obligation.

Applicant(s) TERESA SCHNELL

Applicant's Agent Deschutes Irrigation, LLC

Application number G-16298

Proposed Use 1.0 ACRE IRRIGATION APRIL 1 THOUGH OCTOBER 31

Rate of water requested 0.0125 (cubic foot per second) (5.6 gallons per minute)

Volume of water requested 3.0 (acre-feet)

Mitigation Obligation 1.8 (acre-foot)

Zone of Impact General



Please read and initial the following statements:

JSS I/We intend to provide mitigation in the amounts noted above and in the appropriate zone of impact.

JSS I/We understand that mitigation must be provided within five years of issuance of the final order for this application.

The proposed mitigation source for this use will be: (please check)

☒ Purchase Mitigation Credits (and/or) ☐ A mitigation project resulting in credits
Please describe the type of project, e.g., transfer, etc and any associated water right certificate, if known:

MP-3

I understand that I must provide mitigation credits in the amount noted, or a suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5) within the appropriate zone of impact.

APPLICANT(S) _____ or

Applicant's agent John Short, Manager Deschutes Irrigation, LLC

Date 2-25-05

Telephone Number: 541-389-2837



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

Certified Mail-Return Receipt Requested

THIS IS AN INITIAL REVIEW OF APPLICATION G-16298.

**THIS IS NOT A WATER RIGHT PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

February 18, 2005

TERESA SCHNELL
69750 HOLMES RD
SISTERS, OR 97759

Reference: File G- 16298

Dear Applicant:

This document is the Department's preliminary analysis of your water use request called an Initial Review (IR). The purpose of the IR is to make a "first-cut" evaluation of the application, specifically focusing on whether the use is restricted by statute or rule and whether water is available for the proposed use. The IR is also meant to highlight issues and determinations that may preclude approval of the use or that may lead to restrictions.

This letter is to inform you of the unfavorable preliminary analysis of your water use application. The unfavorable analysis stems from the Department's determination that the proposed well is hydraulically connected to the Deschutes River and has the potential for substantial interference. When the Department determines that a potential for substantial interference with surface water exists, it is required to not only evaluate your application with respect to ground water laws and rules but it is also required to consider laws and rules governing the (hydraulically connected) surface water source.

Initial Review Determinations:

In determining whether a water use permit application may be approved, the Department must consider the factors listed below. Based on the information you have supplied, and a review of your request by the Department's Ground Water/Hydrology Section, the Department has made the following preliminary determinations. Each paragraph is labeled either "favorable," "limited," or "unfavorable." "Favorable" paragraphs will not adversely affect the review of the application; "limited" paragraphs will likely cause limitations to what was applied for; and "unfavorable" paragraphs will likely prevent issuance of a permit unless they are addressed through mitigation. (See the mitigation section below.)

1. Favorable: Use of groundwater for the proposed use is not restricted or limited by statute or rule.
2. Favorable: The ground water of the Deschutes Basin is classified for irrigation under OAR 690-505-0400(1).
3. Ground water is available for the proposed use. However, the Department has determined that the proposed ground water source is hydraulically connected to **Deschutes River** and will have the potential for substantial interference under OAR 690-09. The following limitations and public interest considerations related to the surface water source must be considered in the evaluation of this application:
 - A) Unfavorable: Surface water is not available at any time of the year due to prior, senior water rights on **Deschutes River** and downstream waters. OAR 690-410-070 and 690-400-010(11).
 - B) Unfavorable: The proposed use of hydraulically connected ground water with the potential for substantial interference is not allowable in the Deschutes Basin from April 15 through September 30 of each year (OAR-690-33-120(2)(a)).
 - C) Limited: The mainstem Deschutes River is a State Scenic Waterway, if a permit is issued, it will contain the following condition:

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

You requested the use of water from a well in the amount of 20.0 gallons per minute (GPM) or 0.04 cubic foot per second (CFS) for irrigation of 1.0 acre from April 1 through October 31 of each year. Based upon the Department's general, standard allowance, however, the maximum rate that may be allowed for this proposed use is 0.0125 CFS (5.6 GPM). **Therefore, the use requested under this application shall be limited to 0.0125 CFS.**

Summary and Options

Because of items 3A and 3B above, use of 0.0125 cubic feet per second (cfs) for irrigation from a well in the Deschutes basin cannot be allowed.

Overcoming the Unfavorable Determinations

Because of the location of your well(s), unless you provide mitigation the Water Resources Department is required by law to deny your application. The unfavorable findings of this IR may be overcome if you provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules (OAR 690-505-0500 through 0630). These mitigation rules provide a process under which ground water applicants may mitigate for the impact that their proposed ground water use would have on surface water flows, if approved. The Department has determined your mitigation obligation to be **1.8 acre-feet** of water annually. The required mitigation is based on the following use(s) described below.

1.8 acre-feet for 1.0 acre of irrigation April 1 through October 31

The mitigation obligation is calculated based on a factor of 1.8 acre-feet of water per acre on average as being consumptively used for irrigation.

Location of Mitigation: The Department has determined your mitigation must be located in the General Zone of Impact - defined as anywhere in the Deschutes River Basin above the Madras Gage, below Lake Billy Chinook.

Options: To satisfy your mitigation obligation you can either complete a mitigation project as described in the attached administrative rules or obtain 1.8 qualifying mitigation credits from an individual or mitigation bank. If you are interested in obtaining mitigation credits you may want to contact the Deschutes Water Exchange Mitigation Bank at (541) 382-4077 or contact the Department for a list of other mitigation credit holders.

If you decide to purchase mitigation credits at this time, you must submit a documentary evidence form demonstrating that you have obtained mitigation credits. The mitigation bank, or individual you purchase credits through should provide you with a complete form. Blank forms may be obtained from the Salem office of the Department or the Bend Region Office.

If you are proposing to implement a mitigation project you must identify and describe the project in sufficient detail so that the Department can make a preliminary determination as to whether the proposed project will likely meet your mitigation obligation. Please contact the Department for further information on mitigation projects and what needs to be included with your proposal.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **March 4, 2005**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Request an Administrative Hold

At your request, the Department will place the application on-hold for 180 days. An administrative hold for more than 180 days may be granted upon a finding by the Director that the request is reasonable and necessary.

To request delay of the processing your application notify the Department in writing by **Thursday, March 24, 2005**. Please be sure to specify how long you would like your application to be on hold.

To Proceed With Your Application:

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

However, the enclosed Notice of Mitigation Obligation Acknowledgment must be submitted to the Department prior to the next phase of processing, the proposed final order. You do not have to provide credits at this time; the enclosed form is simply an acknowledgment that you intend to provide mitigation in order to obtain a permit to use groundwater. Please submit the Notice of Mitigation Obligation Acknowledgment form by **Thursday, March 24, 2005**.

Finally, in the event a permit is issued, the following standard condition(s) will likely apply:

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

GROUND WATER MITIGATION CONDITIONS

- | | |
|------------------------|--|
| Mitigation Obligation: | 1.8 acre-feet in General Zone of Impact (anywhere in the Deschutes River Basin above the Madras Gage below Lake Billy Chinook) |
| Mitigation Source: | Obtain 1.8 mitigation credits, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5), within the General Zone of Impact. |

Measurement, recording and reporting conditions:

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

Mitigation water must be legally protected for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

The use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows provided the required mitigation is maintained.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditions of a valid contract with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

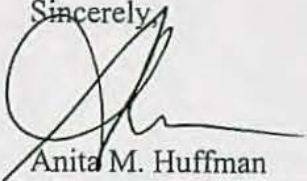
Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, or proposing to cancel the ground water permit, or subsequent certificate(s).

The tentative priority date for this application is August 13, 2004.

If you have any questions:

Questions about the status of your application, processing time lines, or your upcoming Proposed Final Order should be directed to our customer service staff at 503-986-0801. Feel free to call me at 503-986-0815 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271, Fax: 503-986-0901.

Sincerely,



Anita M. Huffman
Water Rights Application Caseworker

G- 16298
wab 05-30530643
pou 05-30530643
gw A

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-16298

Applicant: TERESA SCHNELL

County: Deschutes

Watermaster: 11

Priority Date: August 13, 2004

Source: A WELL IN SQUAW CR BASIN

Use: IRRIGATION USE ON 1.0 ACRES

Quantity: 0.045 CUBIC FOOT PER SECOND

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 1A SQUAW CR

Well Location: NESE SECTION 28, T14S, R11E, W.M.; 290 FEET SOUTH & 310 FEET
WEST FROM E1/4, SECTION 28

Place of Use: NESE 1.0 ACRE, SECTION 28, TOWNSHIP 14 SOUTH, RANGE 11 EAST,
W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 4, 2005

PUBLIC NOTICE DATE: Tuesday, February 22, 2005

30 DAY COMMENT DEADLINE DATE: Thursday, March 24, 2005

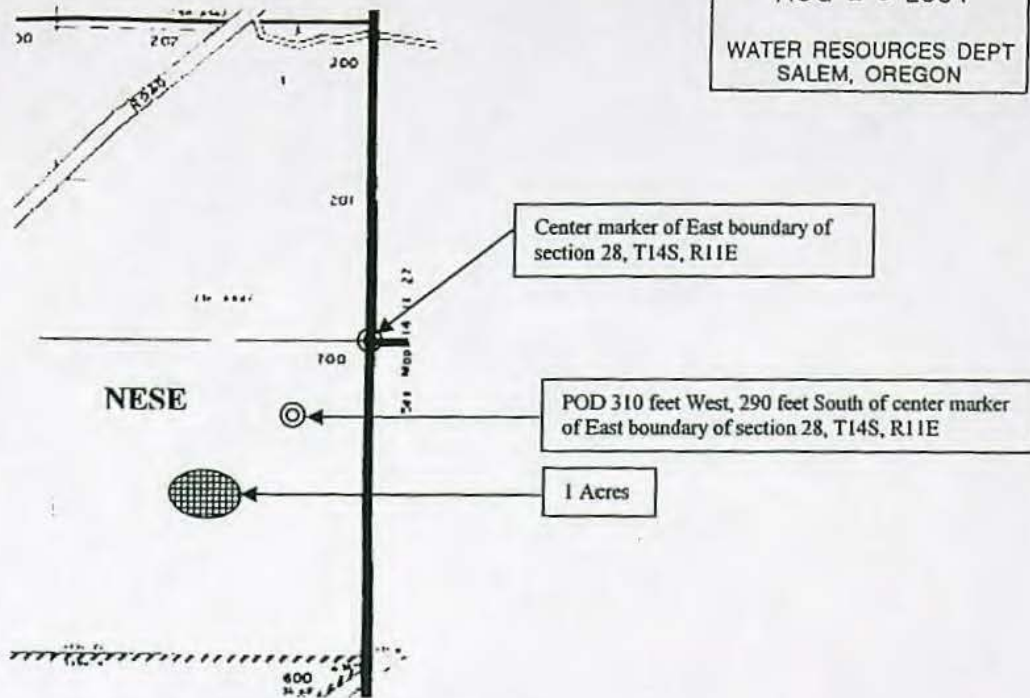
RECEIVED

AUG 13 2004

WATER RESOURCES DEPT
SALEM, OREGON



T14S, R11E Section 28



app # G 16298

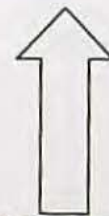
Application Map for Groundwater Permit
For
Teresa Schnell

 Proposed Place of Use  Approximate Well Location

T14S R11E Section 28, NE 1/4, SE 1/4, Tax Lot 0700

1 inch equals 800 feet

August 10, 2004



NORTH

Deschutes Irrigation, LLC

P.O. Box 1830

Bend, OR 97709

541-322-9528

shortsales@usa.com

Mailing List for IR Copies

Application #G- 16298

IR Date: February 18, 2005

Original (WITH ENCLOSURES) mailed to:

~~A~~pplicant: TERESA SCHNELL, 69750 HOLMES RD, SISTERS, OR 97759

Copies sent to:

- ~~2.~~ WRD - File # G- 16298
- ~~3.~~ WRD - Water Availability: Ken Stahr
- ~~4.~~ WRD - Laura Snedaker
- ~~5.~~ DRC- Zach Tillman

Copies Mailed
By: <u>TCB</u>
(SUPPORT STAFF)
on: <u>2/18/05</u>
(DATE)

IR, Map, Fact Sheet — Copies sent to:

- ~~5.~~ WRD - Watermaster # 11
- ~~6.~~ ODFW District Biologist: Steve Marx
- ~~7.~~ Columbia River Intertribal Fish Commission
- ~~8.~~ US Fish & Wildlife
- ~~9.~~ NW Power Planning Council
- ~~10.~~ DEQ — Dick Nichols, Eastern Region
- ~~11.~~ DOA (Salem): Jim Johnson
- ~~12.~~ State Parks

Copies sent to Other Interested Persons

- ~~1.~~ Deschutes Irrigation, LLC., John Short, PO Box 1830, Bend, OR 97709

ID# AMH

**RESPONSE TO NOTICE OF MITIGATION OBLIGATION
CREDIT OR PROJECT OPTION**

OAR 690-50-06610(2) states a mitigation obligation may be satisfied by obtaining mitigation credits or by providing for implementation of a mitigation project. Please read and complete the acknowledgment of Mitigation Obligation.

Applicant(s) TERESA SCHNELL

Applicant's Agent _____

Application number G-16298

Proposed Use 1.0 ACRE IRRIGATION APRIL 1 THOUGH OCTOBER 31

Rate of water requested 0.0125 (cubic foot per second) (5.6 gallons per minute)

Volume of water requested 3.0 (acre-feet)

Mitigation Obligation 1.8 (acre-foot)

Zone of Impact General

Please read and initial the following statements:

_____ I/We intend to provide mitigation in the amounts noted above and in the appropriate zone of impact.

_____ I/We understand that mitigation must be provided within five years of issuance of the final order for this application.

The proposed mitigation source for this use will be: (please check)

_____ Purchase Mitigation Credits (and/or) _____ A mitigation project resulting in credits
Please describe the type of project, e.g., transfer, etc and any associated water right certificate, if known: _____

I understand that I must provide mitigation credits in the amount noted, or a suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5) within the appropriate zone of impact.

APPLICANT(S) _____ or

Applicant's agent _____

Date _____

Telephone Number: _____

IR CHECKLIST DESCHUTES GROUNDWATER STUDY AREA

Application #: G110298 Applicant: Teresa Schnell

Use(s): 12R 1.0 AC Priority Date: 8/13/04

5-30530643

☒ If quasi/muni, reviewed by Bill Fujii Y / N / (NA)

☒ Is the application complete? (Y) N

☒ Prohibited by ORS 538? Y (N) If so, do not do an IR; return app & fees to applicant.

☒ GW Review ☐ surface classification triggered NO ☒ Is there PSI? stream name Deschutes R.

☐ will not ☐ will likely be available ...without injury... and/or within the capacity of the resource
☒ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource

☒ WM Dist- 11

☒ Is there a conflict? Y / (N) NA

- ☐ If conflict, are rights from a different source?
- ☐ If supplemental, ☐ check for primary right on same land
- ☐ will this be making up a deficiency in rate?

☒ Allowed under Basin Program (Y) / N Limitations? (Y) / N 690-505-605 620

☒ Zone of Impact General Zone

☒ Mitigation Obligation 1.8 AF

☒ 303D Y / N / (NA) BOTTLED WATER Y / (N)
(cc: DEQ Regional Manager) (cc: DOA Food Safety Division)

☒ Rate 1/80 Rate Max 0.0125 Req 20-60pm / 0.04

☒ Duty 30 Season Allowed 3/1-10/31 Req 4/1-10/31

☒ Land use approval (OK) needs approval county notified NA

☒ Does the applicant intend to begin use within 5 years? (Y) (X)
(If not, bring to supervisor's attention.)

☒ Statement allowing someone to act as authorized agent? (Y) / N / NA

☒ Conditions: 7B, 7I

Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 or < 1.5 CFS, > 9.2 or < 100 AF, Large ≥ 1.5 CFS, ≥ 100 AF
use at least Medium for: human consumption (SWW), siltcoos lake, livestock SWW, Galesville/BOR
uses that require Large: GW condition 7I, temp control (NU), gov. entity and tenmile lake

☒ Is the stream withdrawn? Y / N / (NA) season allowed

☒ Basin Maps have been checked (Y) N River Mile

☒ SWW (ABOVE) WITHIN (if so, notify state parks & record app # in book) Name Deschutes R.

☒ Is the use located within Oregon Streamflow Restoration Area? Y / N / (NA)

Application #: 616298 Applicant: Teresa Schnell

___ CWRE, representative, etc. to notify? ☒ Y ☐ N Deschutes Irrigation UC

___ Addn'l info req'd? Y / ☒ N
(If Y, send certified)

___ Attachments included? ☒ Y / ☐ N / NA

Fees

Base Fee

Water Amount (Q)

\$100 / \$150
\$250 / \$300

1st CFS/AF

200

___ Addl CFS/AF @ ___ +

300 +
(base)

200
(Q)

= 500
(total exam fee)

EXAM FEE REQUIRED

500

EXAM FEE PAID

500

STILL OWED

0

Name: Anita Huffman Date: 2/4/05

Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-16298

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 14S/11E-28

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

within Deschutes Gw
Study Area

Reviewer: K. Lite

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date 11/29/2004

FROM: Ground Water/Hydrology Section K. Lite
Reviewer's Name

SUBJECT: Application G- 16298 Supersedes review of _____
Date of Review(s)

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.

A. GENERAL INFORMATION: Applicant's Name: Schnell County: Deschutes

- A1. Applicant(s) seek(s) 0.01 cfs from 1 well(s) in the Deschutes Basin,
Squaw Creek subbasin Quad Map: Henkle Butte
- A2. Proposed use: Irrigation Seasonality: April 1 – October 31
- A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well #	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Desc 51830	1	Deschutes Fm	0.01	14S/11E-28DAA	290' S, 310' W fr E1/4 cor S 28
2						
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	3100	550	550	8/11/1998	655	19	19	655	635-655	50		A

Use data from application for proposed wells.

A4. Comments: WELL IS CONSTRUCTED INTO WATER BEARING ZONES WITHIN THE DESCHUTES FM. GROUND WATER FLOW IS TOWARDS THE NORTHEAST WITH THE NEAREST DISCHARGE AREA (DESCHUTES RIVER), ABOUT 6 MILES DISTANCE. WATER LEVEL IN THE WELL IS BELOW THE ELEVATION OF THE NEAREST SURFACE WATER SOURCE (SQUAW CREEK). WELL IS LOCATED WITHIN THE DESCHUTES GROUND WATER STUDY AREA

A5. ☒ Provisions of the Deschutes Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☒ are, or ☐ are not, activated by this application.
(Not all basin rules contain such provisions.)
Comments: Within USGS Study Area Boundary.

A6. ☐ Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
Name of administrative area: _____
Comments: _____

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that ground water* for the proposed use:

- a. ☐ is over appropriated, ☒ is not over appropriated, or ☐ cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. ☐ will not or ☐ will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;
- c. ☐ will not or ☐ will likely to be available within the capacity of the ground water resource; or
- d. ☒ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
 - i. ☒ The permit should contain condition #(s) 7B;
 - ii. ☐ The permit should be conditioned as indicated in item 2 below.
 - iii. ☐ The permit should contain special condition(s) as indicated in item 3 below;

- B2.
- a. ☐ Condition to allow ground water production from no deeper than _____ ft. below land surface;
 - b. ☐ Condition to allow ground water production from no shallower than _____ ft. below land surface;
 - c. ☐ Condition to allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

- B3. Ground water availability remarks: THE NEAREST STATE OBSERVATION WELL IS OBS WELL 1303 (DESC 1957), ABOUT 4.7 MILES TO THE NORTHEAST. IT HAS BEEN MONITORED PERIODICALLY SINCE 1993. STATE OBSERVATION WELL 1303 APPEARS TO BE IN DYNAMIC EQUILIBRIUM. THE LONG-TERM TREND SHOWS A DECADAL-SCALE WATER LEVEL FLUCTUATION THAT IS COINCIDENT WITH CLIMATE CYCLES. THE DECADAL FLUCTUATION HAS A MAXIMUM AMPLITUDE OF APPROXIMATELY 2.5- FEET. SINCE 1998, THE WATER LEVEL HAS DROPPED ABOUT 2- FEET, MOSTLY AS A RESULT OF DECREASED RECHARGE.

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**C1. 690-09-040 (1): Evaluation of aquifer confinement:**

Well #	Aquifer or Proposed Aquifer	Confined	Unconfined
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: _____

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: _____

Water Availability Basin the well(s) are located within: _____

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% natural flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

- C3b. 690-09-040 (4): Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: _____

- C4a. 690-09-040 (5): Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)													
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation:

- C4b. 690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

- C5. ☐ If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:
- i. ☐ The permit should contain condition #(s) _____;
- ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

C6. SW / GW Remarks and Conditions

References Used: USGS WRIR 00-4162; WRIR 02-4015; OWRD STATE OBSERVATION WELL DATA (OBS WELL 1303); APPL. FILE G-16298; WELL REPORT DESC 51830; HENKLE BUTTE AND CLINE FALLS QUADRANGLE MAPS.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL does not meet current well construction standards based upon:**

- a. ☐ review of the well log;
 b. ☐ field inspection by _____;
 c. ☐ report of CWRE _____;
 d. ☐ other: (specify) _____

D3. **THE WELL construction deficiency:**

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

D4. **THE WELL construction deficiency is described as follows:** _____

- D5. **THE WELL** a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.
 b. ☐ I don't know if it met standards at the time of construction.

D6. ☐ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**D7. ☐ Well construction deficiency has been corrected by the following actions: _____

 __________, 200_____
 (Enforcement Section Signature)D8. ☐ **Route to Water Rights Section** (attach well reconstruction logs to this page).

Oregon Water Resources Department

MEMO

Nov. 29, 2004

TO Application G- 16298

FROM GW: K. Lite
(Reviewer's Name)

SUBJECT Scenic Waterway Interference & General/Local Surface Water Impact
Evaluation for Deschutes Ground Water Study Area

The source of appropriation is within or above the Deschutes Scenic Waterway

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING UNDER ORS 390.835:

The Department has found that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of the Deschutes Scenic Waterway in quantities necessary for recreation, fish and wildlife.

LOCALIZED IMPACT FINDING

☐ The proposed use of ground water will have a localized impact to surface water in the
_____ River/Creek Subbasin

If the localized impact box above is checked, then the water use under any right issued pursuant to this application is presumed to have a localized impact on surface water within the identified subbasin. Mitigation of the impact, originating from within the Local Zone of Impact identified by the Department, will be required before a permit may be issued for the proposed use.

If the localized impact box above is not checked, then the water use under any right issued pursuant to this application is presumed to have a general (regional) impact on surface water. Mitigation of the impact, originating anywhere within the Deschutes Basin above the Madras gage, will be required before a permit may be issued for the proposed use.

WATER RESOURCES DEPARTMENT MEMORANDUM

DATE 11/29/2004

APPLICATION_NUMBER G 16298

OWNER SCHNELL

AMOUNT_REQUESTED 5.6 GPM NUMBER_OF_WELLS 1 BASIN DESCHUTES

QUADRANGLE_MAP_1 HENKLE BUTTE

SUB_BASIN DESCHUTES
COUNTY DESCHUTES

WELL_# 1 WELL_LOG_STATUS DRILLED, LOG AVAILABLE POA_AMOUNT 5.6 GPM

WELL_LOG_NUMBER DESC 51830 DPN_LOG_1

TWNSHP 14S RANGE 11E SECTION 28 QQQ DAA

PROPOSED_LEGAL_LOCATION 290 FEET SOUTH AND 310 FEET WEST FROM THE E1/4 CORNER, SECTION 28

DISTANCE_FROM_STREAM_1 10,650 FEET STREAM_1 SQUAW CREEK

DISTANCE_FROM_STREAM_2 STREAM_2

PROPOSED_WELL_DEPTH

WELL_ELEV 3100 STREAM_ELEV 2790 WELL_ELEV_minus_STREAM_ELEV 310

WELL_DEPTH 655 SWL 550

SEAL_DEPTH 19 SWL_DATE 8/11/1998

CASING_DEPTH 19 FIRST_WATER_DEPTH 550

LINER_DEPTH 655 WELL_TEST_1_TYPE AIR

PERFORATIONS_SCREEN_1 635-655 YIELD_1 50 GPM

PERFORATIONS_SCREEN_2

DRAWDOWN_1

AQUIFER_TYPE UNCONFINED DURATION_1 1 HR

HYDRAULIC_CONNECTION NOT AT NEAREST REACH

DIVISION_9_FINDING POTENTIAL FOR SUBSTANTIAL INTERFERENCE

ZONE_OF_IMPACT MAIN STEM DESCHUTES RIVER

CONDITIONED_WATER_RIGHTS_IN_AREA SEE ATTACHMENTS

OTHER_NEARBY_WATER_RIGHTS SEE ATTACHMENTS

DENSITY_OF_NEARBY_WELLS SEE ATTACHMENTS

COMMENTS WELL IS CONSTRUCTED INTO WATER BEARING ZONES WITHIN THE DESCHUTES FM. GROUND WATER FLOW IS TOWARDS THE NORTHEAST WITH THE NEAREST DISCHARGE AREA ABOUT 6 MILES DISTANCE. WATER LEVEL IN THE WELL IS BELOW THE ELEVATION OF THE NEAREST SURFACE WATER SOURCE. WELL IS LOCATED WITHIN THE DESCHUTES GROUND WATER STUDY AREA AND SUBJECT TO DIVISION 690-505-0500 TO 0620.

REFERENCES USGS WRI REPORT 00-4162; USGS WRI REPORT 02-4015; HENKLE BUTTE AND CLINE FALLS QUADRANGLE MAPS; APPL. FILE G-16298; WELL REPORTS DESC 51830; DIVISION 690-505.

Well Location

14.00S11.00E100D

Oregon Water Resources Department Well Log ID

DESC 1957

Oregon Water Resources Department State Observation Well Number

1303

Well depth, in feet below land surface

418

Land surface elevation, in feet above mean sea level

Primary use of well

IRRIGATION

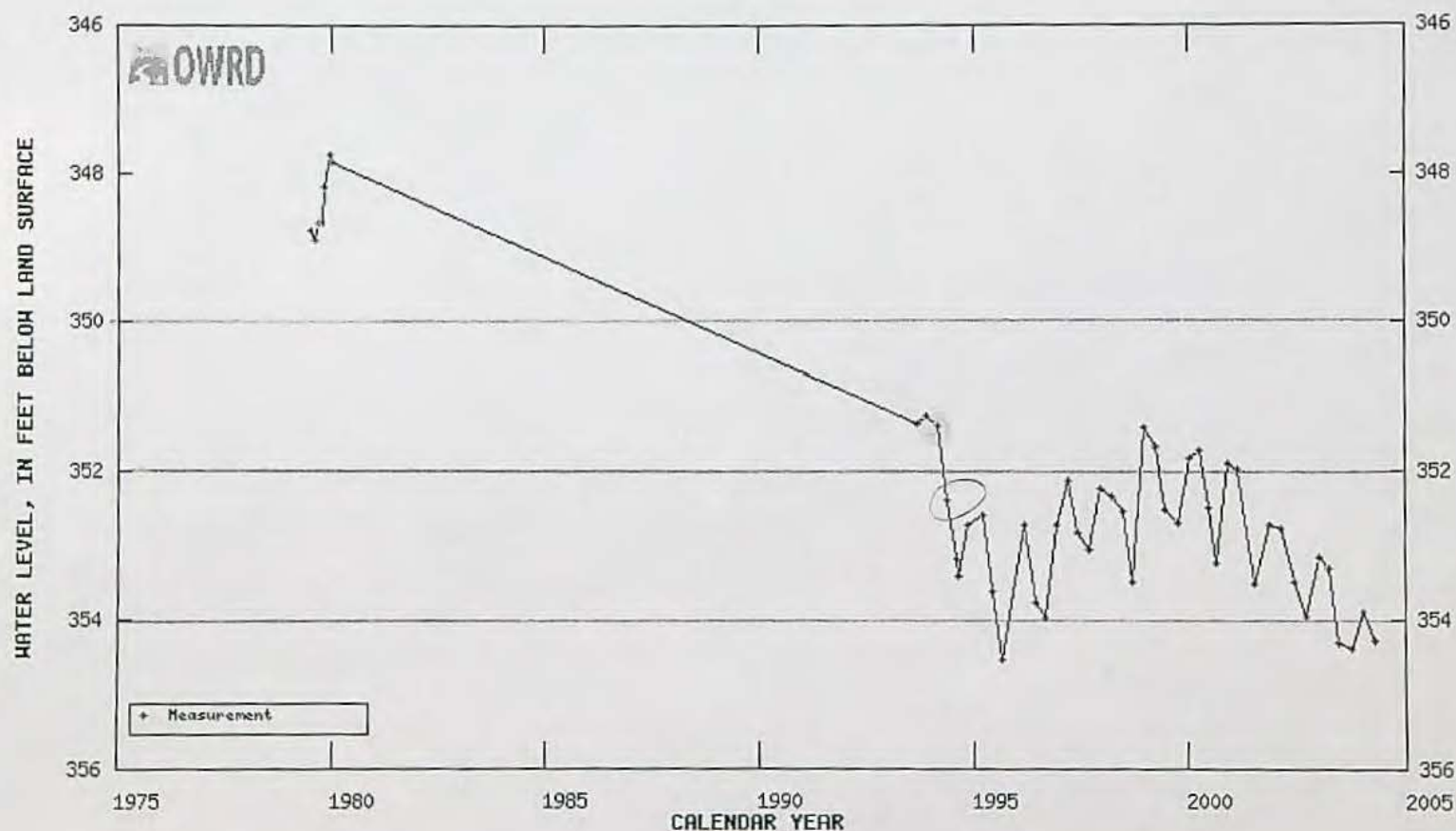
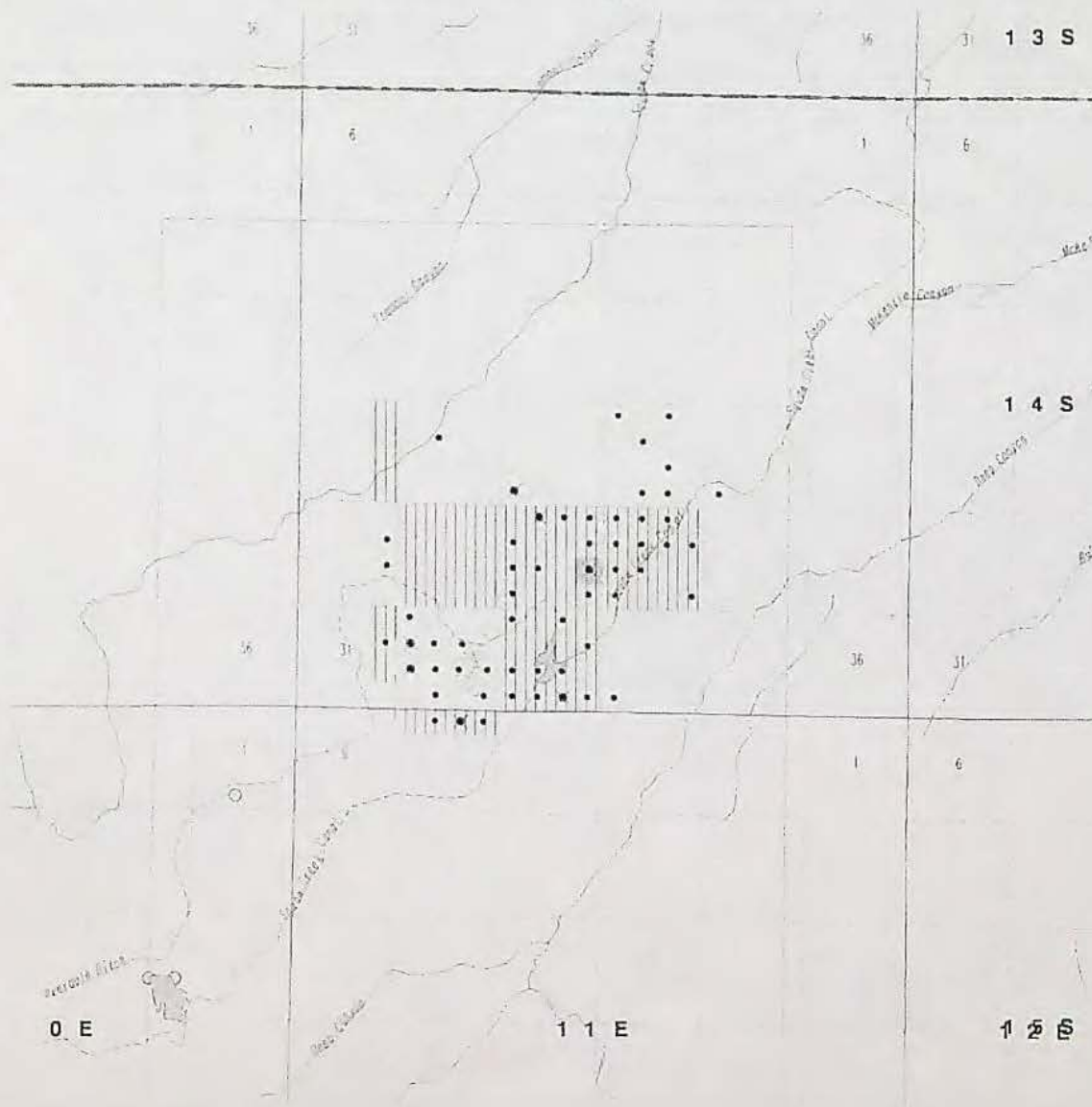


Table showing water-level data for State Well DESC 1957, State Observation Well # 1303

Wells in the vicinity of application G 16298

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



WELL LOGS WITHIN 1 MILE OF APPLICATION G 16298

ABANDON: 1
 RECONDITIONED: 2
 REPAIRED: 4
 CONVERSION: 0
 DEEPENINGS: 24
 NEW CONSTRUCT: 158

COMMUNITY USE: 0
 DOMESTIC USE: 186
 INDUSTRIAL USE: 0
 INJECTION USE: 0
 IRRIGATION USE: 0
 THERMAL USE: 0
 LIVESTOCK USE: 0

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 16298

\$RECNO	APPLICATION	PERMIT	CLAIM	LOC-QQ	USE_CODE
1	G 12541	G 11364		0 14.00S11.00E21SWSW	IR
2	G 12512	G 11566		0 14.00S11.00E28NENW	IR
2	G 12512	G 11566		0 14.00S11.00E28NENW	IR
3	G 16298		0	0 14.00S11.00E28NESE	IR
4	G 12827	G 12378		0 14.00S11.00E32SWNW	IR
5	G 14744	G 13529		0 14.00S11.00E32NWSW	IR
6	G 14451	G 13278		0 14.00S11.00E33SWSE	IR
6	G 9839	G 9448		0 14.00S11.00E33SWSE	IR
7	G 13092	G 12392		0 15.00S11.00E 5NWNE	IR

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 16298

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G 12419	G 11576	15.00S10.00E 1SESW	4HG
1	G 12419	G 11576	15.00S10.00E 1SESW	4IG
1	G 12420	G 11577	15.00S10.00E 1SESW	4HG
1	G 12420	G 11577	15.00S10.00E 1SESW	4IG
1	G 12420	G 11577	15.00S10.00E 1SESW	4HG
1	G 12420	G 11577	15.00S10.00E 1SESW	4IG
1	G 12421	G 11578	15.00S10.00E 1SESW	4HG
1	G 12421	G 11578	15.00S10.00E 1SESW	4IG
1	G 12421	G 11578	15.00S10.00E 1SESW	4HG
1	G 12421	G 11578	15.00S10.00E 1SESW	4IG
2	G 10401	G 11378	15.00S10.00E14NWSE	4E
3	G 10401	G 11378	15.00S10.00E14NESE	4E

APPLICATION G 16298 FALLS WITHIN THESE QUAD(S)

HENKLE BUTTE

Analysis for Application: G16298

Location: 14S-11E-28-NESE

Uses: IR 1 P

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
11	SC	Jeremy Giffin	1128 NW Harriman	Bend	97701	541-388-6669		541-388-5101

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
30530643	5	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Deschutes	41017

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

OREGON

Water Resources Department

Water Availability

WATER AVAILABILITY TABLE

Water Availability as of 2/ 7/2005 for
 DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643 Basin: DESCHUTES Exceedance Level: 80
 Time: 14:51 Date: 02/07/2005

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	70087	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
2	30530627	NO	NO	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
3	30530643	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Water Availability as of 2/ 7/2005 for
 DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643 Basin: DESCHUTES Exceedance Level: 80
 Time: 14:51 Date: 02/07/2005

Item Watershed ID Stream Name

1	70087	DESCHUTES R > COLUMBIA R - AT MOUTH
2	30530627	DESCHUTES R > COLUMBIA R - AB EAGLE CR
3	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR

LIMITING WATERSHEDS

Water Availability as of 2/ 7/2005 for
 DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643 Basin: DESCHUTES Exceedance Level: 80
 Time: 14:51 Date: 02/07/2005

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-928.0

Platcard Report

Township 14.0S Range 11.0E Section 28

App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i 11/11/1895	302	Squaw Creek	CN see transfers									10.0 ID CN	2.5 ID CN	28.5 ID CN	26.0 ID CN						
i 11/11/1895	850	Deschutes River (F)	CN see transfers									DO CN	DO CN	DO CN	DO CN						
11/11/1895			CN see transfers									30.0 IR CN	2.0 IR CN	3.0 IR CN	14.0 IR CN						
i 12/31/1895	74135	Squaw Creek	see transfers												6.0 IR						
i G8806 05/11/1978	G8181		CN											40.0 IR CN							
05/11/1978			CN									40.0 IS (s) CN	36.0 IS (s) CN		40.0 IS (s) CN						
i G12512 04/30/1991	G11566							21.8 IR	4.6 IR												
i G12650 09/06/1991	G12364		CN						10.71 IR CN												
i G16298 08/13/2004	-															1.0 IR					

Subject

Page:1

[Return to Platcard Query Screen](#)

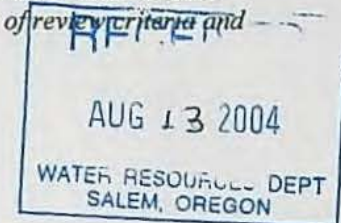
Run Time: 3 seconds



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

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.



1. APPLICANT INFORMATION

A. Individuals

Applicant: Teresa Schnell
First Last
Mailing address: 69750 Holmes Road
Sisters OR 97759
City State Zip
Phone: 541-504-7070
Home Work Other
*Fax: _____ *E-Mail address: tschnell@pceez.com

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____
Name and title of person applying: _____
Mailing address of organization: _____

City State Zip
Phone: _____
Day Evening
*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. <u>G 16298</u>	Permit No. _____	Date _____

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Skip to section 3 "Ground water Development.")

☐ No (Please check the appropriate box below.)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

RECEIVED

AUG 13 2004

WATER RESOURCES DEPT
SALEM, OREGON

List the names and mailing addresses of all affected landowners.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: Squaw Creek

Distance from well(s) to nearest stream or lake: 1) 2 miles

2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) _____

2) _____ 3) _____ 4) _____

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: See DESC 51830

Address: _____

Completion date: _____

Ground Water/2

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	See	DESC 51830							

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

C. Artesian Flows

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

N/A

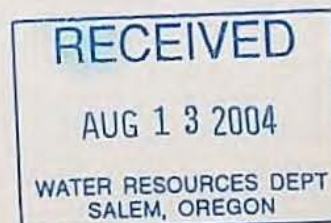
4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**



B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	See DESC 51830				

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 20 gpm
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: April 1 - October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 1 acre
(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type): _____
☐ Other means (describe): _____

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? ☐ Yes ☐ No
- ☐ Pipe (give diameter and total length):
Diameter _____ Length _____
- ☒ Other (describe) lawn sprinkler system

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SALEM, OREGON

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

Irrigation or land application method (check all that apply):

- | | | |
|--|---|---|
| ☐ Flood | ☒ High-pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

Distribution method

- ☒ Direct pipe from source ☒ In-line storage (tank or pond) ☐ Open canal

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D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Irrigation during low evaporation times of day.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Completed

Proposed date construction will be completed: Completed

Proposed date beneficial water use will begin: 9/1/04

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Deschutes Irrigation, LLC P.O. Box 1830, Bend OR 97709 (541) 322-9528 or shortsales@usa.com is the

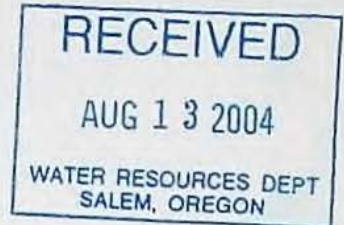
authorized agent to represent the applicant in all matters relating to this ground water application. Please direct

all correspondence to agent.



Oregon Water Resources Department

FORM I
FOR IRRIGATION WATER USE



1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☒ Primary ☐ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 1 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- | | | |
|-------------------|---|--|
| 1. <u>Pasture</u> | ☒ Full season | ☐ Partial season (from: _____ to _____) |
| 2. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |
| 3. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |
| 4. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

3 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- | | |
|---|--|
| ☐ Daily during daytime hours | ☐ Daily during nighttime hours |
| ☐ Two or three times weekly during daytime | ☒ Two or three times weekly during nighttime |
| ☐ Weekly, during daytime hours | ☐ Weekly, during nighttime hours |
| ☐ Other, explain: _____ | |

app # G 16298

Desc
51830

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

WELL I.D. # 2582C
START CARD # 110387

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

(1) OWNER: Well Number
Name RICHARD SCHENDEL
Address P.O. Box 778
City SCAPPOOSE State OR Zip 97050

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

(3) DRILL METHOD:
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 655 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE				SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds	
12	0	19	RTWING	19		9 SACKS	
8	19	655					

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

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

(6) CASING/LINER:									
	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded	
Casing:	8	71	19	240	☒	☐	☒	☐	
					☐	☐	☐	☐	
					☐	☐	☐	☐	
					☐	☐	☐	☐	
Liner:	6	65	180	180	☒	☐	☒	☐	
					☐	☐	☐	☐	

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:									
Perforations					Screens				
From	To	Shot size	Number	Diameter	Tele./pipe size	Casing	Liner		
635	655	18	3	22	2				

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

Pump	Bailer	Air	Flowing
☐	☐	☒	☐
Yield gal/min	Drawdown	Drill stem at	Time
50+		655	1 hr.

Temperature of water 54 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 Dakota Latitude _____ Longitude _____
Township 14 N or S Range 4 E or W-WM
Section 28 N 1/4 1/4 S 1/4 1/4
Tax Lot 700 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 6950 HARRIS RD.
SCAPPOOSE OR.

(10) STATIC WATER LEVEL:
5.50 ft. below land surface. Date 8-11-98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 550

From	To	Estimated Flow Rate	SWL
550	552		58
555	619		50
619	655		550

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
SANDY SOIL & ROCK	0	4	
GRAY BASALT	4	88	
BROWN CLAY CONG.	88	220	
GRAY BASALT	220	230	
FINE GRAY BASALT	230	242	
BROWN S/S CONG.	242	290	
GRAY BASALT	290	310	
BROWN S/S CONG.	310	417	
M/C CONG.	417	440	
GRAY BASALT	440	545	
R/O CONG.	545	552	58
GRAY BASALT	552	575	
FINE GRAY BASALT	575	619	
BROWN S/S CONG.	619	655	

AUG 17 1998

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SALEM, OREGON

Date started 8-6-98 Completed 8-11-98

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1595 Date 8-12-98

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1595 Date 8-12-98

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

app # G 16298

AUG 13 2004

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SALEM, OREGON

may estimate this information.

~~○ If a surface water application... is the "Resource Protection" section completed?~~

~~○ Unless the reservoir application is storing less than 9.2 AF or has a dam height of less than 10 feet, preliminary plans and specifications for dam and impoundment area are required.~~

○ If the above is yes, the map must be prepared by CWRE.

✓ **Project schedule** indicated? If system is already completed, applicant should indicate "existing". Applicant may indicate in other than dates, these time lines.

✓ **Is the application signed in ink** by the applicant(s) or by the authorized agent with title or authority if an organization or corporation?

✓ **Legal description** of the property water is to be diverted, any property crossed by a proposed ditch, canal, or other work, and any property the water is to be used on, as depicted on the map? A copy of the deed, land sales contract or title insurance policy can provide this information. We cannot accept a copy of the tax bill.

✓ **A completed Land Use Form** or receipt signed and dated by the appropriate planning department officials enclosed? Date should be within 6 months.

✓ **Does the map meet requirements** of OAR 690-310-0050? If map is larger than 11 x 17, four copies must be submitted.

○ Township, Range, Section

○ Location of each diversion point, well or dam

○ Reference corner on map

○ Each POD coordinate by reference to a recognized public land survey corner

○ Scale of the Map, not less than 4" = 1 mile

○ North Directional Symbol (not fatal if omitted)

○ POU ¼ ¼'s, tax lot clearly identified

○ Location of main canals, ditches, pipelines or flumes

○ Number of acres per ¼ ¼, if IR, NU, or AG

✓ **Fees enclosed?**

Base Fee

Water Amount

\$100 / \$150
\$250 / \$300

1st CFS/AF

_____ Addl @ _____ + _____

_____ + _____

app # G 16298
\$ 500 total exam fee

EXAM FEE REQUIRED

RECORDING FEE REQUIRED

\$175 / \$250

EXAM FEE PAID

RECORDING FEE PAID

STILL OWED

STILL OWED

250

Completeness Check by: SLM

Date: 8-16-2004

M:\EUDORA\ATTACH\COMPLETENESSCHECKLIST04_feedback.wpd 6/15/2004

☒ Applicant/Organization Name, Mailing Address and Telephone Number. If applicant is other than a private landowner, "Organizations" section must be completed.

☒ Source listed?

☒ Property ownership indicated?

- ☐ If applicant does not own all the land, is the **affected landowner's name and mailing address** listed?
- ☐ If applicant does not own all the land, a **statement declaring the existence of written authorization or an easement** permitting access to land crossed by the proposed ditch canal or other work is required.

☒ If a groundwater application...is the "Groundwater Development" section completed, including copies of well logs?

☒ Proposed Use of the water....is each proposed use identified?

☒ Has the appropriate "Supplemental Form" for each proposed use been completed, if applicable ?

- ☐ Form I (Irrigation)
- ☐ Form M (Municipal or Quasi-Municipal)
- ☐ Form R (Mining)
- ☐ Form Q (Commercial or Industrial)
- ☐ Spring Description Sheet (if source is a Spring)

☒ ~~If use is supplemental...is the primary water right listed?~~

☒ Amount of water from each source listed in GPM, CFS or AF?

☒ Acreage being proposed, if applicable.

☒ Season being requested by applicant.

☒ Water management section has been completed? If system has not been designed, the applicant

8. MAP REQUIREMENTS

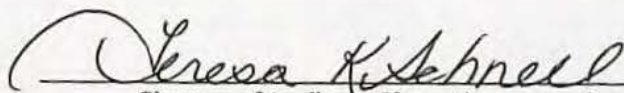
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

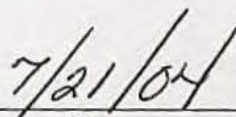
By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign.)



Date

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SALEM, OREGON

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

45909-56

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK

2002-41994



\$56.00

00087655288288419948868862

08/05/2002 10:43:58 AM

M-DT Cnt=1 Str=11 PAH
\$30.00 \$11.00 \$10.00 \$5.00

6/6
Recording requested by and,
when recorded return to:

WASHINGTON MUTUAL BANK
CONSUMER LOAN RECORDS CENTER
1170 SILBER RD
HOUSTON, TX 77055
ATTN: MAILSTOP: CLRVLTTX

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WATER RESOURCES DEPT
SALEM, OREGON

Loan Number: 0065164196



LINE OF CREDIT TRUST DEED
DEED OF TRUST (OREGON)

THIS DEED OF TRUST is between:

DANIEL R SCHNELL AND TERESA K SCHENDEL, WHO ACQUIRED TITLE AS TERESA SCHNELL,
AS TENANTS BY THE ENTIRETY

whose address is:

69750 HOLMES RD SISTERS, OR 97759

("Grantor"); AMERITITLE

ARIZONA

corporation, the address of which is

15 OREGON AVENUE BEND, OR 97709

("Trustee"); and

"Washington Mutual Bank, which is organized and existing under the laws of
Washington State, and whose address is 1201 Third Avenue, Seattle, Washington
98101 ("Beneficiary") and its successors or assigns."

The maximum principal amount to be advanced pursuant to Credit Agreement secured hereby is
\$840,000.00. The Debt, as defined below, is due and payable in full, if not paid
early on 09/05/2032.

1. **Granting Clause.** Grantor hereby grants, bargains, sells, and conveys to Trustee in trust,
with the power of sale, the real property in DESCHUTES County,
DESCHUTES, described below, and all rights and interest in it Grantor ever gets:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) OF SECTION
TWENTY-EIGHT (28) IN TOWNSHIP FOURTEEN (14) SOUTH, RANGE ELEVEN (11), EAST OF
THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

Tax Parcel Number: 133841

After recording, return to
Amerititle

15 OREGON AVENUE, BEND



Oregon Water Resources Department Land Use Information Form

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WATER RESOURCES DEPT
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Teresa Schnell
Address: 69750 Holmes Road
City: Sisters State: OR Zip: 97759 Day Phone: 541-504-7070

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>141128</u>	<u>TL 700 EFUSC</u>	☒ Diverted	☐ Conveyed	☒ Used
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. _____

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation
Briefly describe: Pasture Irrigation

D. Source

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water _____
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

20 6 ☐ CFS ☒ GPM ☐ Acre-Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 18.16. Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Devon L. Heavring Date: 8/11/04

Title: Associate Planner Phone: 541 388 6555

Signature: Devon L. Heavring

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C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **69322**

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

INVOICE # _____

RECEIVED FROM: Duckwater Irrigation

APPLICATION	616298
PERMIT	
TRANSFER	

BY: _____

CASH: ☐ CHECK: # 1043 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 500.00

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 \$ _____
 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	\$ <u>500.00</u>	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: **69322**

DATED: 8/13/04 BY: S. Albin

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING

POST CARD SENT

DATA CENTER

☒ 8-13-04

☒ 8-16-2004 *ALM*

☒ 8-17-04 AL

GROUND WATER YES ☒ NO ☐

ENFORCEMENT YES ☐ NO ☐

WATER RIGHTS SUPPORT ☐

ANITA HUFFMAN 503-986-0815

CORY ENGEL 503-986-0813

JERRY GAINES 503-986-0812

KERRY LEFEVER 503-986-0816

JEANA EASTMAN 503-986-0859

☒

☐

☐

☐

☐

A "Standard Reservoir" storing 9.2 acre-feet or more of
Water & has a dam height of 10.0 feet or greater needs to
have a copy of the application & supplemental forms routed to "JOHN FALK"



ATTN: WATER RIGHTS

SUPPORT....>>>> Mark contents of Application File;

Update Powerbuilder with caseworker, etc.;

Route to filing cabinet.



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **105848**

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

INVOICE # _____

RECEIVED FROM: Keleka Properties
BY: LLC

APPLICATION	G16298
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 120 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 75.00

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 46111
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 75.00
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	\$

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: **105848**

DATED: 5-29-12 BY: AR