

Name
By
Address

G-17562
BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH CA 94010

Application No.

G17562

Permit No.

G-17037 G-17312

Certificate No.

FEES PAID

Date

Amount

Receipt No.

9/22/17 9650.00 105970

Date

DENIED

MISFILED

WITHDRAWN

CANCELLED

Volume Page

FEES REFUNDED

Date

Amount

Receipt No.

Priority JUNE 11, 2012

County HARNEY WM# 10

RELATED FILES

ASSIGNMENTS

ASSIGNED

Date

9/25/2017

Bo Thorenfeldt

885 Hillsborough Blvd Hillsborough, CA 94010-6455

To Whom

Address

correcting 2-7-2019
Rattlesnake Creek Land & Cattle Co.
524 Hwy 20 E Hines, OR 97738

DEVELOPMENT

1/31/2023 Date 5-2-2018

Completion 5/2/2018 6/8/2022

Extended to

Final Proof received

Proposed Cert. Mailed

REMARKS

T-11863 > POA V. 93 pg. 1105

MAP LOCATION

Mailing List for Extension PFO Copies

PFO Date: June 25, 2019

Copies Mailed

Application: G-17562

By: TM

Permit: G-17966

On: 6/25/2019

Original mailed to Applicant:

Andy Root, owner
Rattlesnake Creek Land and Cattle
524 Hwy 20 N
Hines, OR 97738

Copies sent to:

1. WRD - App. File G-17562/ Permit G-17966

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 10, JR Johnson
4. WRD – ER Regional Manager, Jason Spriet

CASEWORKER: JDP

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

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for)	PROPOSED
Permit G-17966, Water Right Application G-17562, in the)	FINAL ORDER
name of Rattlesnake Creek Land and Cattle)	TO DENY

Permit Information

Application:	G-17562
Permit:	G-17966
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	June 11, 2012
Source of Water:	Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12, Well 13, Well 14, and Well 16 in Rock Creek Basin
Purpose or Use:	Irrigation of 1772.6 acres and supplemental irrigation of 511.3 Acres
Maximum Rate:	11.34 cubic feet per second (cfs), further limited to 6.39 cfs for supplemental irrigation of 511.3 acres

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

In Summary, the Department proposes to:

- Deny an extension of time to complete construction of the water system from May 2, 2018, to October 1, 2023.

- Deny an extension of time to apply water to full beneficial use from May 2, 2018, to October 1, 2023.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time

Application for a Permit to Use Ground Water – Permit Application

Department – Oregon Department of Water Resources

FOF – Finding of Fact

PFO – Proposed Final Order

cfs – cubic feet per second

Well Reference

Permit Well Number	Well Log	Permit Well Number	Well Log
Well #3	HARN 227/51858	Well #4	HARN 222
Well #5	HARN 52187	Well #6	HARN 52708
Well #7	HARN 52767	WELL #8	HARN 52768
Well #9	HARN 52754	Well #12	HARN 226
Well #13	HARN 225	Monitor Well	HARN 52189

AUTHORITY

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

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

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

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

FINDINGS OF FACT

1. On May 2, 2013, Permit G-17037 was issued by the Department. The permit authorized the use of up to 20.0 cfs for irrigation of 2,416.0 acres, further limited to 6.39 cfs for supplemental irrigation of 511.3 acres from Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12, Well 13, Well 14, and Well 15 in Rock Creek Basin. The permit specified completion of construction and application of the water was to be made within five years of the date of permit issuance, being May 2, 2018.

2. On January 15, 2015, the Department approved Permit Amendment T-11863 (Special Order Volume 93, Page 1105), authorizing a change in Point of Appropriation (POA) under Permit G-17037. Superseding Permit G-17312 was issued on January 15, 2015, to reflect the changes.
3. On August 12, 2015, Bo Thorenfeldt submitted an Affidavit for the Partial Cancellation of a Water Right Permit, requesting cancellation of 306.7 acres of Primary Irrigation under permit G-17312. On June 8, 2017, the Department issued an Order in the Matter of Cancellation of Water Right Permit G-17562, and issued superseding permit G-17764 to describe the portion of the water right not canceled.
4. On January 31, 2018, the Department issued a Correcting Order in the Matter of Water Right Permit G-17764, to correct two scrivener's errors which incorrectly describe the permit to be partially canceled and the wells used for appropriation. Superseding Permit G-17966 was issued to describe the corrections.
5. On January 31, 2018, Superseding Permit G-17966 was issued by the Department. The permit authorized the use of up to 11.34 cfs for irrigation of 1,772.6 acres, further limited to 6.39 cfs for supplemental irrigation of 511.3 acres from Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12, Well 13, Well 14, and Well 16 in Rock Creek Basin. The permit specified completion of construction and application of the water was to be made within five years of the date of permit issuance.
6. On September 25, 2017, a partial assignment from Bo Thorenfeldt to Rattlesnake Creek Land and Cattle Co. was recorded in the records of the Water Resources Department.
7. On February 7, 2019, correcting assignment was issued by the Department identifying Rattlesnake Creek Land and Cattle Co. as the only permit holder of record.
8. On May 7, 2019, Andy Root, owner of Rattlesnake Creek Land and Cattle Co. submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-17966 be extended from May 2, 2018, to October 1, 2023. This is the first permit extension requested for G-17966.
9. On May 21, 2019, notification of the Application for Extension of Time for G-17966 was published in the Department's Public Notice. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

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

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

ORS 537.630 (2) states in part that “the holder of a permit issued pursuant to ORS 537.625 shall prosecute the construction of a well or other means of developing and securing the ground water with reasonable diligence and complete the construction within a reasonable time fixed in the permit by the Water Resources Department, not to exceed five years after the date of approval of the application. However, the department, for good cause shown, shall order and allow an extension of time, including an extension beyond the five-year period, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use” [emphasis added]. Permit G-17966 was issued pursuant to ORS 537.625.

10. The application states that construction of HARN 227/51858 (Well #3), HARN 222 (Well #4), HARN 226 (Well #12), and HARN 225 (Well #13), began prior to permit issuance. Item 7 of the Application contains a notation for each of the above wells that states, “(w)e think it is likely that the original applicant misstated the locations for Well #3, and Well #4 as they were existing wells for Certificate 67666. Similarly, we believe that the locations for Well #12 and 13 were meant to be as indicated on the well logs for HARN 225 and HARN 226, as they are existing wells (though additional investigation is needed to confirm they will comply with the 100 foot casing requirement).”
11. Section 3 of the Application for a Permit to Use Ground Water (Permit Application), submitted to the Department on June 11, 2012, states, “(a)ll wells are proposed, and are to be constructed to eliminate connection to surface water, to the extent possible”. Furthermore, the Well Development Table, located in Section 3 of the Permit Application, identifies ALL wells are “proposed”.

Based on Findings of Fact (FOF) 10 and 11, the Department has determined that Well #3, Well #4, Well #12, and Well #13, were not the wells proposed for use under the Permit Application submitted on June 11, 2012.

12. The Application states that construction of HARN 52187 (Well #5) began on May 13, 2015, in a location that is not authorized by the permit.
13. The Application states that construction of HARN 52708 (Well #6) began on February 5, 2018, in a location that is not authorized by the permit..

OAR 690-315-0040(5) states “if the extension is requested pursuant to OAR 537.230 or 537.630, the applicant must have begun actual construction work, as defined in OAR 690-315-0020(3)(d)(A) and (B), during the period required by statute. If the Department finds the applicant did not begin construction by that date, the permit cannot be extended, and the Department may begin cancellation proceeding pursuant to ORS 537.260 or 537.410.”

14. The Application provides no evidence of construction of any well authorized under this permit prior to May 2, 2018, being the date specified in the permit for completion of construction and complete application of water to the use.

Based on FOF 10, 11, 12, 13, and 14, the Department cannot find that construction of the well authorized under Permit G-17966 began (was prosecuted) within five years of permit issuance, being May 2, 2013, to May 2, 2018, the date established pursuant to ORS 537.630. An extension cannot be granted to extend the time needed to prosecute (begin) construction.

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

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

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

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

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

15. The Application identified the following work was accomplished between May 2, 2013, and May 2, 2018:

- installation of irrigation equipment, conduit, and sprinklers; and
- construction of HARN 52189 (Monitoring Well).

16. The Application identifies construction of HARN 52767 (Well #7), HARN 52768 (Well #8), and HARN 52754 (Well #9), in a location not authorized by the permit, occurred between November 2018, and February 2019.

Based on FOF 15, the Department has determined that some construction occurred under Permit G-17966 between May 2, 2013, and May 2, 2018.

Based on FOF 10, 11, 12, 13, 14, and 16, the Department cannot find evidence of progress made towards completion of the water development and application of water to full beneficial use as allowed in the time period specified in the permit, because no construction of the wells authorized under Permit G-17966, has occurred. Therefore, the Department cannot find good cause or reasonable diligence towards the complete application of water to a beneficial use under G-17966.

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

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

17. The Application identifies that compliance with the conditions requiring the installation of a totalizing flow meter, submittal of annual water use reports, and submittal of annual March static water level measurements; and the wells are constructed in accordance with the special well construction standards required by the permit.
18. Well #3, Well #4, Well #5, Well #6, Well #7, Well #8, Well #9, Well #12, and Well #13, are constructed in locations that are not authorized by Permit G-17966.

Based on FOF 10, 11, 12, 13, 14, 16, and 18, the Department has determined that compliance with conditions contained in the permit has not been demonstrated because the permit holder has not constructed any well authorized under the permit. Demonstrating compliance with conditions of the permit on wells that are not authorized under the permit cannot be considered compliance with permit conditions.

19. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a totalizing flow meter or other suitable measuring device has been installed on wells authorized by the permit, (2) the required March static water level measurements from wells authorized under Permit G-17966 have not been received by the Department, (3) annual reports of the amount of water used each month from wells authorized under Permit G-17966 have not been received by the Department, (4) the location of the construction of Monitoring Well has not been approved by the Department prior to construction, (5) production wells are not all equipped with dedicated measuring tubes, (6) the location of the wells deviate from that proposed in the permit. The Department recognizes that it is the intent of the permit holder to comply with all permit conditions at the time the conditions become applicable.

Based on FOF 19, the Department has determined that the permit holder has not demonstrated compliance with any of the permit conditions as required by Permit G-17966.

Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

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

The amount of beneficial use made of the water during the permit time period.

20. The application identifies a maximum rate of 2,200 gallons per minute (gpm) (4.9 cfs) for irrigation of 160.8 acres, and supplemental irrigation of 423.1 acres, being 1,500 gpm from Well #3 for irrigation of 160.8 acres, and supplemental irrigation of 210.9 acres, 200 gpm from Well #4 for supplemental irrigation of 102.0 acres, and 500 gpm from Well #5 for supplemental irrigation of 110.2 acres.

21. No water has been appropriated from any well authorized under Permit G-17966.
22. Delay of beneficial use of water under Permit G-17966 was due, in part, transition of ownership of the property, concentration on the development of other water right permits, and confusion of the applicable completion date of the permit.

Based on FOF 21, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because no water was appropriated from authorized wells, and not all permit conditions were satisfied by May 2, 2018.

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

23. An investment of approximately \$893,725 has been identified in the Application. The costs included items associated with construction of wells not authorized by the permit, consulting costs, costs of electricity to irrigate, and repair and maintenance costs of a system which are not “actual construction” under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for “actual construction” to date is approximately \$530,698, which is approximately 61 percent of the total projected cost for complete development of this project. An additional \$342,000 investment is needed for the completion of this project.

Based on FOF 23, the Department has determined that the permit holder had made an investment in the water system.

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

The Application provides evidence of construction of the water system; the permit holder has not prosecuted the construction of any well authorized under the permit; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit G-17966.

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

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

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*

- (c) *The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- (d) *Economic investment in the project to date;*
- (e) *Other economic interests dependent on completion of the project; and*
- (f) *Other factors relevant to the determination of the market and present demands for water and power.*

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

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

24. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-17966; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

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

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

25. The points of appropriation for Permit G-17966, are located in the Greater Harney Valley Groundwater Area of Concern (GHVGAC) which was established to ensure that groundwater in the GHVGAC is appropriated within the capacity of the resource and that new appropriations of groundwater assure the maintenance of reasonably stable groundwater levels and prevent depletion of the groundwater resource. Current data, comprising substantial evidence, indicate that groundwater levels are declining in areas of the GHVGAC. Additional allocation of groundwater within the GHVGAC may exacerbate these declines. A comparison between estimated annual recharge and previously allocated groundwater volumes indicates that groundwater is fully allocated in some areas of the basin. 690-512-0020(1).
26. Rock Creek is not located within or above any state or federal scenic waterway.
27. The points of appropriation are not located in an area listed by the Department of Environmental Quality as a water quality limited stream.

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

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

28. Rock Creek is located within an area ranked “low” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

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

Economic interests dependent on completion of the project.

29. An approximate total of \$893,725 has been invested in the project.

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

Other economic interests dependent on completion of the project.

30. The Application identifies other economic interests that may be dependent on completion of the project. The permit holder has employees to work the farm. Not having the additional groundwater for irrigation would reduce the workload for employees and reduce their pay. It may also jeopardize one or more positions.

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

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

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

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

32. The Application identifies that a fair return on investment would be realized once development is complete as the crops raised and harvested would generate revenue for the farm.

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

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

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

34. Unforeseen events were identified that contributed to the extended the length of time needed to fully develop and perfect Permit G-17966, in that the permit holder was misinformed by the Department of the specified date for completion of construction and complete application of water under Permit G-17966.
35. The history of water right transactions, orders and superseding permits that preceded the issuance of Superseding Permit G-17966, made many modifications to the original Permit G-17037, including cancelation of 306.7 acres, and the change in point of appropriation from Well #15, to Well #16. Permit G-17966, issued on January 31, 2018, includes the statement, "(c)ompletion of construction and application of the water shall begin within five years of permit issuance."

The Department has determined that, though there was confusion communicated to the permit holder in regard to the date specified for completion of construction and application of water,

which could have lead the permit holder to believe that the date for completion of construction and application of water to the use was January 31, 2023, that confusion does not affect the statutory requirement to begin construction within five years from the date of approval of the application. The requirement specified by ORS 537.630(2), to prosecute construction of the well within the time fixed in the permit, not to exceed five years after the date of approval of the application, remains applicable.

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

36. The Application identifies that a considerable investment has been made in the project to date. The purchase price of the property was based in part on having developable water right permits, which were only approximately 20% developed at the time of purchase. Because the permit holder misunderstood the date specified for completion of construction and application of the water, they did not realize that they had less than one year to complete the project. A denial of the Extension of Time will result in the loss of the water under the permit.

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

37. The Application does not provide evidence of good faith of the appropriator under Permit G-17966, because the Application does not provide evidence of construction of any well authorized under the permit prior to May 2, 2018, or prior to May 7, 2019, being the date the Application was submitted to the Department.

Based on Findings of Fact 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22, above, the Department finds that the Applicant has not demonstrated good faith.

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

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

38. As of May 7, 2019, the remaining work to be completed consists of requesting a Permit Amendment to change the points of appropriation from the locations authorized in the permit, to the locations the wells are constructed, completing construction of the remaining wells, completing construction of the water system, meeting all permit conditions, which include installing totalizing flow meters, submitting annual water use reports, submitting annual March static water level measurements, equipping all production wells with dedicated measuring tubes, and gaining approval of the location and construction of the Monitoring Well prior to the use of any water under the permit; and applying water to full beneficial use.

Based on FOF 10, 11, 12, 13, 14, and 16, the Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction of the wells authorized under the permit within the time allowed in the permit (5 years from the approval of the application).

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

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

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

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The Application established that there has not been reasonable diligence toward developing the project. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

PROPOSED ORDER

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

Deny the time to complete construction of the water system under Permit G-17966 from May 2, 2018, to October 1, 2023.

Deny the time to apply water to beneficial use under Permit G-17966 from May 2, 2018, to October 1, 2023.

DATED: June 25, 2019



Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **August 9, 2019**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

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

RECEIVED
MAY 07 2019
OWRD

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

Instructions are in Attachment A.

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G-17562 Permit: G-17966 Permit Amendment? No ☐ Yes ☒ T- 11863 ☐ pending ☒ approved

Permit Holder's Name: Rattlesnake Creek Land & Cattle

Permit Holder's Mailing Address: 524 Hwy 20E Hines OR 97738

email MakiS@acwinc.net

Phone Number: 541-573-3615

Agent/CWRE _____

Drainage Basin: _____ County: _____ Watermaster District: _____ Watermaster: _____

Date Permit was issued: May 2, 2013 Priority Date: June 11, 2012 Date of PN: May 24, 2019

Source: Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10,

~~Use: Irr of 241.0 ac~~ Well 11, Well 12, Well 13, Well 14, and Well 15 in

Sup of 511.3 ac
Rock Creek Basin
"Q": 20.0 cfs, for limits to 6.39 cfs for sup irr of 511.3 ac

Orig "A" Date: _____ Orig "B" Date: within 5 Orig "C" Date: within 5

Extension request received: May 7, 2019 Last Authorized Date: _____ "C" Date: _____

Request Number (1, 2, 3...): _____ Proposed "B" Date: 2023 Proposed C Date: 2023

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition	Y	N
✓		Begin construction: <u>HARN 52187</u>		
✓	×	<u>tot. flow meter</u>		
✓	×	<u>AWUR</u>		
✓	×	<u>March SWL</u>		
		<u>well construction</u>		

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

Yes No

- ☐ ☒ Work was accomplished within the time allowed in the permit or previous extension
- ☐ ☒ Water right permit holder conformed with the permit or previous extension conditions
- ☐ ☒ Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 0 cfs/gpm/af of the total permitted quantity of water on 0 acres

- ☒ ☒ Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$ _____ Estimated Remaining Cost: \$ _____

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

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

Application _____ - Permit _____ - Township _____ Range _____ Section _____

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

☐ ☒ above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map

☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html

☒ ☐ within a critical or limited Ground Water Area? Name of area GHV GAC

☒ ☐ within a sensitive, threatened or endangered species area source: "/>

☐ ☒ 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 (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration 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 - no wells constructed as authorized

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:

		C-Date
G-17037	- issued May 2, 2013	May 2, 2018 (within 5-yrs.)
G-17312	Jan 15, 2015	May 2, 2018 (via T-11863)
G-17764	June 8, 2017	within 5 (after cancellation)
G-17966	Jan 31 2018	within 5 (correcting)

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____ FO Issuance Date: _____

Reviewer's Name: _____ Date: _____

Resource unable to support development.
Did not begin const. of Auth. wells.



ALL POINTS
ENGINEERING & SURVEYING, INC.
P.O. Box 767 (CRR)
Terrebonne, Oregon 97760

TRANSMITTAL

To:
ATTN: Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301-1266

Date: 5/6/2019
Attention: Extensions
RE: Application for Extension for S-
54843, G-17966 & R-15042

☒ Prints ☐ Plans ☐ Plat ☐ Specifications.

Attached are the Applications for Extension for Permits S-54843, G-17966 & R-15042 .

If you have any questions please don't hesitate to call or email me.

Copies	No.	Description
1	1	Application for Extension S-54843 (12 pages letter bond)
1	2	Permit S-54843 w/map (6 pages letter bond)
1	3	Check for \$670.00
1	4	Application for Extension G-17966 (14 pages letter bond)
1	5	Permit G-17966 w/maps (11 pages letter bond)
1	6	Check for \$670.00
1	7	Application for Extension R-15042 (13 pages letter bond)
1	8	Permit R-15042 w/maps (7 pages letter bond)
1	9	Check for \$670.00
1	10	Documentation (17 pages letter bond)
1	11	Documentation 2 maps (2 pages ledger bond)

Signed: Deise A. Montgomery

RECEIVED
MAY 07 2019
OWRD

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

Instructions are in Attachment A.

RECEIVED
MAY 07 2019
OWRD

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

I, Rattlesnake Creek Land & Cattle LLC, Andy Root , Managing Member

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

524 Hwy 20 N
ADDRESS

Hines
CITY

OR
STATE

97738
ZIP

541-573-3615
PHONE

MakiS@acwinc.net
E-MAIL ADDRESS

the permit holder of:

Application Number G-17562

Permit Number G-17966

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

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on Month:5 Day: 2 Year: 2018, be extended to October 1, 2023 or 5 irrigation seasons after a final order no longer subject to appeal is issued, [OAR 690-315-0020(3)(i)]

☐ 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 Month:5 Day: 2 Year: 2018, be extended to October 1, 2023. [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), 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

Printed Name

Date

Title

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 \$670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

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

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



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

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

Questions to complete this application for an Extension of Time

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

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

For Groundwater Permits

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

☒ Yes ☐ No

Date construction began Month: 5 Day: 13 Year: 2015

Details of construction and attach documentation: Production well #5 (HARN 52187) on May 13, 2015.

For Surface/Reservoir Permit

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

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☒	Installation of a meter/totalizing flow meter	☒ Yes ☐ No	10/1/2023 *new wells receive flow meter as pump is installed
☒	Submittal of annual water usage report	☒ Yes ☐ No	2015 to 2023
☒	Submittal of initial static water level measurement	☒ Yes ☐ No	3/22/2016
☒	Submittal of annual static water level measurements in the month required	☒ Yes ☐ No	2016 - 2023
☐	Submittal of Seven consecutive static water level measurements in the month required	☐ Yes ☐ No	
☒	Special well construction standards cased & sealed to 100'	☒ Yes ☐ No	5/1/2015 (Well #5) 3/7/2015 (Observ. Well) As installed/updated up to 10/1/2023 for remaining wells.
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
☒	Other (Specify): Observation Well	☒ Yes ☐ No	5/21/2015
☒	Other (Specify): OWRD Well ID TAG	☒ Yes ☐ No	Existing wells #3 and #4 installed, but have either fallen off due to age or are beneath pump. Being replaced with new well log #s. Well #5 (2015) was affixed to the casing, but is no longer visible. All other wells have or will have id tags in place as drilled/cased and prior to installation of pump.
☒	Other (Specify): Dedicated measuring tube	☐ Yes ☒ No	10/1/2023 *new wells receive measuring tube as pump

			installed
☒	Riparian Area	☒ Yes ☐ No	N/A
☒	Pump Test	☐ Yes ☒ No	10/1/2023 (not required yet)
	Surface Water or Reservoir		
☐	Installation of a meter/ totalizing flow meter/ in-line meter	☐ Yes ☐ No	
☐	Installation a staff gauge	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

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

The original permit holder developed two center pivot sprinklers, one production well & the required monitoring well between 2013 and 2017. A portion of the permit was cancelled by the prior landowner, Bo Thorenfeldt, to use as mitigation for another groundwater permit. An amended permit describing the remainder right was issued on June 8, 2017 (G-17764), but that permit was later corrected by OWRD. The corrected and currently applicable permit, G-17966, was issued January 31, 2018.

The applicant purchased the property on August 8, 2017. The permit was assigned in September 2017, and on September 25, 2017, OWRD issued a letter indicating that the C-date for the permit was June 6, 2022 (this letter is attached). As noted above, the current permit G-17966 was issued after this, on January 31, 2018. The permit indicates that the holder has 5 years from the date of the permit to put the water to beneficial use (i.e. January 31, 2023).

Therefore, the applicant (and new owner) initially understood that the completion date would not be until June 6, 2022, based on OWRD's September 2017 letter. After the permit G-17966 was issued, the applicant understood they had until January 31, 2023 —to complete the project. This would have provided additional time after acquiring the property to further modify the permit as needed to conform to on-the-ground conditions, create groundwater use efficiencies, and complete the project

It was not until January 2019 that OWRD first indicated in an email that the C-date was May 21, 2018. But, this view apparently was not universal or confirmed because on February 9, 2019, OWRD issued a letter correcting the permit assignment, which states that the C-date is January 31, 2023—a date that is consistent with the current permit's terms (this letter is attached).

Since the purchase, the applicant has installed additional wells and irrigation infrastructure, including installing more efficient irrigation systems (pivots) in areas covered by the prior owner. Additional time is necessary to complete the project and ensure it is installed and configured to ensure the most efficient use of groundwater (which the applicant anticipates will require a permit amendment).

Additional time is also warranted to allow the applicant to complete the project within the expected and anticipated completion date represented to the current owner and applicant by OWRD over the course of the past 3 years. The applicant relied on these representations and has made installation and completion plans based upon them.

Finally, additional time is warranted because the applicant (and his predecessor) have been working on enlarging the reservoir authorized under Permit R-15042 at the same time that work has been progressing under the groundwater permit. The additional storage authorized by the reservoir permit is important because it will lessen the applicant's need for groundwater to irrigate the farm. Therefore, that permit's development is important and beneficial for the overall groundwater aquifer use. This is a somewhat unusual to have both projects proceeding at the same time. Notably, even with the extension, both the groundwater and reservoir expansion would still be finished within a relatively short timeframe compared to other projects of the same scope and scale.

The anticipated completion date is October 1, 2023, assuming OWRD approves the request right away, or within 5 irrigation seasons following issuance of a final order that is not subject to appeal, whichever is later.

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

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

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
6/2012	Retained water rights consultant to consult on permit application	-\$1000

not work for

7/16/2012	Deepened Well #3 (HARN 51818) to determine usability	\$42,000
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*
5/2/2013	Date the permit was signed - find date above signature on last page of permit.* The date G-17966 was signed is 1/31/2018	
5/1/2015	Drilled observation well (HARN 52189)	\$38,000
5/13/2015	Drilled production well #5 (HARN 52187) Cased & sealed to 100'	\$60,000
3/7/2018	Drilled production well #6 (HARN 52708) Cased & sealed to 100'	\$31,163
9/26/2017 to 3/23/2018	Install irrig. equip, conduit & sprinklers	\$450,493.02
8/21/2017 to 4/26/2018	Repairs & additional equip. added to irrigation system	\$24,032.44
5/2015 to 9/2015 5/2016 to 9/2016 6/2017 to 8/2017 5/2018 to 9/2018	Irrigated a portion of the place of use (see Q.9 chart)	\$48,863.52 (electricity costs)
5/2/2018 and 1/31/2023	Date the permit specified complete application of water to the use shall be made- all permits contain this date. The original permit indicated the completion date was within 5 years of the date of issuance. However, Permit G-17966 has the same term, putting the completion date at 1/31/2023. Also, in Feb. 2019, OWRD provided written confirmation that the C-date was 1/31/2023 (see attached letter).	474,525
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
11/2018 to 2/2019	Drilled 3 production wells (L131955 (well #7), L131957 (well #8) & L130100 (well #9))	\$142,000
5/12/2018 to 2/26/2019	Repairs & additional equip. to irrig system	\$56,173
Total Cost for Chart-B		\$ 893,724.98

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

530,109.8

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

CHART-C

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

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

5. Cost of project to date: \$ 893,724.98

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

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

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

See water use reports attached.

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

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

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

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

Acre-feet stored to date = _____ AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
#3*	#3	Yes ☒ No ☐	HARN 227/51858	L109028	Yes ☐ No ☒ *	1500 gpm	Yes ☒ No ☐	C-67666
#4*	#4	Yes ☒ No ☐	HARN 222	L114935	Yes ☐ No ☒ *	200 gpm	Yes ☒ No ☐	C-67666
#5	#2	Yes ☒ No ☐	HARN 52187	L92413	Yes ☐ No ☒	500 gpm	Yes ☐ No ☒	-
#6	#6	Yes ☒ No ☐	HARN 52708	L128165	Yes ☐ No ☒	0	Yes ☐ No ☒	-
#7	#7	Yes ☒ No ☐	HARN 52767	L131955	Yes ☐ No ☒	0	Yes ☐ No ☒	-
#8	#8	Yes ☒ No ☐	HARN 52768	L131957	Yes ☐ No ☒	0	Yes ☐ No ☒	-
#9	#9	Yes ☒ No ☐	HARN 52754	L130100	Yes ☐ No ☒	0	Yes ☐ No ☒	-
#10	#10	Yes ☐ No ☒	NA	NA	Yes ☐ No ☒	0	Yes ☐ No ☒	-
#11	#11	Yes ☒ No ☐	NA	NA	Yes ☐ No ☒	0	Yes ☐ No ☒	-
#12*	#12	Yes ☒ No ☐	HARN 226	L114936	Yes ☐ No ☒ *	0	Yes ☐ No ☒	-
#13*	#13	Yes ☐ No ☒	HARN 225	L134007	Yes ☐ No ☒ *	0	Yes ☐ No ☒	-
#14	#14	Yes ☐ No ☒	NA	NA	Yes ☐ No ☒	0	Yes ☐ No ☒	-
#16	#16	Yes ☐ No ☒	NA	NA	Yes ☐ No ☒	0	Yes ☐ No ☒	-

		No ☒			No ☒		No ☒	
	Monitor Well	Yes ☐ No ☒	HARN 52189	L114921	Yes ☐ No ☒	0	Yes ☐ No ☒	-
Total instantaneous rate from all wells utilized under this permit						2200 gpm		

*We think it is likely that the original applicant misstated the locations for wells #3 and #4 as they are existing wells for Certificate 67666. Similarly, we believe that the locations for wells #12 and #13 were meant to be as indicated on the well logs for HARN 225 and HARN 226, as they are existing wells (though additional investigation is needed to confirm they will comply with the 100 foot casing requirement). Because the id tags are no longer visible on these existing wells, new id tags have been ordered. The id is also no longer visible/affixed to well #5, and a new well tag has been ordered. This will result in new id numbers.

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

If yes, identify Transfer No. T- _____

Has the Permit Amendment been approved? Yes ☐ No ☒

If yes, on what date was the Permit Amendment approved? _____

*The Permit holder plans to submit a permit amendment to modify the location of the wells to conform with on-the-ground conditions and to create more efficiencies with groundwater use.

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

9. **For Irrigation and Nursery Use Permits Extensions**

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

a) Total acres irrigated to date: 160.8 IR & 423.1 IS

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

Year	Acres	Year	Acres	Year	Acres
2015	160.8 IR & 423.1 IS				
2016	160.8 IR & 423.1 IS				
2017	160.8 IR & 423.1 IS				
2018	160.8 IR & 423.1 IS				

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

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

(POD/POA) #5 (Owner's #2) Acres 110.2 IS

(POD/POA) #3 (Owner's #3) Acres 160.8 IR & 210.9 IS

(POD/POA) #4 (Owner's #4) Acres 102.0 IS

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
3/1/2019 to 10/31/2022	Complete wells #11, 14, and 16	\$142,000
3/1/2019 to 10/31/2022	Install flowmeters, measuring tubes, & plumb new wells to irrig. system	\$200,000
10/1/2019	Apply for Permit Amendment (OWRD's timeline for approval will dictate other deadlines and dates in this Chart)	\$10,000
3/1/2019 to 10/31/2023	Report March static well levels to OWRD	\$5,000
12/31/2019 to 12/31/2023	Report annual usage to OWRD	\$1,500
3/1/2019 to 10/31/2023	Irrigate within entire place of use	\$120,000 per year (electricity costs)
10/1/2024	Report COBU	\$3,000
Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$481,500

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

11. Estimated remaining cost to complete the project: \$481,500

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.) Complete construction of wells, tag, and plumb into irrigation system with flowmeters to record & report usage. Complete installation of dedicated measuring tubes to record & report March static levels each year upon completion of each well. Put water to full beneficial use for irrigation within place of use and provide annual water use reports. Report COBU within one year of completing these tasks. The costs associated with these tasks are included in Chart E.

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

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

Some of the wells have been constructed, including additional wells built after the transition to the new owner. A portion of the place of use has been irrigated and parts of the irrigation system that were previously constructed have been rebuilt to be more efficient (i.e. with pivots). However, with the transition to a new owner and additional evaluation of what is

needed to build an efficient irrigation system, additional time is need to construct the remaining wells, complete the irrigation system, and ensure the wells and system will operate efficiently. This is a sizable undertaking. An additional five years after approval of the permit extension is needed to complete well construction and put the water to beneficial use. As the system is constructed, it anticipated that a permit amendment is needed to optimize water use and efficiencies and to conform to on-the-ground conditions, which appear to have been overlooked or misunderstood in the initial application. The five year extension accounts for each of these steps in the process and is consistent with the time frame as represented to the applicant in multiple correspondences from OWRD.

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

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.) Yes. Considerable resources have been invested in the project to date. Imposing a May 2018 completion date would have given the current owner less than one year to finish construction upon acquisition of the property, with less than 20% of the project complete at the time of purchase. The property was purchased at a price based on having developable water rights. If the completion date is not extended to be consistent with representations made in multiple communications from OWRD, the applicant will be deprived of most of the water authorized for development under the permit.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail) No If the permit is denied nearly the entire right will be lost, as beneficial use was not able to be completed for 80% of the permitted use before the May 2018 completion date that, in Jan. 2019, OWRD indicated for the first time to the applicant would apply. (Again, to clarify, in Feb. 2019, OWRD sent a letter saying that the completion date was Jan. 31, 2023.)

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) No

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.) As explained below, the prior owner was working to complete a reservoir expansion and supplemental water project at the same times as this permit. That project was significant, expensive and time consuming, and apparently caused delays in completion of the groundwater permit. Also, there is the

apparent confusion over the actual completion date. The applicant had no control over either of these circumstances.

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

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

The current permittee/owner had less than one year to complete the development with less than 20% of the POU developed at the time of purchase. The applicant has continued to work on developing the project since the property was purchased. However, additional time is needed to complete the development and ensure that it is configured in a way that is most effective and efficient on the ground.

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

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

The development of Permit G-17966 coincided with the development of Permits R-15042 & S-54843. Together these projects required a large investment of time and money to develop them to the extent they have been to date. Working on these together meant significant costs and efforts were being expended to work toward the C-dates on all of the permits. These are somewhat unusual circumstances that justify additional time to complete these projects.

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

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) Yes. Once the development is complete, the investment will create returns as crops are irrigated, harvested & utilized for livestock or sold.

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

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?) The permit holder has employees to work on the farm. Not having the additional groundwater for irrigation would reduce the workload for employees and reduce their pay. It could also jeopardize one or more positions.

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T.22 S., R. 33 E., W.M.

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MAY 07 2019

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MAP TO ACCOMPANY APPLICATION G-17562
For PERMIT
In the Name of
Bo Thorenfeldt

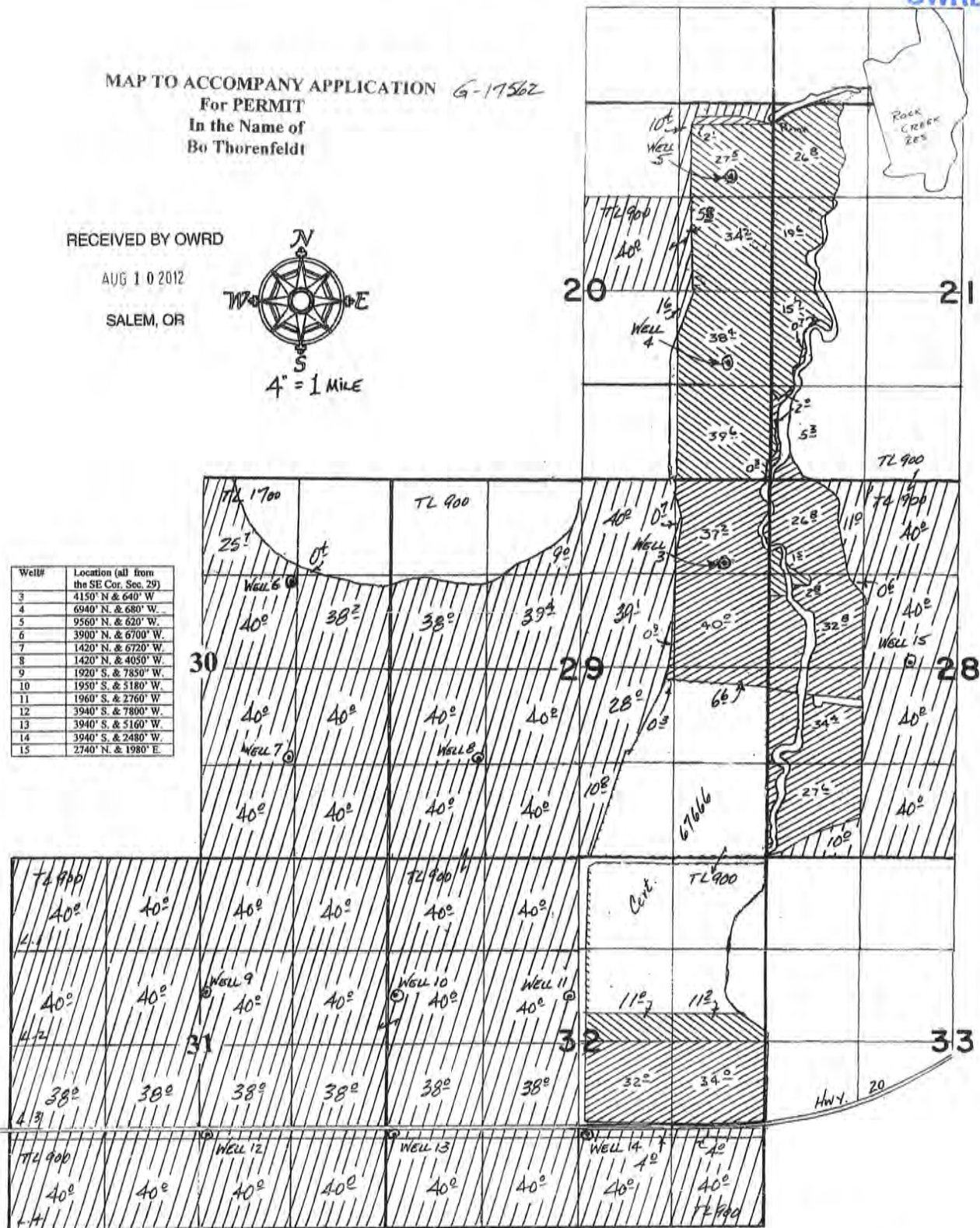
RECEIVED BY OWRD

AUG 10 2012

SALEM, OR



Well#	Location (all from the SE Cor. Sec. 29)
3	4150' N & 640' W
4	6940' N & 680' W
5	9560' N & 620' W
6	3900' N & 6700' W
7	1420' N & 6720' W
8	1420' N & 4050' W
9	1920' S & 7850' W
10	1950' S & 5180' W
11	1960' S & 2760' W
12	3940' S & 7800' W
13	3940' S & 5160' W
14	3940' S & 2480' W
15	2740' N & 1980' E



This map is for the purpose of identifying the location of water rights only, and is not intended to provide legal dimensions or locations of property lines.

PRIMARY
SUPPLEMENTAL

May 2012
Amended Aug 2012

TRANSFER MAP TO ACCOMPANY APPLICATION TO CHANGE POINT OF APPROPRIATION FOR BO THORENFELDT

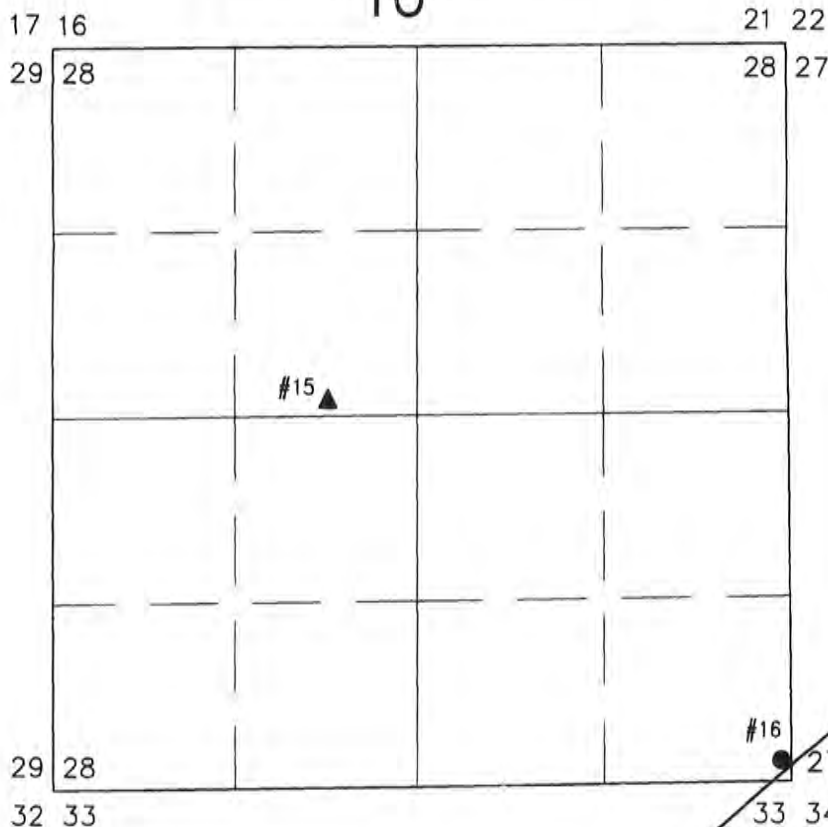
TAX LOT 900
IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 33 EAST, W.M.
HARNEY COUNTY, OREGON

"TO"

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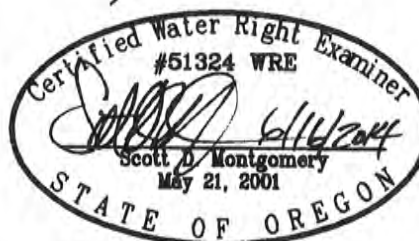
RECEIVED BY OWRD

JUL 21 2014

SALEM, OR

- ▲ POA #15 (AUTHORIZED)
PERMIT: S-17037
LOCATED IN SE 1/4 NW 1/4 OF SECTION 29
2740' NORTH & 1980' EAST FROM THE SE
CORNER SECTION 29.

- POA #16 (PROPOSED)
LOCATED IN SE 1/4 SE 1/4 SECTION 28
148' NORTH & 73' WEST FROM THE SE CORNER
SECTION 28.



RENEWAL DATE: 12/31/2014

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

PROJECT No. 13-062

PREPARED AT THE REQUEST OF:
BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



P.O. BOX 767 (CRR)
TERREBONNE, OREGON 97760
(541) 548-5833 PH
(541) 585-4602 FX
www.APEandS.com

T.22 S., R. 33 E., W.M.

MAP TO ACCOMPANY APPLICATION *G-17562*
For PERMIT
In the Name of
Bo Thorenfeldt

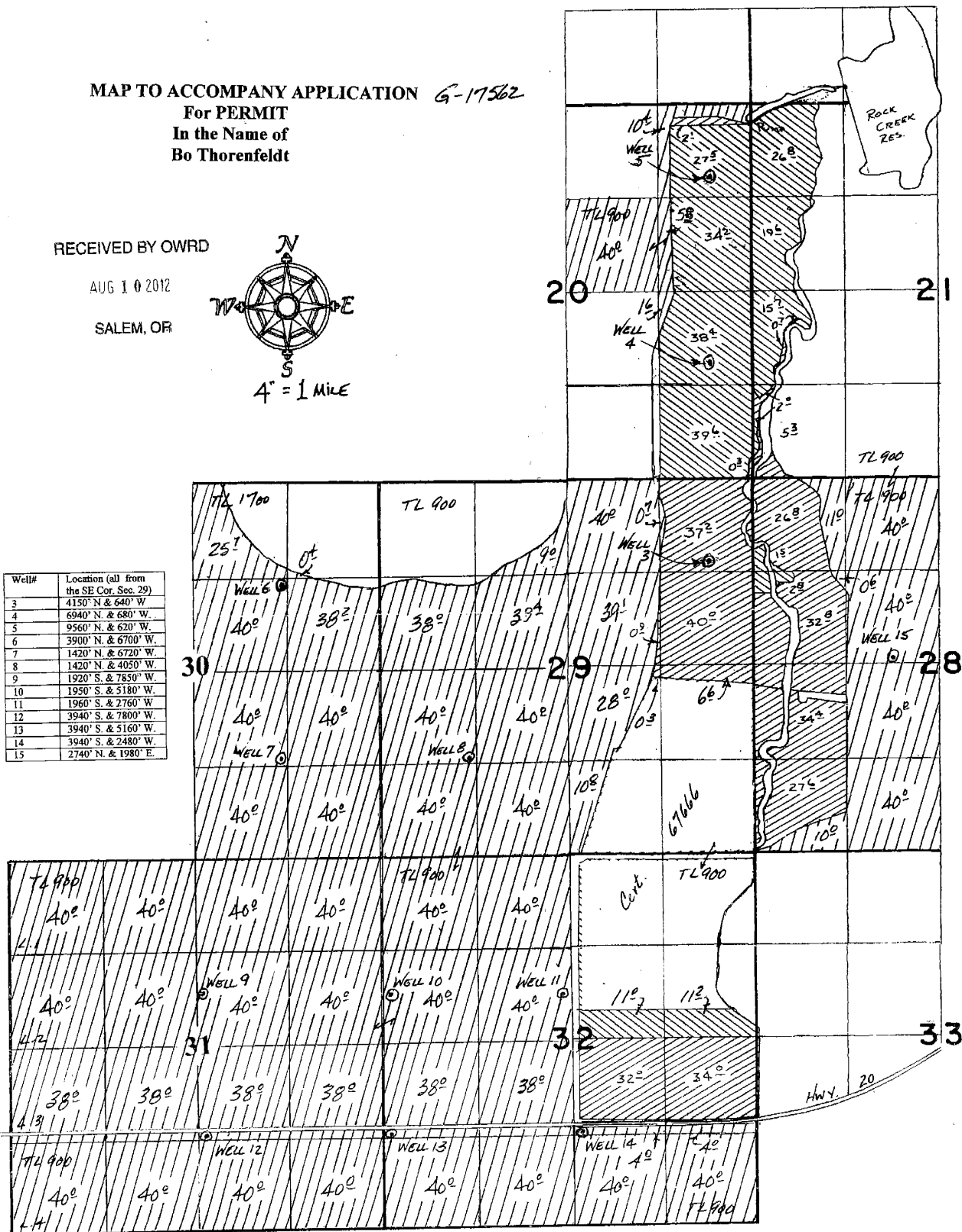
RECEIVED BY OWRD

AUG 10 2012

SALEM, OR



Well#	Location (all from the SE Cor. Sec. 29)
3	4150' N. & 640' W.
4	6940' N. & 680' W.
5	9560' N. & 620' W.
6	3900' N. & 6700' W.
7	1420' N. & 6720' W.
8	1420' N. & 4050' W.
9	1920' S. & 7850' W.
10	1950' S. & 5180' W.
11	1960' S. & 2760' W.
12	3940' S. & 7800' W.
13	3940' S. & 5160' W.
14	3940' S. & 2480' W.
15	2740' N. & 1980' E.



This map is for the purpose of identifying the location of water rights only, and is not intended to provide legal dimensions or locations of property lines.



PRIMARY



SUPPLEMENTAL

May 2012
AMENDED Aug 2012

T.22 S., R. 33 E., W.M.

MAP TO ACCOMPANY APPLICATION G-17562
For PERMIT
In the Name of
Bo Thorenfeldt

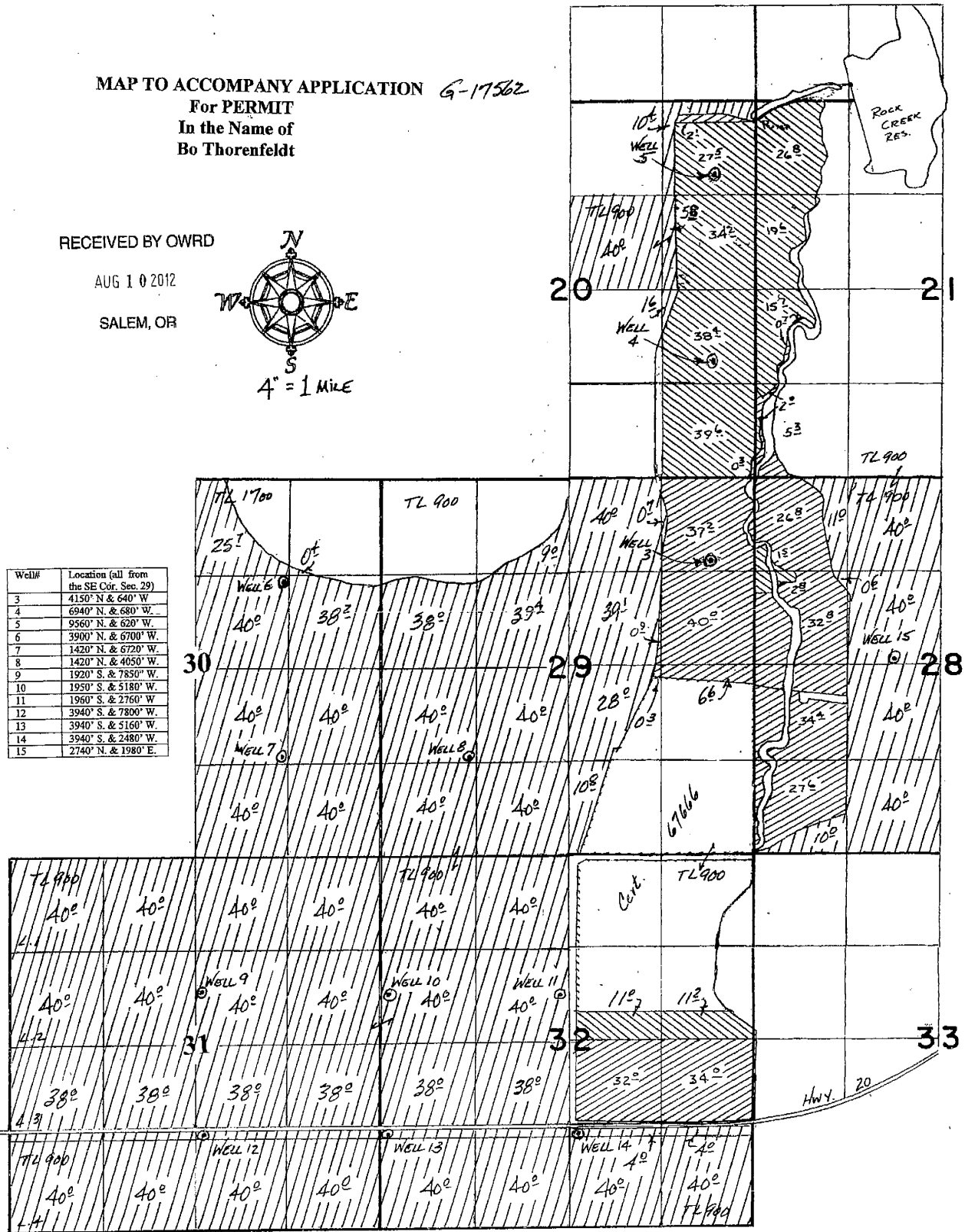
RECEIVED BY OWRD

AUG 10 2012

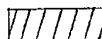
SALEM, OR



Well#	Location (all from the SE Cor. Sec. 29)
3	4150' N. & 640' W.
4	6940' N. & 680' W.
5	9560' N. & 620' W.
6	3900' N. & 6700' W.
7	1420' N. & 6720' W.
8	1420' N. & 4050' W.
9	1920' S. & 7850' W.
10	1950' S. & 5180' W.
11	1960' S. & 2760' W.
12	3940' S. & 7800' W.
13	3940' S. & 5160' W.
14	3940' S. & 2480' W.
15	2740' N. & 1980' E.



This map is for the purpose of identifying the location of water rights only, and is not intended to provide legal dimensions or locations of property lines.



PRIMARY



SUPPLEMENTAL

May 2012 *AK*
Amended Aug 2012

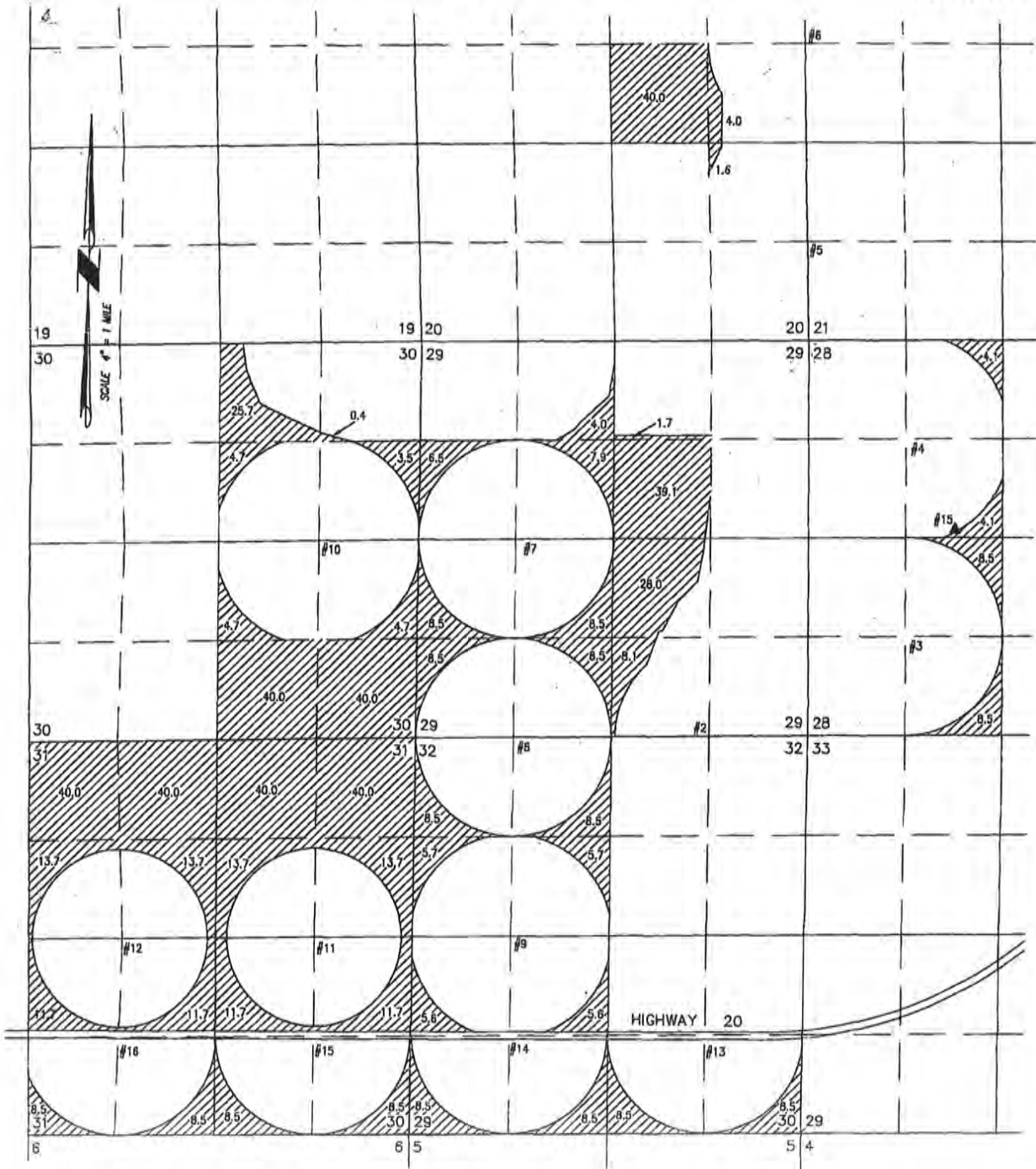
MITIGATION CREDIT FOR PLACE OF USE
FROM PERMIT G-17070 17037
FOR BO THORENFELDT

TAX LOT 300
IN TOWNSHIP 22 SOUTH, RANGE 33 EAST, W.M.
HARNEY COUNTY, OREGON

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THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.



593.0 ACRES IRRIGATION TO BE
MITIGATED TO APPLICATION
G-17799

PROJECT No. 15-083

PREPARED AT THE REQUEST OF:

BO THORENFELDT
888 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

ALL POINTS ENGINEERING
& SURVEYING, INC.



P.O. BOX 767
TERREBONNE, OREGON 97760
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STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

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

APPLICATION FILE NUMBER: G-17562

SOURCE OF WATER: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 16 IN ROCK CREEK BASIN

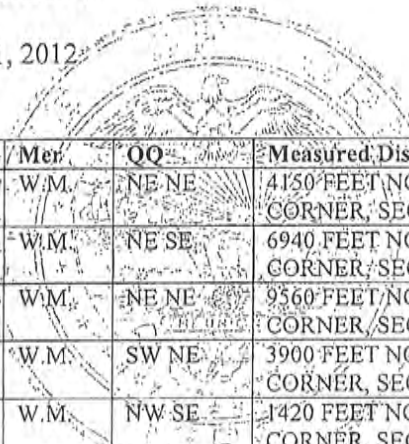
PURPOSE OR USE: IRRIGATION OF 1772.6 ACRES; SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

MAXIMUM RATE: 11.34 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 6.39 CFS FOR SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

PERIOD OF USE: SEE TABLE BELOW

DATE OF PRIORITY: JUNE 11, 2012

WELL LOCATIONS:



Well	Twp	Rng	Sec	Mer	QQ	Measured Distances
Well 3	22 S	33 E	29	W.M.	NE NE	4150 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 29
Well 4	22 S	33 E	20	W.M.	NE SE	6940 FEET NORTH AND 680 FEET WEST FROM SE CORNER, SECTION 29
Well 5	22 S	33 E	20	W.M.	NE NE	9560 FEET NORTH AND 620 FEET WEST FROM SE CORNER, SECTION 29
Well 6	22 S	33 E	30	W.M.	SW NE	3900 FEET NORTH AND 6700 FEET WEST FROM SE CORNER, SECTION 29
Well 7	22 S	33 E	30	W.M.	NW SE	1420 FEET NORTH AND 6720 FEET WEST FROM SE CORNER, SECTION 29
Well 8	22 S	33 E	29	W.M.	NW SW	1420 FEET NORTH AND 4050 FEET WEST FROM SE CORNER, SECTION 29
Well 9	22 S	33 E	31	W.M.	SW NE	1920 FEET SOUTH AND 7850 FEET WEST FROM SE CORNER, SECTION 29
Well 10	22 S	33 E	31	W.M.	SW NW	1950 FEET SOUTH AND 5180 FEET WEST FROM SE CORNER, SECTION 29
Well 11	22 S	33 E	32	W.M.	SE NW	1960 FEET SOUTH AND 2760 FEET WEST FROM SE CORNER, SECTION 29

Well	Twp	Rng	Sec	Mer	QQ	Measured Distances
Well 12	22 S	33 E	31	W.M.	NW SE	3940 FEET SOUTH AND 7800 FEET WEST FROM SE CORNER, SECTION 29
Well 13	22 S	33 E	32	W.M.	NW SW	3940 FEET SOUTH AND 5160 FEET WEST FROM SE CORNER, SECTION 29
Well 14	22 S	33 E	32	W.M.	NW SE	3940 FEET SOUTH AND 2480 FEET WEST FROM SE CORNER, SECTION 29
Well 16	22 S	33 E	28	W.M.	SE SE	148 FEET NORTH AND 73 FEET WEST FROM SE 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:

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NENE	10.4	22S	33E	WM	20	3/1 through 10/31	
NENE	29.6	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	1.8	22S	33E	WM	20	3/1 through 10/31	
SENE	34.2	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NESE	38.4	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESE	39.9	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNW	26.8	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	19.6	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSW	16.4	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	7.3	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	35.9	22S	33E	WM	28	3/1 through 10/31	
NWNW	11.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	28.3	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	0.6	22S	33E	WM	28	3/1 through 10/31	
SWNW	35.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENW	35.9	22S	33E	WM	28	3/1 through 10/31	
NESW	35.9	22S	33E	WM	28	3/1 through 10/31	
NWSW	34.4	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	10.0	22S	33E	WM	28	3/1 through 10/31	
SWSW	27.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1

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Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
SESW	31.5	22S	33E	WM	28	3/1 through 10/31	
NENE	0.7	22S	33E	WM	29	3/1 through 10/31	
NENE	37.2	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNE	38.3	22S	33E	WM	29	3/1 through 10/31	
SWNE	0.9	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	40.0	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	5.0	22S	33E	WM	29	3/1 through 10/31	
SWNW	31.5	22S	33E	WM	29	3/1 through 10/31	
SENW	31.5	22S	33E	WM	29	3/1 through 10/31	
NESW	31.5	22S	33E	WM	29	3/1 through 10/31	
NWSW	31.5	22S	33E	WM	29	3/1 through 10/31	
SWSW	31.5	22S	33E	WM	29	3/1 through 10/31	
SESW	31.5	22S	33E	WM	29	3/1 through 10/31	
NESE	6.6	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	0.3	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	2.7	22S	33E	WM	29	3/1 through 10/31	
SWNE	35.3	22S	33E	WM	30	3/1 through 10/31	
SENE	34.7	22S	33E	WM	30	3/1 through 10/31	
NESE	35.3	22S	33E	WM	30	3/1 through 10/31	
NWSE	35.3	22S	33E	WM	30	3/1 through 10/31	
SWNE	26.3	22S	33E	WM	31	3/1 through 10/31	
SENE	26.3	22S	33E	WM	31	3/1 through 10/31	
SWNW	26.3	22S	33E	WM	31	3/1 through 10/31	
SENW	26.3	22S	33E	WM	31	3/1 through 10/31	
NESW	26.3	22S	33E	WM	31	3/1 through 10/31	
NWSW	26.3	22S	33E	WM	31	3/1 through 10/31	
SWSW	31.5	22S	33E	WM	31	3/1 through 10/31	
SESW	31.5	22S	33E	WM	31	3/1 through 10/31	
NESE	26.3	22S	33E	WM	31	3/1 through 10/31	
NWSE	26.3	22S	33E	WM	31	3/1 through 10/31	

Application G-17562
Basin 12

Water Resources Department
Page 3 of 8

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PERMIT G-17966

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Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
SWSE	31.5	22S	33E	WM	31	3/1 through 10/31	
SESE	31.5	22S	33E	WM	31	3/1 through 10/31	
SWNE	11.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	11.2	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	31.5	22S	33E	WM	32	3/1 through 10/31	
NWNW	31.5	22S	33E	WM	32	3/1 through 10/31	
SWNW	34.3	22S	33E	WM	32	3/1 through 10/31	
SENW	34.3	22S	33E	WM	32	3/1 through 10/31	
NESW	38.0	22S	33E	WM	32	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	32	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	32	3/1 through 10/31	
SESW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESE	4.0	22S	33E	WM	32	3/1 through 10/31	
NESE	34.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	4.0	22S	33E	WM	32	3/1 through 10/31	
NWSE	32.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	40.0	22S	33E	WM	32	3/1 through 10/31	
SESE	40.0	22S	33E	WM	32	3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall keep a complete record of the amount of water diverted 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.
- The permittee shall allow the watermaster access to the meter or measuring device, provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

MAY 07 2019

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- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Static Water Level Conditions:

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

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

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within

the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Well Construction Conditions:

The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from shallower water-bearing zones. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

Observation Well Condition:

The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The observation well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The observation well shall be constructed at a location approved by the Department prior to construction. The landowner or permittee shall provide Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any other purpose while the Department is monitoring water levels. The observation well shall be completed prior to any groundwater use under the terms of any groundwater permit issued. The Department may consider the use of an existing well that meets all the criteria described above.

Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube Condition:

Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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 well(s) 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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.

Completion of construction and application of the water shall begin within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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MAY 07 2019

OWRD

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued January 31, 2018

A handwritten signature in black ink, appearing to read "Dwight French", is written over the printed name.

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

Permit Extension Ground Water Review

Date: May 20, 2019

To: Justin Iverson, Ground Water Section Manager

From: Jeffrey Pierceall, Permit Extension Review

Subject: Ground Water Review for File G- 17562 / Permit G- 17966

(Date permit issued: May 2, 2013)

Reviewed By:

D. Boschmann

Date Reviewed:

6-3-2019

The above referenced permit is currently being reviewed for an Extension of Time. Before I can determine whether or not an Extension of Time should be granted, a Ground Water review for this file is necessary. Special designations affecting this permit are as follows:

NOTE: Original Division 9 review completed by: Mike Zwart

For Ground Water / Hydrology Staff Use: (Availability/ Well Costruction/ Decline)

Please review as per checked boxes:

X Permit G-17966 is located near **GHVGAC** area.

Authorized Rate: 11.34 cfs, further limited to 6.39 cfs for supplemental

Authorized Use: irrigation of 1772.6 acres and sup irrigation of 511.3 acres

Developed Rate: 0.0 cfs , 0.0 acres dev.

Based on information currently available, can the resource support the complete development of the authorized rate? Yes No (circle one)

If no, please explain:

Should any additional conditions be added to the extension of time to mitigate the effects of the additional development on the demands on the resource? Yes No (circle one)

If yes, explain:



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

Groundwater Administrative Area Permit Extension Review Form

TO: Water Rights Section
FROM: Groundwater Section
RE: Extension Application: G-17562 Permit: G-17966 Permit Issued: 1/31/2018
Reviewer(s): Darrick E. Boschmann Date of Review: 06/03/2019
Original Division 9 review completed by: M. Zwart Date: 7/11/2012

-
1. This permit is located within the following groundwater administrative area: Greater Harney Valley Groundwater Area of Concern.
 2. Basic description of the changes proposed in this extension: complete development of permit.

Authorized Rate: <u>11.34/6.39 cfs</u>	Authorized Acres: <u>1172.6/511.3 acres</u>
Developed Rate: <u>0 cfs</u>	Developed Acres: <u>0 acres</u>
Remaining Rate: <u>11.34/6.39 cfs</u>	Remaining Acres: <u>1172.6/511.3 acres</u>

*values from 5/20/2019 memo

3. Based on available information can the resource support the continued development of the remaining rate/duty?
☐ Yes ☒ No Comments: The proposed well(s) for this extension application are within the Greater Harney Valley Groundwater Area of Concern where observed groundwater level declines are occurring in most areas. The decline indicates that demand for groundwater is exceeding the average annual recharge. An analysis by the Department confirms the volume of groundwater permitted for annual use exceeds the average annual volume of recharge to groundwater. The Department also estimates that approximately 30 percent of the total acreage permitted for groundwater use has yet to be developed. Groundwater development for these acres under already-existing permits will further increase the groundwater level decline rate. Based on the location of the POA(s), the Department finds that the proposed groundwater use will occur from the same groundwater source exhibiting groundwater level declines. Groundwater is therefore determined to be over-appropriated [see OAR 690-400-0010(11)(a)(B)] and development of the remaining portion of this permit is not within the capacity of the resource.
4. What conditions or other changes in the application are necessary to address any potential issues identified above: none.
5. Any additional comments: none.

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

HARN 227

RECEIVED
WATER WELL REPORT
STATE OF OREGON
DEC 30 1977

(Do not write above this line)
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

Well No. 22S/33E-322a

State Permit No.

DEC 30 1977

APPL. G-10.206

(1) OWNER:

Name LOST SPRING RANCH
Address S.R. 2-15141 Hwy. 20
Burns, Oregon 97720

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒
12" Diam. from 2+ ft. to 1.16 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used torch + factory
Size of perforations 1/4 + 3/16 in. by 6+3 in.
1332 perforations from 49 ft. to 1.16 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom?
Yield: 850 gal./min. with 190 ft. drawdown after 2 1/2 hrs.

" " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 52° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used cement grout
Well sealed from land surface to 18 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal 15 sacks
How was cement grout placed?
5 gal. water 100 lbs. cement

Was a drive shoe used? ☒ Yes ☐ No Plugs Size; location ft.
Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL DEPT.

County Harney SALEM, OREGON Miller's well number 76-77-8
NE 1/4 NE 1/4 Section 32 T. 22S R. 33E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 30 ft.
Static level 10 ft. below land surface. Date 8/31/77
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12

Depth drilled 280 ft. Depth of completed well 280 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	4	
Clay Brown	4	20	
Gravel + Clay	30	35	
Gravel Cemented + Sand	35	43	
Sand + Gravel w/ Clay	43	63	
Gravel heavy Sanded	63	71	
Clay heavy Sanded	71	92	
Gravel	92	96	
Clay Brown Sandy	96	98	
Gravel	98	104	
Sand Black Coarse	104	110	
Clay Green Sandy	110	175	
Clay Green	175	195	
Clay Green Sandy	195	205	
Clay Green	205	225	
Black Sand 1/8 Gravel	225	240	
Clay Green Gray	240	260	
Gravel + Sand	260	270	
Claystone Gray Green Hard	270	280	

Work started Aug. 30 1977 Completed Dec. 14 1977

Date well drilling machine moved off of well Dec. 14 1977

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Bob Scheler Date 12/18, 1977

(Drilling Machine Operator)
Drilling Machine Operator's License No. 918

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Bob Scheler Drilling
(Person, firm or corporation) (Type or print)

Address 405 N. Burkhardt Albany, Oregon 97321

[Signed] Bob Scheler
(Water Well Contractor)

Contractor's License No. 610 Date 12/18, 1977

HARN 227

(109028)

Rep: 134027



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

Application for
Well ID Number

RECEIVED BY OWRD

Do not complete if the well already has a Well Identification Number.

JUN 03 2014

I. OWNER INFORMATION

SALEM, OR

Current Owner Name (please print): Bo Thorenfeldt

Mailing Address: 888 Hillsborough Blvd

City, State, Zip: Hillsborough, CA 94010

Mail Well ID Tag to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)

Name & Address: Eric Bauer

City, State, Zip: 40637 Hwy 20 E, Burns, OR 97720

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22S (North / South) Range: 33E (East / West) Section: 32

Tax Lot: 900 County Harney NE 1/4 NE 1/4

GPS Coordinates: _____

Street Address of Well, City: Hwy 20 (off of), Burns

If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION (Please fill out as completely as possible)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation

Date Well Constructed (or property built): 7/16/12, 12/18/77 Total Well Depth: 600 Casing Diameter: 10"

Owner at time the well was constructed (if known): Lost Springs Ranch

Other Information: HARN 51858, L109028, HARN 227
Tagged at Deepening ORIGINAL

SUBMITTED BY (please print): Denise Montgomery

PHONE: 541-548-5833 EMAIL &/or FAX: neecee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902. Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

TAG LOST!

For Official Use Only by the Oregon Water Resources Department:

Received Date:

6-3-14

Well Log Number:

HARN 227 + 51858
ORIG / DEEPEN

Well Identification #:

L-109028

Tagged by driller

Last Update: 4/30/14

Well I.D. Number/2

Added tag #
to orig. log
only

WCC



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

Application for Well ID Number

RECEIVED

APR 25 2019

OWRD

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

Current Owner Name (please print): Andy Root

Mailing Address: 524 Hwy 20 N

City, State, Zip: Hines, OR 97738

Mail Well ID to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)

Name & Address: All Points Engr & Surveying, Inc, PO Box 767

City, State, Zip: Terrebonne, OR 97760

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22S (North / South) Range: 33E (East / West) Section: 32 NE 1/4 of the NE 1/4

Tax Lot (usually last 3-5 numbers of Tax Map #): 900 County Harney

GPS Coordinates: 43.6216692 - 118.6731822

Street Address of Well, City: 40637 Hwy 20 E Burns, OR

If the property had a different street address in the past:

III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Report, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation

Date Well Constructed (or property built): 7/16/12, 12/18/77 Total Well Depth: 600 Casing Diameter: 10"

Owner at time the well was constructed (if known): Lost Springs Ranch Well Report # (if known): HARN 227 & 51858

Other Information: This is for a replacement TAG. TAG L-109028 LOST.

SUBMITTED BY (please print): Denise Montgomery

PHONE: 541-548-5833

EMAIL &/or FAX: neecee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

** Replacement tag **

For Official Use Only by the Oregon Water Resources Department:

Received Date:

4-25-19

Well Report Number:

HARN 227 + HARN 51858

Well Identification #:

L-134027

ORIG

DEEPEN

HARN 51858



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

Application for Well ID Number

RECEIVED

APR 25 2019

OWRD

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

Current Owner Name (please print): Andy Root
Mailing Address: 524 Hwy 20 N
City, State, Zip: Hines, OR 97738
Mail Well ID to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)
Name & Address: All Points Engr & Surveying, Inc, PO Box 767
City, State, Zip: Terrebonne, OR 97760

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22S (North / South) Range: 33E (East / West) Section: 32 NE 1/4 of the NE 1/4
Tax Lot (usually last 3-5 numbers of Tax Map #): 900 County Harney
GPS Coordinates: 43.6216692 - 118.6731822
Street Address of Well, City: 40637 Hwy 20 E Burns, OR
If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Report, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation
Date Well Constructed (or property built): 7/16/12, 12/18/77 Total Well Depth: 600 Casing Diameter: 10"
Owner at time the well was constructed (if known): Lost Springs Ranch Well Report # (if known): HARN 227 & 51858
Other Information: This is for a replacement TAG. TAG L-109028 LOST.

SUBMITTED BY (please print): Denise Montgomery

PHONE: 541-548-5833 EMAIL &/or FAX: neecee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

** Replacement tag **

For Official Use Only by the Oregon Water Resources Department:

Received Date:

4-25-19

Well Report Number:

HARN 227 + HARN 51858
ORIG DEEPEN

Well Identification #:

L-134027

NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON
within 30 days from the date
of well completion.

HARN 222

WATER WELL REPORT

RECEIVED

STATE OF OREGON

(Please type or print)

JUL 22 1977 not write above this line

State Well No.

State Permit No.

APPL. G-10206

(1) OWNER:

WATER RESOURCES DEPT.

Name LOST SPRING RANCH

SALEM, OREGON

Address S.R. 2-15141 Hwy. 20Burns, Oregon 97720

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

 Rotary ☐
 Cable ☒
 Dug ☐

 Driven ☐
 Jetted ☐
 Bored ☐

(4) PROPOSED USE (check):

 Domestic ☐ Industrial ☐ Municipal ☐
 Irrigation ☒ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒

12" Diam. from 0 ft. to 110 ft. Gage 250

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.Type of perforator used torch + factorySize of perforations 1 + 3/16 in. by 3 + 6 in.

807 perforations from 30 ft. to 110 ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? owner

Yield: 200 gal./min. with 92 ft. drawdown after 4 hrs.

" " " "

" " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 52° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 16 in.

Diameter of well bore below seal 12 in.

Number of sacks of cement used in well seal sacks

Number of sacks of bentonite used in well seal 4 sacks

Brand name of bentonite Oregon

Number of pounds of bentonite per 100 gallons

of water 60 lbs./100 gals.

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County HarneyDriller's well number 59/77/4

SE 1/4 SE 1/4 Section 29 T. 22S R. 33W W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 30 ft.

Static level 8 ft. below land surface. Date 4-26-77

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12 + 8.

Depth drilled 275 ft. Depth of completed well 275 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top Soil	0	2	
Clay Black	2	25	
Clay + Gravel	25	30	
Sand + Gravel	30	40	
Clay Black Sandy	40	55	
Clay Green Sandy	55	65	
Clay Gray Sandy	65	80	
Sand + Gravel	80	90	
Clay Blue Sandy	90	105	
Clay Brown	105	110	
Clay Green	110	165	
Clay Brown	165	170	
Clay Gray	170	220	
Clay Brown	220	225	
Clay Green	225	260	
Clay Brown	260	270	
Clay Green	270	275	

Work started 4/26 19 77 Completed 7/1 19 77

Date well drilling machine moved off of well 7/1 19 77

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Bob Scheler Date 7-19, 19 77
(Drilling Machine Operator)

Drilling Machine Operator's License No. 918

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name BOB SCHELER WELL DRILLING
(Person, firm or corporation) (Type or print)

Address 405 N Burkhardt Albany, Oregon 97321

[Signed] Bob Scheler
(Water Well Contractor)

Contractor's License No. 610 Date 7-19 19 77

HARN 222



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

Application for Well ID Number

RECEIVED

APR 25 2019

OWRD

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

Current Owner Name (please print): Andy Root
Mailing Address: 524 Hwy 20 N
City, State, Zip: Hines, OR 97738
Mail Well ID to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)
Name & Address: All Points Engr & Surveying, Inc, PO Box 767
City, State, Zip: Terrebonne, OR 97760

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22S (North / South) Range: 33E (East / West) Section: 29 SE 1/4 of the SE 1/4
Tax Lot (usually last 3-5 numbers of Tax Map #): 900 County Hamey
GPS Coordinates: 43.6276408 - 118.6766588
Street Address of Well, City: 40637 Hwy 20 E Burns, OR
If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Report, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation
Date Well Constructed (or property built): 7/19/77 Total Well Depth: 275 Casing Diameter: 12
Owner at time the well was constructed (if known): Lost Springs Ranch Well Report # (if known): HARN 222
Other Information: This is for a replacement TAG. TAG L-114935 LOST.

SUBMITTED BY (please print): Denise Montgomery

PHONE: 541-548-5833

EMAIL &/or FAX: neecee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

** Replacement tag **

For Official Use Only by the Oregon Water Resources Department:

Received Date:

4-25-19

Well Report Number:

HARN 222

Well Identification #:

L-134028

HARN 222



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

Application for
Well ID Number

114935
lost
Rq1:
134028

RECEIVED BY OWRD

Do not complete if the well already has a Well Identification Number.

JUN 03 2014

I. OWNER INFORMATION

Current Owner Name (please print): Bo Thorenfeldt

SALEM, OR

Mailing Address: 888 Hillsborough Blvd

City, State, Zip: Hillsborough, CA 94010

Mail Well ID Tag to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)

Name & Address: Eric Bauer

City, State, Zip: 40637 Hwy 20 E, Burns, Or 97720

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22S (North / South) Range: 33 (East / West) Section: 29
Tax Lot: 900 County Harney SE 1/4 SE 1/4

GPS Coordinates: _____

Street Address of Well, City: Hwy 20 (off of), Burns

If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION (Please fill out as completely as possible)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation

Date Well Constructed (or property built): 7/19/77 Total Well Depth: 275 Casing Diameter: 12"

Owner at time the well was constructed (if known): Lost Springs Ranch

Other Information: HARN 222

SUBMITTED BY (please print): Denise Montgomery

PHONE: 541-548-5833 EMAIL &/or FAX: neccee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902. Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

Tag lost!

For Official Use Only by the Oregon Water Resources Department:

Received Date:

6-3-14

Well Log Number:

HARN 222

Well Identification #:

L-114935

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

HARN 226 WATER WELL REPORT

RECEIVED

STATE OF OREGON
(Please type or print)

SEP 28 1977 (Do not write above this line)

State Well No. 225/33E-31dc

State Permit No.

(1) OWNER: WATER RESOURCES DEPT. SALEM, OREGON

Name Lost Spring Ranch
Address S.R. 2-15141 Hwy. 20
Burns, Oregon 97720

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒

16" Diam. from 2' 9" to 89 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

1: gal./min. with ft. drawdown after hrs.
" " " " "
" " " " "

Bailer test 100 gal./min. with 58 ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water 62° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite
Well sealed from land surface to 18 ft.
Diameter of well bore to bottom of seal 20 in.
Diameter of well bore below seal 16 in.
Number of sacks of cement used in well seal 4 sacks
How was cement grout placed? Brackman's

60 lbs / 100 gal's

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Harney Driller's well number 67-77-7
SW 1/4 SE 1/4 Section 31 T. 22S R. 33E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 30 ft.
Static level 12 ft. below land surface. Date 7-4-77
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12

Depth drilled 215 ft. Depth of completed well 215 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	4	
Clay Brown	4	20	
Clay Brown Sandy	20	47	
Clay Brown	47	58	
Clay Brown Sandy	58	88	
Lava Rock Coarse Sand	88	100	
Clay Light Brown	100	110	
Clay Blue	110	140	
Sand Black	140	142	
Clay Blue	142	160	
Lava Rock Coarse Blue	160	165	
Lava Rock Coarse Sandy Green	165	170	
Clay Green Sandy	170	185	
Clay Green	185	200	
Clay Green Sticky	200	210	
Clay Green	210	215	

Work started 7-2 19 77 Completed 8-29 19 77
Date well drilling machine moved off of well 8-29 19 77

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Bob Scheler Date 9/26/77
(Drilling Machine Operator)
Drilling Machine Operator's License No. 918

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Bob Scheler Drilling
(Person, firm or corporation) (Type or print)
Address 405 N. Burkhardt Albany, Oregon 97321

[Signed] Bob Scheler
(Water Well Contractor)

Contractor's License No. 610 Date 9/26/77

HARN 226



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

Application for Well ID Number

RECEIVED

APR 25 2019

OWRD

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

Current Owner Name (please print): Andy Root

Mailing Address: 524 Hwy 20 N

City, State, Zip: Hines, OR 97738

Mail Well ID to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)

Name & Address: All Points Engr & Surveying, Inc, PO Box 767

City, State, Zip: Terrebonne, OR 97760

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22S (North / South) Range: 33E (East / West) Section: 31 SW 1/4 of the SE 1/4

Tax Lot (usually last 3-5 numbers of Tax Map #): 1900

County Harney

GPS Coordinates: 43.611687000 - 118.693132000

Street Address of Well, City: 40637 Hwy 20 E Burns, OR

If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Report, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation

Date Well Constructed (or property built): 9/26/77 Total Well Depth: 215 Casing Diameter: 16"

Owner at time the well was constructed (if known): Lost Springs Ranch Well Report # (if known): HARN 226

Other Information: This is for a replacement TAG. TAG L 114936 LOST

SUBMITTED BY (please print): Denise Montgomery

PHONE: 541-548-5833

EMAIL &/or FAX: neecee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

★ Replacement Tag ★

For Official Use Only by the Oregon Water Resources Department:

Received Date:

4-25-19

Well Report Number:

HARN 226

Well Identification #:

L-134029

HARN 226



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

Application for
Well ID Number

~~114936~~
~~LOST!~~
Repl: 134029

RECEIVED BY OWRD

JUN 03 2014

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

SALEM, OR

Current Owner Name (please print): Bo Thorenfeldt

Mailing Address: 888 Hillsborough Blvd

City, State, Zip: Hillsborough, CA 94010

Mail Well ID Tag to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)

Name & Address: Eric Bauer

City, State, Zip: 40637 Hwy 20 E, Burns, Or 97720

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22S (North / South) Range: 33E (East / West) Section: 31

Tax Lot: 1900 County Harney Sw 1/4 SE 1/4

GPS Coordinates:

Street Address of Well, City: Hwy 20 (off of), Burns

If the property had a different street address in the past:

III. GENERAL WELL INFORMATION (Please fill out as completely as possible)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation

Date Well Constructed (or property built): 9/26/77 Total Well Depth: 215 Casing Diameter: 16"

Owner at time the well was constructed (if known): Lost Springs Ranch

Other Information: HARN 226

SUBMITTED BY (please print): Denise Montgomery

PHONE: 541-548-5833 EMAIL &/or FAX: neecee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902. Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

For Official Use Only by the Oregon Water Resources Department:

Received Date:

6-3-14

Well Log Number:

HARN 226

Well Identification #:

~~L-114936~~

LOST!
Replaced by
L-134029 WCC

RECEIVED
DEC 5 1961

HARN 225

EOT Well #13

File Original and
First Copy with the
STATE ENGINEER,
SALEM, OREGON

STATE ENGINEER
SALEM, OREGON

WATER WELL REPORT
STATE OF OREGON

Harn
225

State Well No. 22/33-31

State Permit No.

(1) OWNER:

Name Donald Corcoran Rock Creek Cattle Co.
Address 1022 North Court
Burns, Oregon

(2) LOCATION OF WELL:

County Harney Owner's number, if any—
Section 31 T. 22 R. 33 W.M.
Bearing and distance from section or subdivision corner
150 ft. south and 170 ft. west of NE
Corner of Section 31

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☒ Other ☐

Stock well

(5) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒
"6" Diam. from 2 ft. ft. to 130 ft. Gage 1/4 wall
land surface
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

SIZE of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
in. Slot size Set from ft. to ft.
in. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: ft.
Gravel placed from ft. to ft.
Was a surface seal provided? ☐ Yes ☐ No To what depth? ft.
Material used in seal—
Did any strata contain unusable water? ☐ Yes ☐ No
Type of water? Depth of strata
Method of sealing strata off

(10) WATER LEVELS:

Static level 12 ft. below land surface Date 10/29/61
Artesian pressure lbs. per square inch Date

Log Accepted by: Rock Creek Cattle Co
[Signed] Donald Corcoran Date 12-1-, 1961
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.
" " " "

Ballor test 16 gal./min. with 28 ft. drawdown after 2 hrs.

Artesian flow g.p.m. Date

Temperature of water 52 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 6" inches.

Depth drilled 140 ft. Depth of completed well 140 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	4
Yellow clay	4	21
Black silty sand with a small amount of water	21	57
Blue clay	57	81
Green clay	81	106
Green shale (solid)	106	130
Blue granite rock, broken with water	130	138
Hard green shale	138	140

Work started 10/20/61 19 Completed 10/29 1961

(13) PUMP: None as of this date.

Manufacturer's Name
Type: H.P.

Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME E. L. Koenenman Drilling Co.
(Person, firm, or corporation) (Type or print)

Address Box 296 Burns, Oregon

Driller's well number No. 2 for 1961

[Signed] E. L. Koenenman
(Well Driller)

License No. 323 Date 12-1-, 1961

HARN 225



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

Application for Well ID Number

RECEIVED

APR 11 2019

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

Current Owner Name (please print): Andy Root - Rattlesnake Creek Land + Cattle Co LLC

Mailing Address: 524 Hwy 20 N

City, State, Zip: Hines, OR 97738

Mail Well ID to: ☒ SAME AS ABOVE ☐ In Care Of (C/O)

Name & Address: _____

City, State, Zip: _____

OWRD

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22 (North / South) Range: 33 (East / West) Section: 31 SE 1/4 of the SE 1/4

Tax Lot (usually last 3-5 numbers of Tax Map #): 900 County Harney

GPS Coordinates: 43.612377400 - 118.689515400

Street Address of Well, City: 40637 Hwy 20 E Burns, OR

If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Report, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation

Date Well Constructed (or property built): 10/29/61 Total Well Depth: 140 Casing Diameter: 6

Owner at time the well was constructed (if known): Donald Corcoran Well Report # (if known): HARN 225

Other Information: _____

SUBMITTED BY (please print): Denise Montgomery All Points Engineering Terrebonne

PHONE: 541-548-5833 EMAIL &/or FAX: neecee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

For Official Use Only by the Oregon Water Resources Department:

Received Date:

4-11-19

Well Report Number:

HARN 225

Well Identification #:

L-134007

Revisions Requested

STATE OF OREGON WATER SUPPLY WELL REPORT

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

HARN 52187

EOT WELL #5

HARN 52187

Tag lost!

WELL LABEL # L 92413 Repl: L 134030

START CARD # 184811

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

(1) LAND OWNER Owner Well I.D.
First Name BO Last Name Thornfeldt
Company _____
Address 855 Hills Road
City Hillsboro State CA Zip 94010

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

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

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION Special Standard: ☐ Yes (attach copy)
Depth of Completed Well 400 ft.

BORE HOLE				SEAL			
Dia	From	To	Material	From	To	Amount	Scks/lbs
18	0	100	Bentonite	0	100	11000	185

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

☒ Other Power Dry
Backfill placed from _____ ft. to _____ ft. Material _____

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

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing/Liner	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
☒	14	+	1	170	250	X			X

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method PIAZMA cutter
Screens Type _____ Material _____

Perf	Scrn	Casing	Liner	Screen Dia	From	To	Screen/slot width	Slot length	# of slots	Tele/pipe size
X	X				100	170	1/8	6"	100	

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
500 +	Unknown	400	1

Temperature 58 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 22S N or S Range 33E E or W W.M.
Sec 20 1/4 of the _____ 1/4 Tax Lot _____
Tax Map Number 0900 Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
Street Address of Well (or nearest address) 40637 Hwy 20E
BURNS OR 97720

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening				100
Completed Well				100

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES

Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
5-3-15	100	350				

(11) WELL LOG

Ground Elevation _____

Material	From	To
Soil	0	5
Brown CLAY	5	50
Grey CLAY	50	100
Green CLAY w/CLAY	100	275
Gravel/sand	275	370
Green CLAY	370	400

RECEIVED BY OWRD

MAY 20 2015

SALEM, OR

Date Started _____ Completed _____

(unbonded) Water Well Constructor Certification

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

License Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1557 Date 5-13-15

Signed [Signature] [Signature]

Contact Info. (optional) _____

HARN 52187



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

Application for Well ID Number

RECEIVED
APR 25 2019
OWRD

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

Current Owner Name (please print): Andy Root

Mailing Address: 524 Hwy 20 N

City, State, Zip: Hines, OR 97738

Mail Well ID to: ☐ SAME AS ABOVE ☒ In Care Of (C/O)

Name & Address: All Points Engr & Surveying, Inc, PO Box 767

City, State, Zip: Terrebonne, OR 97760

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 22S (North / South) Range: 33E (East / West) Section: 20 SW 1/4 of the NE 1/4

Tax Lot (usually last 3-5 numbers of Tax Map #): 900 County Harney

GPS Coordinates: 43.6485948 - 118.6746046

Street Address of Well, City: 40637 Hwy 20 E Burns, OR

If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Report, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation

Date Well Constructed (or property built): 5/13/15 Total Well Depth: 400 Casing Diameter: 14"

Owner at time the well was constructed (if known): Bo Thorenfeldt Well Report # (if known): HARN 52187

Other Information: This is for a replacement TAG. TAG L92413 LOST.

SUBMITTED BY (please print): Denise Montgomery

PHONE: 541-548-5833

EMAIL &/or FAX: neecee@apeands.com

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

** Replacement tag **

For Official Use Only by the Oregon Water Resources Department:

Received Date:

4-25-19

Well Report Number:

HARN 52187

Well Identification #:

L-134030

EOT Mon Well

HARN 52189

HARN 52189

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 114921
START CARD # 211012

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

(1) LAND OWNER
Owner Well I.D. _____
First Name BO Last Name THOMAS
Company _____
Address 8555 HILLSBOROUGH BLVD
City HILLSBOROUGH State CA Zip 94010

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

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

(4) PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☒ Other Observation

(5) BORE HOLE CONSTRUCTION Special Standard: ☐ Yes (attach copy)
Depth of Completed Well 375 ft.

BORE HOLE			SEAL			Amount	Scks/lbs
Dia	From	To	Material	From	To		
10	0	100	Benitane	0	100	60	SCLES
6	100	375					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other Pource
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER		Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
Casing	Linr									
☒		6	+	1	100	160			X	X

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS		Perf	Scrn	Casing	Linr	Screen Dia	From	To	Screen slot width	Slot length	# of slots	Tele/pipe size
Perforations	Method											
Screens	Type											

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☒ Bailer ☐ Air ☐ Flowing Artesian
Yield gal/min 16 Drawdown Complet Drill stem/Pump depth 370 Duration (hr) 1

Temperature <u>52</u> °F Lab analysis ☐ Yes By <u>TDS</u> ☒					
Water quality concerns? ☐ Yes (describe below)					
From	To	Description	Amount	Units	

(9) LOCATION OF WELL (legal description)
County HARNEY Twp 22 N of 8 Range 33 E of W.W.M.
Sec 32 NW 1/4 of the SW 1/4 Tax Lot 900
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
Street Address of Well (or nearest address) 40637 Hwy 20 E
Runs 01297720

(10) STATIC WATER LEVEL		Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening					
Completed Well		<u>5-1-15</u>			

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes
WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>9/1/15</u>	<u>40</u>	<u>60</u>	<u>500</u>			<u>60</u>

(11) WELL LOG		Ground Elevation	
Material	From	To	
<u>Gravel CLAY</u>	<u>0</u>	<u>240</u>	
<u>Brown SAND</u>	<u>40</u>	<u>60</u>	
<u>Gravel CLAY</u>	<u>60</u>	<u>100</u>	
<u>Gravel CLAY</u>	<u>100</u>	<u>350</u>	
<u>Gravel CLAY</u>	<u>350</u>	<u>375</u>	

RECEIVED BY OWRD
MAY 20 2015
SALEM, OR

Date Started 5-1-15 Completed 5-11-15
(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
License Number _____ Date _____
Signed SEP 17 2015

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
License Number _____ Date 5-11-15
Signed RE TOW
Contact Info. (optional) _____

Eat Well #9

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

HARN 52754

11/30/2018

WELL I.D. LABEL# L 130100
START CARD # 1041219
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. _____
First Name ANDY Last Name ROOT
Company ACW
Address 524 N HWY 20
City HINES State OR Zip 97738

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Stl Plstc Wld Thrd
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD

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

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 510.00 ft.

BORE HOLE			SEAL			sacks/
Dia	From	To	Material	From	To	lbs
20	0	173	Cement w/1% Bentonite	0	173	175 S
12	173	510			Calculated	175
					Calculated	

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

Backfill placed from _____ ft. to _____ ft. Material _____

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

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
12 2 173 250
Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temp casing ☐ Yes Dia _____ From + _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type		Material					
Perf/	Casing/ Screen	Screen/ slot	Slot	# of	Tele/		
Screen	Liner	Dia	From	To	width	length	slots pipe size

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
500		510	2

Temperature 60 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 250 ppm
From To Description Amount Units

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 22.00 S N/S Range 33.00 E E/W WM
Sec 31 NE 1/4 of the SW 1/4 Tax Lot 900
Tax Map Number _____ Lot _____
Lat _____ or _____ DMS or DD
Long _____ or _____ DMS or DD
☒ Street address of well ☐ Nearest address
40637 HWY 20 E BURNS OR 97720

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+ SWL (ft)
Existing Well / Pre-Alteration			
Completed Well	11/19/2018		33
Flowing Artesian?	☐		
Dry Hole?	☐		

WATER BEARING ZONES

Depth water was first found 33.00

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
11/19/2018	33	510	500		33

(11) WELL LOG

Ground Elevation _____

Material	From	To
top soil	0	3
brown clay	3	12
brown sand	12	16
brown clay	16	21
grey clay and sand	21	35
brown clay and sand	35	80
grey pumice	80	102
sand and brown clay	102	110
brown claystone	110	150
brown clay with pumice layers	150	168
black sandstone fractured	168	178
grey claystone fractured	178	510

Date Started 11/1/2018 Completed 11/19/2018

(unbonded) Water Well Constructor Certification

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

License Number 1739 Date 11/30/2018

Signed CHARLES FRY (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1355 Date 11/30/2018

Signed ARTHUR FRY (E-filed)

Contact Info (optional) _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ Yes

☐ There are no encumbrances.

☒ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

☐ 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 irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

None

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
3	Rock Creek	620'	10'
4	"	950'	20'
5	"	1500'	20'
6	"	N/A	
7	"	N/A	
8	"	4,150	40'
9	"	N/A	
10	"	4,600	20'
11	"	2,200'	20'
12	"	N/A	
13	"	N/A	
14	"	2,800'	0'
15	"	1,400'	20'

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

All wells are proposed, and are to be constructed to eliminate connection to surface water, to the extent possible. See Section 3, below.

RECEIVED

JUN 11 2012

WATER RESOURCES DEPT
SALEM, OREGON

Gr-17562

SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: Harney Valley sediments, below confining clay/rock layers

Total maximum rate requested: 20 cfs total from all wells, being approximately 600 GPM/well (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	CASING DIAMETE R	CASING INTERVA LS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE		
								SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RA (GPM)
ALL	☒	☐	12-14"	100- 150'	None	100'+	Unk.	Valley Sediment s	400- 800'	8980 from all.

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation/Supplemental	Irrigation Season	7,000

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 1808.9 Acres

Supplemental: 507.1 Acres

List the Permit or Certificate number of the underlying primary water right(s): 49303, 49304, 49305, 49306, 1818, 67674 & 67684. NOTE: see "remarks" for disposition of certificate 15529.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 7,000

• If the use is **municipal or quasi-municipal**, attach Form M

• If the use is **domestic**, indicate the number of households: _____

If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

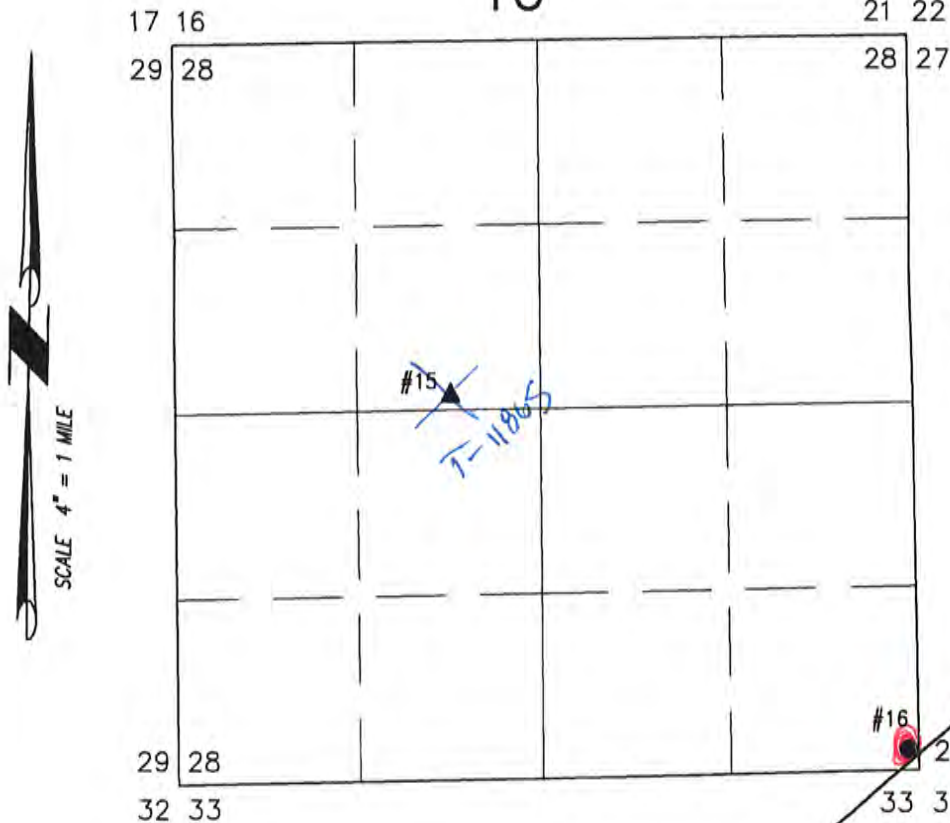
G-17562

RECEIVED
JUN 11 2012
WATER RESOURCES DEPT
SALEM, OREGON

TRANSFER MAP TO ACCOMPANY APPLICATION TO CHANGE POINT OF APPROPRIATION FOR BO THORENFELDT

TAX LOT 900
IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 33 EAST, W.M.
HARNEY COUNTY, OREGON

"TO"

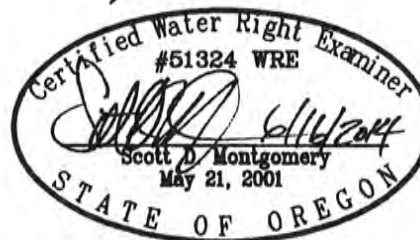


RECEIVED BY OWRD

JUL 21 2014

SALEM, OR

- ▲ POA #15 (AUTHORIZED)
PERMIT: S-17037
LOCATED IN SE 1/4 NW 1/4 OF SECTION 29
2740' NORTH & 1980' EAST FROM THE SE
CORNER SECTION 29.
- POA #16 (PROPOSED)
LOCATED IN SE 1/4 SE 1/4 SECTION 28
148' NORTH & 73' WEST FROM THE SE CORNER
SECTION 28.



RENEWAL DATE: 12/31/2014

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.

PROJECT No. 13-062

PREPARED AT THE REQUEST OF:
BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



P.O. BOX 767 (CRR)
TERREBONNE, OREGON 97760
(541) 548-5833 PH
(541) 585-4602 FX
www.APEandS.com

**Oregon Water Resources Department
Attribute Report**

Report Date: Jun 6, 2019

General:

TRSQQ:	WM22.00S33.00E21SWSW WM22.00S33.00E29SWNE WM22.00S33.00E29SENE WM22.00S33.00E28NWNW WM22.00S33.00E29NWNE WM22.00S33.00E29NENE WM22.00S33.00E28SWNW WM22.00S33.00E20SWSE WM22.00S33.00E20SESE
DLC:	-
Latitude:	43.6347716964
Longitude:	-118.6707001962
Buffer ft:	1320
DEM Elev. ft. (NAVD1929):	4157.35
Lidar Elev. ft. (NAVD1988):	NoData
Basin Name:	Malheur Lake
Basin Plan:	-Malheur Lake
County:	Harney
WM District:	10
WM Region:	EASTERN
ODFW Region, District:	High Desert, Southeast District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM22.00S33.00E21 Platcard for WM22.00S33.00E29 Platcard for WM22.00S33.00E29 Platcard for WM22.00S33.00E28 Platcard for WM22.00S33.00E29 Platcard for WM22.00S33.00E29 Platcard for WM22.00S33.00E28 Platcard for WM22.00S33.00E20 Platcard for WM22.00S33.00E20

Well Logs:	Logs for WM22.00S33.00E21 Logs for WM22.00S33.00E29 Logs for WM22.00S33.00E29 Logs for WM22.00S33.00E28 Logs for WM22.00S33.00E29 Logs for WM22.00S33.00E29 Logs for WM22.00S33.00E28 Logs for WM22.00S33.00E20 Logs for WM22.00S33.00E20
------------	---

Rules:

Withdrawn Authority:	-
Groundwater Restricted:	Greater Harney Valley, Classified, OAR 690-512-0020
GW Restricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33:	Statewide
Irrigation Season of Use:	Rock Creek (Harney) Adj. Status: Adjudicated Subarea: undefined Irr. Season: March 1 to Sept 1 Duty: NaN Rate: 1/40
Water Quality Limited Pollutant 2012:	-
Fish Habitat 2018:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	12004000100080020 - Rock Cr
Waterbody Name:	-

HUC 10:	1712000102
HUC Watershed:	Malheur Slough
WAB Wshed Order:	3
WAB Analysis:	MALHEUR SL > MALHEUR L - AB NINEMILE SL
Streamflow:	OWRD Opportunities: Poor ODFW Needs: Poor Combined Priority: Not a priority
Gaging Station Data:	-

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. DEM 10m. --

Elevation. Lidar Elevation, DOGAMI Bare Earth 1:3.

OWRD Administrative Basins. Oregon Water Resources Department. January 1, 1995.

Oregon Counties. Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

OWRD Watermaster Districts. Oregon Water Resources Department. March 31, 2014.

OWRD Regions. Oregon Water Resources Department. January 1, 1995.

ODFW Districts and Regions. Oregon Department of Fish and Wildlife. August 28, 2012.

Water Organizations Oregon Water Resources Department. April 1, 2013. 1:24,000.

Large Dams Inventory. Oregon Water Resources Department. August 12, 2014. 1:24,000.

Rules

Withdrawn Authority Areas. Oregon Water Resources Commission. January 1, 2007.

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMAs). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

Division 33. Oregon Water Resources Dept., 2018. September 20, 2018. 1:100,000.

Irrigation Season of Use. Oregon Water Resources Department, 2017.. March 24, 2017.

Oregon Water Quality Assessment 2012. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

Oregon Fish Habitat 2018. Oregon Department of Fish and Wildlife, Jon K. Bowers, Ruth Schellbach, David L. Bradford. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. February 2, 2018. 1:24,000.

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

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

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

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

Hydrography

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

OWRD Lake Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 7, 2015.

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

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

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

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

[close](#)

[Print Report](#)

Application: G-17562

Permit: G-17966

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

Applicant/Permit

Holder(s)

Rattlesnake Creek Land & Cattle

Attn: Andy Root

524 Hwy 20N

Hines, OR 97738

Proposed Completion Date: 10-1-2023

☒ WRIG...Money Receipted on: 5-7-2019

☒ Extension Specialist ...

☒ Added to tracking spreadsheet

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

☒ Tonya Miller...

☒ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice 5/21/2019

☒ 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 Jeffrey

NOTES:



Oregon
Kate Brown, Governor

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

May 20, 2019

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-17562 (Permit G-17966)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. 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.



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

February 7, 2019

Jett Blackburn Real Estate, Inc.
707 Ponderosa Village
Burns, Oregon 97720

Reference: Application G-17562, Permit G-17966

This correcting assignment from Bo Thorenfeldt to Rattlesnake Creek Land and Cattle Co. is to correct the previous assignment of September 25, 2017 which was mistakenly submitted as a partial assignment. This correcting assignment has been recorded in the records of the Water Resources Department.

The Departments records will now show only Rattlesnake Creek Land and Cattle Co. as the permit holder of record.

Our records have been changed accordingly

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit requires complete application of water to the proposed use by January 31, 2023, and 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).

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure:

cc: Watermaster 10
Amerititle
Bo Thorenfeldt
Rattlesnake Creek Land and Cattle Co.
Data Center, OWRD (cover letter & request)
File



G-17562

CLARK Gerald E * WRD

From: Scott <Scott@apeands.com>
Sent: Thursday, January 31, 2019 3:00 PM
To: CLARK Gerald E * WRD
Subject: RE: Permits R-15042, S-54843, and G-17966

I don't think that'll be necessary.
Thanks

From: CLARK Gerald E * WRD [<mailto:Gerald.E.Clark@oregon.gov>]
Sent: Thursday, January 31, 2019 3:57 PM
To: Scott <Scott@apeands.com>
Subject: RE: Permits R-15042, S-54843, and G-17966

Scott,

Feel free to share this information with her. I plan to place a copy of the messages between us in the permit files.

If Andy or Elizabeth feel that a letter is necessary we can certainly prepare one upon request.

Gerry

From: Scott [<mailto:Scott@apeands.com>]
Sent: Thursday, January 31, 2019 2:53 PM
To: CLARK Gerald E * WRD
Subject: RE: Permits R-15042, S-54843, and G-17966

Gerry,
Andy Root has retained Elizabeth Howard to review my applications and make any suggestions pertaining to his water rights. Do you mind if I share this correspondence with her or would you prefer to draft a letter?
Thanks,
Scott

From: CLARK Gerald E * WRD [<mailto:Gerald.E.Clark@oregon.gov>]
Sent: Thursday, January 31, 2019 11:28 AM
To: Scott <Scott@apeands.com>
Subject: RE: Permits R-15042, S-54843, and G-17966

Scott,

I have discussed the Groundwater Permit with Dwight (G-17966).

Because no extension of time has been filed for this permit, the "C" Date is May 2, 2018. If the water user had not complete their development and use by that date, then an extension of time would be necessary. If you would like this notification sent in letter form, please let me know.

Gerry

From: CLARK Gerald E * WRD
Sent: Thursday, January 31, 2019 9:47 AM
To: Scott
Subject: Permits R-15042, S-54843, and G-17966

Scott,

I am still looking into the status of these three permits.

Permit R-15042

The file does not contain any information indicating that the Engineer's certification has been submitted. No water can be legally stored in the reservoir until this certification has been submitted to the Department.

Keith Mills in the Dam Safety Section indicated that the construction is not completed yet, but is close.

Because the construction is not yet complete, and we are past the completion dates for construction and storage, an extension of time would be necessary.

The water use reports for this permit indicate that no water has been stored.

Permit S-54843

The source of water is the enlargement of the reservoir.

The legal source of water for this permit has not yet been developed. Because the construction of the reservoir is not yet complete, and no water has been legally stored under permit R-15042, an extension of time would be necessary for this permit as well.

The water use reports for this permit indicate that no water use been made.

Permit G-17966

This is a superseding permit. The original completion date was May 2, 2018. There have several actions that have resulted in superseding permits being issued. There has not been an extension of time filed to change the "C" date for the permit although the most recent permit indicates that the completion date is "within five years of permit issuance". I am working with Dwight to confirm the completion date for this permit. I will contact you when a determination has been made.

I will keep you updated as I learn more about these permits.

Gerry

Gerry Clark

Program Analyst, Certificate Section
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811





Oregon

Kate Brown, 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

September 25, 2017

Amerititle
P.O. Box 67
Madras, Oregon 97741

Reference: Application G-17562, Permit G-17764

The partial assignment from Bo Thorenfeldt to Rattlesnake Creek Land and Cattle Co. has been recorded in the records of the Water Resources Department.

The Departments records will now show Bo Thorenfeldt and Rattlesnake Creek Land and Cattle Co. as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 124718 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit requires complete application of water to the proposed use by June 6, 2022, and 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).

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 124718

cc: Watermaster 10
Jett Blackburn Real Estate
Bo Thorenfeldt
Rattlesnake Creek Land and Cattle Co.
Data Center, OWRD (cover letter & request)
File

RECEIVED BY OWRD

AUG 14 2017



Oregon Water Resources Department
1111 NE Oregon Street
Salem, Oregon 97331
(503) 596-2200

Request for Assignment SALEM, OR

If the Director determines that the application is more than one day after the date of receipt, the application is not responsible. The application and all fees submitted will be returned to the applicant.

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

1. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

2. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

3. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

4. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

5. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

6. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

7. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

8. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

9. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

10. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

11. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

12. The applicant is requesting assignment of the following right(s) to the following person(s):
Name of Applicant: [illegible]
Name of Assignee: [illegible]
Address: [illegible]
City: [illegible] State: [illegible] Zip: [illegible]
Phone: [illegible]

This certifies assignment and record change at
Oregon Water Resources Department effective
8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 124718
For Director by Jerry Sauter, Program Analyst in
Water Rights Division

[Signature]

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SEP 22 2017

SALEM, OR

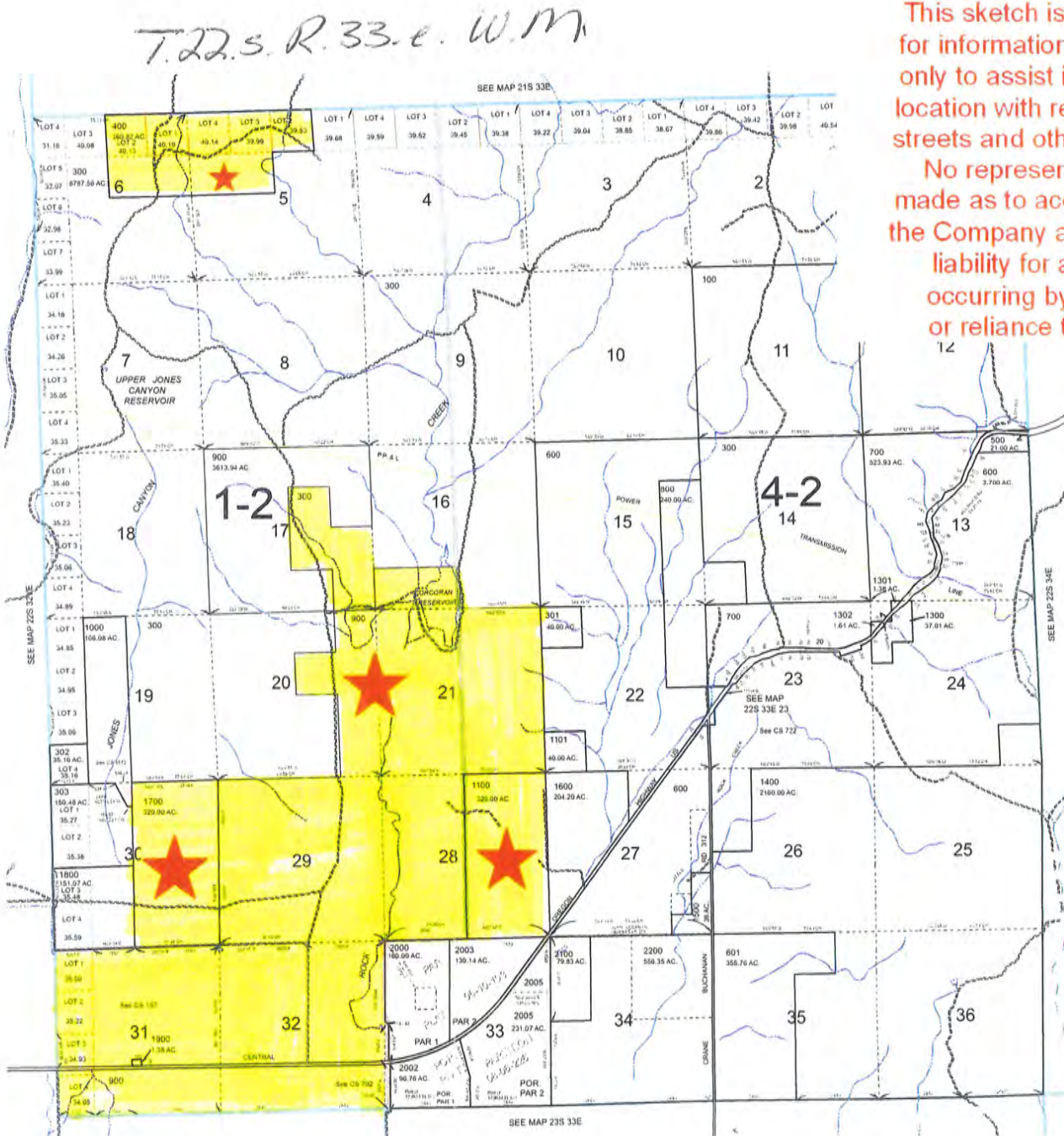
ASSIGN PENDING
JF 9/25/2017



COMPLIMENTS OF AmeriTitle

This sketch is furnished
for information purposes
only to assist in property
location with reference to
streets and other parcels.

No representation is
made as to accuracy and
the Company assumes no
liability for any loss
occurring by reason
or reliance thereon.



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SALEM, OR

2466

300

1700

55

223300

12

800

41

213300

2



After recording return to:

Rattlesnake Creek Land & Cattle Company, LLC
524 Hwy. 20 North
Burns, OR 97720

Until a change is requested all tax statements shall be sent to the following address:

Rattlesnake Creek Land & Cattle Company, LLC
524 Hwy. 20 North
Burns, OR 97720
File No. 187299AM

THIS SPACE

HARNEY COUNTY, OR 2017-1032
DEED-WD 08/10/2017 02:57:00 PM
Pgs= 4 \$56.00

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Co. Clerk's records.

Derrin Robinson

Derrin E. Robinson, Harney County Clerk



STATUTORY WARRANTY DEED

Bo Thorenfeldt,

Grantor(s), hereby convey and warrant to

Rattlesnake Creek Land & Cattle Company, LLC,

Grantee(s), the following described real property in the County of Harney and State of Oregon free of encumbrances except as specifically set forth herein:

See Attached Exhibit 'A'

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

21S 33E 00 800
21S 33E 00 800
21S 33E 00 1000
22S 33E 00 400

The true and actual consideration for this conveyance is \$5,200,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

2017-2018 Real Property Taxes, a lien not yet due and payable.

SUBJECT TO: that certain Deed of Trust given as security for a debt and recorded as Instrument No. 20120711, Mortgage Records of Harney County, Oregon, wherein Bo Thorenfeldt is Grantor and Bank of Eastern Oregon is Beneficiary, WHICH INDEBTEDNESS SECURED BY SAID DEED OF TRUST GRANTEE HEREIN BY ACCEPTANCE OF THIS DEED ASSUMES AND COVENANTS WITH THE GRANTOR HEREIN TO FULLY PAY

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SEP 22 2017

SALEM, OR

After recording return to
AmeriTitle
15 OREGON AVENUE, BEND

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, 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.

Dated this 8 day of August, 2017

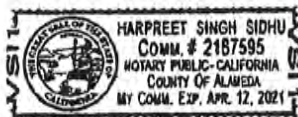
Bo Thorenfeldt
Bo Thorenfeldt

State of CALIFORNIA } ss

County of SAN MATEO }

On this 8 day of August, 2017, before me, a Notary Public in and for said state, personally appeared Bo Thorenfeldt, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument and acknowledged to me that he she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Harpreet Singh Sidhu
Notary Public for the State of CALIFORNIA
Residing at: 2439 AMMORAL ST
Commission Expires: UNION CITY CA 94587
APRIL 12, 2021

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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of SAN MATEO

On AUGUST 8, 2017 before me, HARPREET SINGH SIDHU Notary Public
(insert name and title of the officer)

personally appeared BO THORENFELDT
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Harpreet Singh Sidhu (Seal)

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EXHIBIT "A"
LEGAL DESCRIPTION

Land in Harney County, Oregon, as follows:

In Twp. 22 S., R. 33 E., W.M.:

Sec. 16: S $\frac{1}{2}$ SW $\frac{1}{4}$.

Sec. 17: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 20: E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Sec. 21: All.

Sec. 28: W $\frac{1}{2}$.

Sec. 29: All.

Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{4}$, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded July 12, 1937, in Book 37, Page 547, Deed Records. ALSO, SAVE & EXCEPT that parcel conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded March 8, 1945, in Book 41, Page 608, Deed Records.

Sec. 32: All, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 9, 1937, in Book 37, Page 413, Deed Records. ALSO, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 16, 1937, in Book 37, Page 421, Deed Records.

Sec. 33: Beginning at the Southwest corner of said Sec. 33;
thence N. 01°35'06" E. along the West line of said Sec. 33, 1328.04 feet;
thence N. 01°35'48" E. and continuing along said West line of Sec. 33,
1428.42 feet to a fence line;
thence S. 56°20'45" E. along said fence line 140.49 feet;
thence S. 00°57'27" W. along said fence line 1143.97 feet to a fence corner
on the North side of State Highway 20 right of way;
thence S. S. 04°01'09" E. 101.01 feet to a fence corner on the South right of
way line of said State Highway 20 right of way;
thence S. 00°44'31" W. along said fence line 1433.28 feet to the South line
of said Sec. 33;
thence N. 89°56" W. 162.88 feet to the Point of Beginning. Save & Except
Highway 20 right of way.

In Twp. 21 S., R. 33 E., W.M.:

Sec. 20: All.

Sec. 21: All.

Sec. 22: All.

Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{4}$.

Sec. 32: W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

In Twp. 22 S., R. 33 E., W.M.:

Sec. 5: Lots 2, 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$.

Sec. 6: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.

Sec. 28: E $\frac{1}{2}$.

Sec. 30: E $\frac{1}{2}$.

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SEP 22 2017

SALEM, OR

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

In the Matter of a Partial Cancellation of Water)
Right Permit G-17562, in the name of Bo)
Thorenfeldt, Harney County) ORDER

Findings of Fact

1. On August 12, 2015, the Department received a voluntary partial cancellation request to cancel 693.0 acres to be irrigated under Permit G-17037.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Bo Thorenfeldt is the recorded owner, as established by county deed records, of the water right evidenced by Permit G-17037.
3. Permit G-17037 allows for the appropriation of 20.0 cubic feet per second of water for irrigation of 2416.0 acres. The date of priority is June 11, 2012.

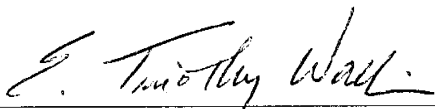
Conclusions of Law

The Director of the Oregon Water Resources Department concludes the portion of the right evidenced by Permit G-17037 has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

Now, therefore, it is ORDERED:

1. Permit G-17037, dated June 11, 2012, is cancelled and is of no further force or effect.
2. The Department shall issue Permit G-17764 to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Dated at Salem, Oregon on June 8, 2017.



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Mailing date: JUN 08 2017

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

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

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

APPLICATION FILE NUMBER: G-17562

SOURCE OF WATER: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 15 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 1723.0 ACRES; SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

MAXIMUM RATE: 11.34 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 6.39 CFS FOR SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

PERIOD OF USE: SEE TABLE BELOW

DATE OF PRIORITY: JUNE 11, 2012

WELL LOCATIONS:

WELL 3 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T22S, R33E, W.M.; 4150 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 29

WELL 4 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 20, T22S, R33E, W.M.; 6940 FEET NORTH AND 680 FEET WEST FROM SE CORNER, SECTION 29

WELL 5 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T22S, R33E, W.M.; 9560 FEET NORTH AND 620 FEET WEST FROM SE CORNER, SECTION 29

WELL 6 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, T22S, R33E, W.M.; 3900 FEET NORTH AND 6700 FEET WEST FROM SE CORNER, SECTION 29

WELL 7 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T22S, R33E, W.M.; 1420 FEET NORTH AND 6720 FEET WEST FROM SE CORNER, SECTION 29

WELL 8 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 29, T22S, R33E, W.M.; 1420 FEET NORTH AND 4050 FEET WEST FROM SE CORNER, SECTION 29

WELL 9 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 31, T22S, R33E, W.M.; 1920 FEET SOUTH AND 7850 FEET WEST FROM SE CORNER, SECTION 29

WELL 10 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 1950 FEET SOUTH AND 5180 FEET WEST FROM SE CORNER, SECTION 29

WELL 11 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 1960 FEET SOUTH AND 2760 FEET WEST FROM SE CORNER, SECTION 29

WELL 12 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T22S, R33E, W.M.; 3940 FEET SOUTH AND 7800 FEET WEST FROM SE CORNER, SECTION 29

WELL 13 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 3940 FEET SOUTH AND 5160 FEET WEST FROM SE CORNER, SECTION 29

WELL 14 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 3940 FEET SOUTH AND 2480 FEET WEST FROM SE CORNER, SECTION 29

WELL 15 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, T22S, R33E, W.M.; 2740 FEET NORTH AND 1980 FEET EAST FROM SE CORNER, SECTION 29

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:

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NENE	10.4	22S	33E	WM	20	3/1 through 10/31	
NENE	29.6	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	1.8	22S	33E	WM	20	3/1 through 10/31	
SENE	34.2	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NESE	38.4	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESE	39.9	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNW	26.8	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	19.6	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NWSW	16.4	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	7.3	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	35.9	22S	33E	WM	28	3/1 through 10/31	
NWNW	11.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	28.3	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	0.6	22S	33E	WM	28	3/1 through 10/31	
SWNW	35.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENW	35.9	22S	33E	WM	28	3/1 through 10/31	
NESW	35.9	22S	33E	WM	28	3/1 through 10/31	
NWSW	34.4	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	10.0	22S	33E	WM	28	3/1 through 10/31	
SWSW	27.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESW	31.5	22S	33E	WM	28	3/1 through 10/31	
NENE	0.7	22S	33E	WM	29	3/1 through 10/31	
NENE	37.2	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNE	38.3	22S	33E	WM	29	3/1 through 10/31	
SWNE	0.9	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	40.0	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	5.0	22S	33E	WM	29	3/1 through 10/31	
SWNW	31.5	22S	33E	WM	29	3/1 through 10/31	
SENW	31.5	22S	33E	WM	29	3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NESW	31.5	22S	33E	WM	29	3/1 through 10/31	
NWSW	31.5	22S	33E	WM	29	3/1 through 10/31	
SWSW	31.5	22S	33E	WM	29	3/1 through 10/31	
SESW	31.5	22S	33E	WM	29	3/1 through 10/31	
NESE	6.6	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	0.3	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	2.7	22S	33E	WM	29	3/1 through 10/31	
SWNE	35.3	22S	33E	WM	30	3/1 through 10/31	
SENE	34.7	22S	33E	WM	30	3/1 through 10/31	
NESE	35.3	22S	33E	WM	30	3/1 through 10/31	
NWSE	35.3	22S	33E	WM	30	3/1 through 10/31	
SWNE	26.3	22S	33E	WM	31	3/1 through 10/31	
SENE	26.3	22S	33E	WM	31	3/1 through 10/31	
SWNW	26.3	22S	33E	WM	31	3/1 through 10/31	
SENW	26.3	22S	33E	WM	31	3/1 through 10/31	
NESW	26.3	22S	33E	WM	31	3/1 through 10/31	
NWSW	26.3	22S	33E	WM	31	3/1 through 10/31	
SWSW	31.5	22S	33E	WM	31	3/1 through 10/31	
SESW	31.5	22S	33E	WM	31	3/1 through 10/31	
NESE	26.3	22S	33E	WM	31	3/1 through 10/31	
NWSE	26.3	22S	33E	WM	31	3/1 through 10/31	
SWSE	31.5	22S	33E	WM	31	3/1 through 10/31	
SESE	31.5	22S	33E	WM	31	3/1 through 10/31	
SWNE	11.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	11.2	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	31.5	22S	33E	WM	32	3/1 through 10/31	
NWNW	31.5	22S	33E	WM	32	3/1 through 10/31	
SWNW	34.3	22S	33E	WM	32	3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
SENW	34.3	22S	33E	WM	32	3/1 through 10/31	
NESW	38.0	22S	33E	WM	32	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	32	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	32	3/1 through 10/31	
SESW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESE	4.0	22S	33E	WM	32	3/1 through 10/31	
NESE	34.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	4.0	22S	33E	WM	32	3/1 through 10/31	
NWSE	32.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	40.0	22S	33E	WM	32	3/1 through 10/31	
SESE	40.0	22S	33E	WM	32	3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

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

PAGE 7

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department

determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from shallower water-bearing zones. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The observation well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The observation well shall be constructed at a location approved by the Department prior to construction. The landowner or permittee shall provide Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any other purpose while the Department is monitoring water levels. The observation well shall be completed prior to any groundwater use under the terms of any groundwater permit issued. The Department may consider the use of an existing well that meets all the criteria described above.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube: Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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 well(s) 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test

meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

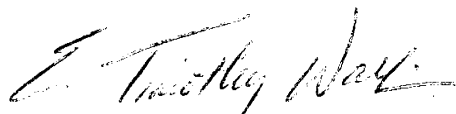
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued *JUNE 8*, 2017



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Mailing List for Partial Voluntary Cancellation Special Order Copies

Application # G-17037

Original filed in Volume 104 Page 327

Copies Mailed

By: SP
(support staff)

On: 6-8-17
(date)

Copies sent to:

1. Applicant: Bo Thorenfeldt, 885 Hillsborough, CA 94010
2. WRD – File G-17562
3. WRD – Watermaster # 10

Mailing List for Permit Copies

Application #G-17562

Original mailed to applicant with claim of beneficial use form:

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH CA 94010

Copies Mailed
By: <u>SP</u> (SUPPORT STAFF)
on: <u>6-8-17</u> (DATE)

Copies sent to:

1. WRD - File # G-17562

FO and Map Copies sent to (remember to reduce copy margins):

2. WRD - Watermaster District #: 10

CASEWORKER : Kim French

Mailing List for Permit Copies

Application #G-17562

Original mailed to applicant with claim of beneficial use form:

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH CA 94010

Copies Mailed	
By:	<u>SP</u> (SUPPORT STAFF)
on:	<u>2-1-18</u> (DATE)

Copies sent to:

1. WRD - File # G-17562

FO and Map Copies sent to (remember to reduce copy margins):

2. WRD - Watermaster District #: 10

CASEWORKER: Kim French

In the Matter of Water Right Permit)
G-17764, in the name of Bo Thorenfeldt,) CORRECTING ORDER
Harney County, Oregon)

1. The Department issued a final order approving a partial cancellation of Water Right Permit G-17037 on June 8, 2017. The order was recorded at Special Order Volume 104, Page 327. A new water right permit was also issued as evidenced by Permit G-17764.
2. The Final Order approving a partial cancellation for Permit G-17037 contains two scrivener's errors. The Final Order incorrectly describes the permit that was to be partially cancelled. Permit G-17764 also incorrectly describes the wells used for appropriation. The correct permit to be partially cancelled is Permit G-17312. The wells should be described as: Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12, Well 13, Well 14, and Well 16.

1. Permits G-17312 and G-17764 are cancelled.
2. Permit G-17966 is issued, to supersede Permit G-17764.


Dwight French, Water Right Serv
for Thomas M. Byler, Director

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 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.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

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

APPLICATION FILE NUMBER: G-17562

SOURCE OF WATER: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 16 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 1772.6 ACRES; SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

MAXIMUM RATE: 11.34 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 6.39 CFS FOR SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

PERIOD OF USE: SEE TABLE BELOW

DATE OF PRIORITY: JUNE 11, 2012

WELL LOCATIONS:

Well	Twp	Rng	Sec	Mer	QQ	Measured Distances
Well 3	22 S	33 E	29	W.M.	NE NE	4150 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 29
Well 4	22 S	33 E	20	W.M.	NE SE	6940 FEET NORTH AND 680 FEET WEST FROM SE CORNER, SECTION 29
Well 5	22 S	33 E	20	W.M.	NE NE	9560 FEET NORTH AND 620 FEET WEST FROM SE CORNER, SECTION 29
Well 6	22 S	33 E	30	W.M.	SW NE	3900 FEET NORTH AND 6700 FEET WEST FROM SE CORNER, SECTION 29
Well 7	22 S	33 E	30	W.M.	NW SE	1420 FEET NORTH AND 6720 FEET WEST FROM SE CORNER, SECTION 29
Well 8	22 S	33 E	29	W.M.	NW SW	1420 FEET NORTH AND 4050 FEET WEST FROM SE CORNER, SECTION 29
Well 9	22 S	33 E	31	W.M.	SW NE	1920 FEET SOUTH AND 7850 FEET WEST FROM SE CORNER, SECTION 29
Well 10	22 S	33 E	32	W.M.	SW NW	1950 FEET SOUTH AND 5180 FEET WEST FROM SE CORNER, SECTION 29
Well 11	22 S	33 E	32	W.M.	SE NW	1960 FEET SOUTH AND 2760 FEET WEST FROM SE CORNER, SECTION 29

Well	Twp	Rng	Sec	Mer	QQ	Measured Distances
Well 12	22 S	33 E	31	W.M.	NW SE	3940 FEET SOUTH AND 7800 FEET WEST FROM SE CORNER, SECTION 29
Well 13	22 S	33 E	32	W.M.	NW SW	3940 FEET SOUTH AND 5160 FEET WEST FROM SE CORNER, SECTION 29
Well 14	22 S	33 E	32	W.M.	NW SE	3940 FEET SOUTH AND 2480 FEET WEST FROM SE CORNER, SECTION 29
Well 16	22 S	33 E	28	W.M.	SE SE	148 FEET NORTH AND 73 FEET WEST FROM SE 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:

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NENE	10.4	22S	33E	WM	20	3/1 through 10/31	
NENE	29.6	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	1.8	22S	33E	WM	20	3/1 through 10/31	
SENE	34.2	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NESE	38.4	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESE	39.9	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNW	26.8	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	19.6	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSW	16.4	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	7.3	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	35.9	22S	33E	WM	28	3/1 through 10/31	
NWNW	11.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	28.3	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	0.6	22S	33E	WM	28	3/1 through 10/31	
SWNW	35.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENW	35.9	22S	33E	WM	28	3/1 through 10/31	
NESW	35.9	22S	33E	WM	28	3/1 through 10/31	
NWSW	34.4	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	10.0	22S	33E	WM	28	3/1 through 10/31	
SWSW	27.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
SESW	31.5	22S	33E	WM	28	3/1 through 10/31	
NENE	0.7	22S	33E	WM	29	3/1 through 10/31	
NENE	37.2	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNE	38.3	22S	33E	WM	29	3/1 through 10/31	
SWNE	0.9	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	40.0	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	5.0	22S	33E	WM	29	3/1 through 10/31	
SWNW	31.5	22S	33E	WM	29	3/1 through 10/31	
SENW	31.5	22S	33E	WM	29	3/1 through 10/31	
NESW	31.5	22S	33E	WM	29	3/1 through 10/31	
NWSW	31.5	22S	33E	WM	29	3/1 through 10/31	
SWSW	31.5	22S	33E	WM	29	3/1 through 10/31	
SESW	31.5	22S	33E	WM	29	3/1 through 10/31	
NESE	6.6	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	0.3	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	2.7	22S	33E	WM	29	3/1 through 10/31	
SWNE	35.3	22S	33E	WM	30	3/1 through 10/31	
SENE	34.7	22S	33E	WM	30	3/1 through 10/31	
NESE	35.3	22S	33E	WM	30	3/1 through 10/31	
NWSE	35.3	22S	33E	WM	30	3/1 through 10/31	
SWNE	26.3	22S	33E	WM	31	3/1 through 10/31	
SENE	26.3	22S	33E	WM	31	3/1 through 10/31	
SWNW	26.3	22S	33E	WM	31	3/1 through 10/31	
SENW	26.3	22S	33E	WM	31	3/1 through 10/31	
NESW	26.3	22S	33E	WM	31	3/1 through 10/31	
NWSW	26.3	22S	33E	WM	31	3/1 through 10/31	
SWSW	31.5	22S	33E	WM	31	3/1 through 10/31	
SESW	31.5	22S	33E	WM	31	3/1 through 10/31	
NESE	26.3	22S	33E	WM	31	3/1 through 10/31	
NWSE	26.3	22S	33E	WM	31	3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
SWSE	31.5	22S	33E	WM	31	3/1 through 10/31	
SESE	31.5	22S	33E	WM	31	3/1 through 10/31	
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NWNW	31.5	22S	33E	WM	32	3/1 through 10/31	
SWNW	34.3	22S	33E	WM	32	3/1 through 10/31	
SENW	34.3	22S	33E	WM	32	3/1 through 10/31	
NESW	38.0	22S	33E	WM	32	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	32	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	32	3/1 through 10/31	
SESW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESE	4.0	22S	33E	WM	32	3/1 through 10/31	
NESE	34.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	4.0	22S	33E	WM	32	3/1 through 10/31	
NWSE	32.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	40.0	22S	33E	WM	32	3/1 through 10/31	
SESE	40.0	22S	33E	WM	32	3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Static Water Level Conditions:

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

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

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within

the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Well Construction Conditions:

The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from shallower water-bearing zones. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

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Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube Condition:

Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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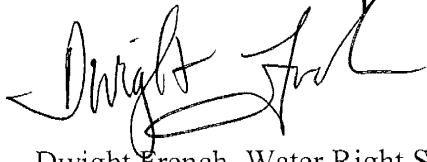
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Completion of construction and application of the water shall begin within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued January 31, 2018

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

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



ALL POINTS
ENGINEERING & SURVEYING, INC.
P.O. Box 767 (CRR)
Terrebonne, Oregon 97760

TRANSMITTAL

To:
Oregon Department of Water Resources
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Date: 8/10/2015 Job: 15-078
Attention: Kim French
Re: Partial Cancellation of Permit

☒ Prints ☐ Plans ☐ Plat ☐ Specifications ☐ Change order ☐ Other

Copies	No.	Description
1	1	Affidavit of Partial Permit Cancellation (3 sheets letter bond)

Remarks:

Kim,
I'm forwarding you Bo Thorenfeldt's affidavit to partially cancel G-17312- ~~17037~~

Thanks and if you have questions please don't hesitate to call (541) 548-5833.

Signed: _____

RECEIVED BY OWRD

AUG 12 2015

SALEM, OR

693.0 AC @ 1/80 = 8.66
AFS

APP - G - 17562

PERMIT - G - 17037

C DATE → 5/2/18
NO PSI

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT PERMIT**

State of CA)
County of San Mateo) ss
)

I, Bo Throckmoldt
residing at 885 Hillsborough Blvd Hillsborough CA 94010
being first duly sworn depose and say:

1. I am the legal permit holders of water right permit number G-17312, 17037 with a priority date of June 11, 2012 for use of 8,781.9 AF of water from points of appropriation for the purpose of irrigation;
2. The water right ☐ is ☒ is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here:
3. I have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:

The right to the use of 2,079 AF for primary irrigation of 693.0 acres located:

SW ¼ NE ¼ 40.0 Acres
SE ¼ NE ¼ 4.0 Acres
NE ¼ SE ¼ 1.6 Acres
Section 20

NE ¼ NW ¼ 4.1 Acres
SE ¼ NW ¼ 4.1 Acres
NE ¼ SW ¼ 8.5 Acres
SE ¼ SW ¼ 8.5 Acres

Section 28
NW ¼ NE ¼ 1.7 Acres
SW ¼ NE ¼ 39.1 Acres
NE ¼ NW ¼ 4.0 Acres
SW ¼ NW ¼ 6.5 Acres
SE ¼ NW ¼ 7.9 Acres
NE ¼ SW ¼ 8.5 Acres
NW ¼ SW ¼ 8.5 Acres
SW ¼ SW ¼ 8.5 Acres
SE ¼ SW ¼ 8.5 Acres
NW ¼ SE ¼ 28.0 Acres
SW ¼ SE ¼ 8.1 Acres

Section 29
NE ¼ NE ¼ 0.4 Acres

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NW ¼ NE ¼ 25.7 Acres
SW ¼ NE ¼ 4.7 Acres
SE ¼ NE ¼ 3.5 Acres
NE ¼ SE ¼ 4.7 Acres
NW ¼ SE ¼ 4.7 Acres
SW ¼ SE ¼ 40.0 Acres
SE ¼ SE ¼ 40.0 Acres

Section 30

NE ¼ NE ¼ 40.0 Acres
NW ¼ NE ¼ 40.0 Acres
SW ¼ NE ¼ 13.7 Acres
SE ¼ NE ¼ 13.7 Acres
NE ¼ NW ¼ 40.0 Acres
NW ¼ NW ¼ 40.0 Acres
SW ¼ NW ¼ 13.7 Acres
SE ¼ NW ¼ 13.7 Acres
NE ¼ SW ¼ 11.7 Acres
NW ¼ SW ¼ 11.7 Acres
SW ¼ SW ¼ 8.5 Acres
SE ¼ SW ¼ 8.5 Acres
NE ¼ SE ¼ 11.7 Acres
NW ¼ SE ¼ 11.7 Acres
SW ¼ SE ¼ 8.5 Acres
SE ¼ SE ¼ 8.5 Acres

Section 31

NE ¼ NW ¼ 8.5 Acres
NW ¼ NW ¼ 8.5 Acres
SW ¼ NW ¼ 5.7 Acres
SE ¼ NW ¼ 5.7 Acres
NE ¼ SW ¼ 5.6 Acres
NW ¼ SW ¼ 5.6 Acres
SW ¼ SW ¼ 8.5 Acres
SE ¼ SW ¼ 8.5 Acres
SW ¼ SE ¼ 8.5 Acres
SE ¼ SE ¼ 8.5 Acres

Section 32

Township 22 S, Range 33 E, WM;

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SALEM, OR

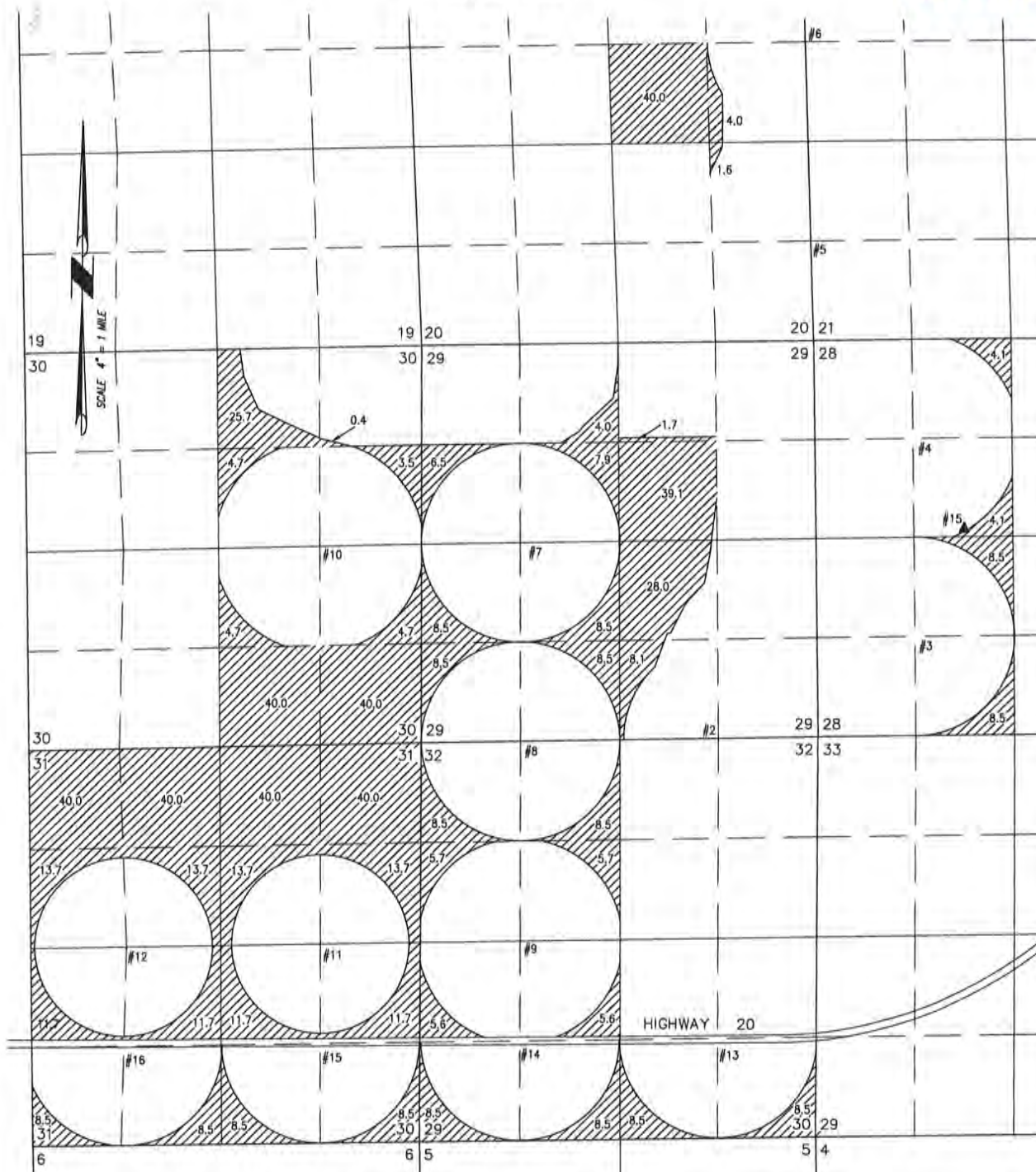
MITIGATION CREDIT FOR PLACE OF USE
FROM PERMIT G-17070 17037
FOR BO THORENFELDT

TAX LOT 900
IN TOWNSHIP 22 SOUTH, RANGE 33 EAST, W.M.
HARNEY COUNTY, OREGON

RECEIVED

JUL 28 2015

OWRD



THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES.



693.0 ACRES IRRIGATION TO BE
MITIGATED TO APPLICATION
G-17799

PROJECT No. 15-083

PREPARED AT THE REQUEST OF:

BO THORENFELDT
888 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com

4. I request the portion of the water right permit described above to be canceled;

Ben Thompson
Signature of legal owner as listed on deed, or authorized agent

8/3/15
Date

Signature of legal co-owner as listed on deed
(if applicable)

Date

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT PERMIT
(CONTINUED)**

Subscribed and Sworn to Before Me this _____ day of _____, 20____.

SEE ATTACHED CALIFORNIA
ACKNOWLEDGEMENT / JURAT
DATE: 8/3/15

Notary Public for Oregon

My Commission Expires _____

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED WATER RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

RECEIVED BY OWRD

AUG 12 2015

SALEM, OR

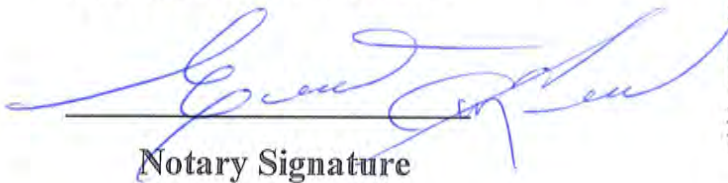
JURAT

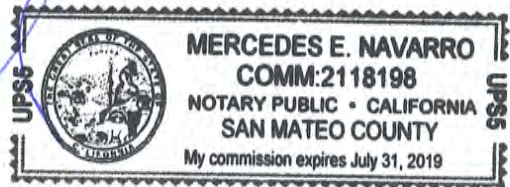
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Mateo)

Subscribed and sworn to (or affirmed) before me on this 3 day of
August, 20 15, by BO TROELS THORENFELDT,
proved to me on the basis of satisfactory evidence to be the person(s)
who appeared before me.


Notary Signature



(Seal)

RECEIVED BY OWRD

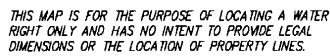
AUG 12 2015

SALEM, OR

Description of Attached Document

Title or Type of Document: AFFIDAVIT FOR THE PARTIAL CANCELLATION
OF A WATER RIGHT PERMIT

TAX LOT 900
IN TOWNSHIP 22 SOUTH, RANGE 33 EAST, W.M.
HARNEY COUNTY, OREGON



P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
Scott@APEandS.com
www.APEandS.com

 1211.7 ACRES IRRIGATION
REMAIN WITH APPLICATION
G-17562



Oregon

Kate Brown, 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

August 15, 2017

AmeriTitle
P.O. Box 67
Madras, Oregon 97741

Reference: Application S-87823, Permit S-54843 – Application G-17562, Permit G-17764

The requested assignments could not be performed as separate forms and fees for each permit were not provided as required. The Department is returning your request and check.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Request and check

cc: Files

XO

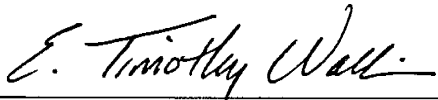
Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 15529 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. Certificate 15529 is canceled.
2. The Department shall issue Certificate 88191, a new a superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated at Salem, Oregon this 2nd day of MAY, 2013.



E. Timothy Wallin Water Right Program Manager for
PHILLIP C. WARD, DIRECTOR

Mailing date: MAY 03 2013

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARNEY VALLEY IMPROVEMENT COMPANY, INC.
BURNS, OR 97720

confirms the right to use the waters of COW CREEK for Tract No. 1, and WASTE WATER from lands to the west for Tract No. 1, for IRRIGATION of 327.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record in Salem in the Order Record of the Water Resources Department, in Volume 14, at Page 424. The date of priority is 1884.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for the described purposes and shall not exceed ONE-FORTIETH (1/40) of one cubic foot per second (CFS) per acre up to April 20 of each year and shall not exceed ONE-SIXTIETH (1/60) of one cubic foot per second per acre for the balance of the year; provided that the total quantity diverted shall not exceed THREE (3.0) acre feet per acre in any one year.

A description of the place to which this right is appurtenant is as follows:

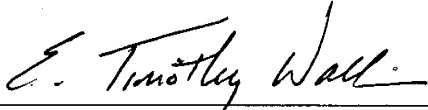
TWP	RNG	MER	SEC	Q-Q	ACRES
12 S	15 E	W.M.	35	NE NE	29.5
12 S	15 E	W.M.	35	NW NE	14.0
12 S	15 E	W.M.	35	SW NE	27.5
12 S	15 E	W.M.	35	SE NE	40.0
12 S	15 E	W.M.	35	NE SW	10.7
12 S	15 E	W.M.	35	SW SW	10.1
12 S	15 E	W.M.	35	SE SW	35.2
12 S	15 E	W.M.	35	NE SE	40.0
12 S	15 E	W.M.	35	NW SE	40.0
12 S	15 E	W.M.	35	SW SE	40.0
12 S	15 E	W.M.	35	SE SE	40.0
TOTAL:					327.0

This certificate describes that portion of the water right confirmed by Certificate 15529, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered **MAY 02 2013**, and recorded in Special Order Volume 89, Pages 392 to 393, canceling a portion of the water right. This certificate supersedes Certificate 15529.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed May 2 2013.

A handwritten signature in cursive script, reading "E. Timothy Wallin".

E. Timothy Wallin, Water Right Program Manager for
Phillip C. Ward, Director

**Oregon Water Resources Department
Water Rights Services Division**

Water Rights Application
Number G-17562

Final Order

Appeal Rights

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

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 June 11, 2012, Bo Thorenfeldt submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 29, 2013. The protest period closed March 15, 2013, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

Application G-17562 therefore is approved as proposed by the Proposed Final Order, and Permit G-17037 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED May 2 , 2013



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Kavanagh. 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 503-986-0816.

If you have previously filed a protest and want to know its status, please contact Patricia McCarty 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, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.



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

January 28, 2015

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

REFERENCE: Permit Amendment Application T-11863

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

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

If you have any questions related to the approval of this permit amendment, you may contact your caseworker by telephone at (503) 986-0890 or by e-mail at Sarah.A.Henderson@ wrd.state.or.us

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: JR Johnson, Watermaster Dist. # 10 (via email)
Scott D. Montgomery, Agent

Enclosure

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-11863, Harney County	)	APPROVING A CHANGE IN POINT
	)	OF APPROPRIATION

Authority

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

Applicant

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

Findings of Fact

1. On July 21, 2014, BO THORENFELDT filed an application to change the point of appropriation under Permit G-17037. The Department assigned the application number T-11863.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on July 29, 2014, and in the Burns Times-Herald newspaper on December 31, 2014 and January 7, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. Permit Amendment Application T-11863 proposes to move the authorized point of appropriation (Well 15) approximately 0.77 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	33 E	WM	28	SE SE	WELL 16: 148 FEET NORTH AND 73 FEET WEST FROM THE SE CORNER OF SECTION 28

Permit Amendment Review Criteria

4. The change would not result in injury to other water rights.
5. The change does not enlarge the permit.
6. The change does not alter any other terms of the permit.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 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.

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-11863 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed by Permit Amendment Application T-11863 is approved.
2. Permit G-17312, in the name of Bo Thorenfeldt, is issued to replace Permit G-17037, and incorporates the amendments approved by this order. Permit G-17037, in the name of BO THORENFELDT, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Water use measurement conditions:
 - a) Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - b) The Permittee shall keep a complete record of the amount of water diverted 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.
 - c) The permittee shall allow the Watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
 - d) The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on the permit, then use of water from the wells 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.

7. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.
8. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
9. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
10. All other terms and conditions of Permit G-17312 remain the same.

Dated at Salem, Oregon this 15 day of January, 2015.



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

JAN 28 2015
Mailing Date: _____

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

This superseding permit is issued to describe an amendment for a point of appropriation proposed under Permit Amendment Application T-11863 and approved by Special Order Vol. 93, Page 1105, entered JAN 15, 2015. This permit supersedes Permit G-17037.

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

APPLICATION FILE NUMBER: G-17562

SOURCE OF WATER: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 16 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 2416.0 ACRES; SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

MAXIMUM RATE: 20.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 6.39 CFS FOR SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

PERIOD OF USE: SEE TABLES BELOW

DATE OF PRIORITY: JUNE 11, 2012

WELL LOCATIONS:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 3	22 S	33 E	WM	29	NE NE	4150 FEET NORTH AND 640 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 4	22 S	33 E	WM	20	NE SE	6940 FEET NORTH AND 680 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 5	22 S	33 E	WM	20	NE NE	9560 FEET NORTH AND 620 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 6	22 S	33 E	WM	30	SW NE	3900 FEET NORTH AND 6700 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 7	22 S	33 E	WM	30	NW SE	1420 FEET NORTH AND 6720 FEET WEST FROM THE SE CORNER OF SECTION 29

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 8	22 S	33 E	WM	29	NW SW	1420 FEET NORTH AND 4050 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 9	22 S	33 E	WM	31	SW NE	1920 FEET SOUTH AND 7850 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 10	22 S	33 E	WM	32	SW NW	1950 FEET SOUTH AND 5180 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 11	22 S	33 E	WM	32	SE NW	1960 FEET SOUTH AND 2760 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 12	22 S	33 E	WM	31	NW SE	3940 FEET SOUTH AND 7800 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 13	22 S	33 E	WM	32	NW SW	3940 FEET SOUTH AND 5160 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 14	22 S	33 E	WM	32	NW SE	3940 FEET SOUTH AND 2480 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 16	22 S	33 E	WM	28	SE SE	148 FEET NORTH AND 73 FEET WEST FROM THE SE CORNER OF 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:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Irrigation Season
22 S	33 E	WM	20	NE NE	10.4	3/1 through 10/31
22 S	33 E	WM	20	NE NE	29.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	20	SW NE	40.0	3/1 through 10/31
22 S	33 E	WM	20	SE NE	5.8	3/1 through 10/31
22 S	33 E	WM	20	SE NE	34.2	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	20	NE SE	38.4	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	20	NE SE	1.6	3/1 through 10/31
22 S	33 E	WM	20	SE SE	39.9	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	21	NW NW	26.8	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	21	SW NW	19.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	21	NW SW	16.4	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	21	SW SW	7.3	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	NE NW	40.0	3/1 through 10/31
22 S	33 E	WM	28	NW NW	11.0	3/1 through 10/31
22 S	33 E	WM	28	NW NW	28.3	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	SW NW	35.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	SW NW	0.6	3/1 through 10/31
22 S	33 E	WM	28	SE NW	40.0	3/1 through 10/31
22 S	33 E	WM	28	NE SW	40.0	3/1 through 10/31
22 S	33 E	WM	28	NW SW	34.4	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	SW SW	27.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	SW SW	10.0	3/1 through 10/31
22 S	33 E	WM	28	SE SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	NE NE	0.7	3/1 through 10/31

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Irrigation Season
22 S	33 E	WM	29	NE NE	37.2	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	NW NE	40.0	3/1 through 10/31
22 S	33 E	WM	29	SW NE	39.1	3/1 through 10/31
22 S	33 E	WM	29	SW NE	0.9	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	SE NE	40.0	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	NE NW	9.0	3/1 through 10/31
22 S	33 E	WM	29	SW NW	38.0	3/1 through 10/31
22 S	33 E	WM	29	SE NW	39.4	3/1 through 10/31
22 S	33 E	WM	29	NE SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	NW SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	SW SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	SE SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	NE SE	6.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	NW SE	0.3	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	NW SE	28.0	3/1 through 10/31
22 S	33 E	WM	29	SW SE	10.8	3/1 through 10/31
22 S	33 E	WM	30	NE NE	0.4	3/1 through 10/31
22 S	33 E	WM	30	NW NE	25.7	3/1 through 10/31
22 S	33 E	WM	30	SW NE	40.0	3/1 through 10/31
22 S	33 E	WM	30	SE NE	38.2	3/1 through 10/31
22 S	33 E	WM	30	NE SE	40.0	3/1 through 10/31
22 S	33 E	WM	30	NW SE	40.0	3/1 through 10/31
22 S	33 E	WM	30	SW SE	40.0	3/1 through 10/31
22 S	33 E	WM	30	SE SE	40.0	3/1 through 10/31
22 S	33 E	WM	31	NE NE	40.0	3/1 through 10/31
22 S	33 E	WM	31	NW NE	40.0	3/1 through 10/31
22 S	33 E	WM	31	SW NE	40.0	3/1 through 10/31
22 S	33 E	WM	31	SE NE	40.0	3/1 through 10/31
22 S	33 E	WM	31	NE NW	40.0	3/1 through 10/31
22 S	33 E	WM	31	NW NW	40.0	3/1 through 10/31
22 S	33 E	WM	31	SW NW	40.0	3/1 through 10/31
22 S	33 E	WM	31	SE NW	40.0	3/1 through 10/31
22 S	33 E	WM	31	NE SW	38.0	3/1 through 10/31
22 S	33 E	WM	31	NW SW	38.0	3/1 through 10/31
22 S	33 E	WM	31	SW SW	40.0	3/1 through 10/31
22 S	33 E	WM	31	SE SW	40.0	3/1 through 10/31
22 S	33 E	WM	31	NE SE	38.0	3/1 through 10/31
22 S	33 E	WM	31	NW SE	38.0	3/1 through 10/31
22 S	33 E	WM	31	SW SE	40.0	3/1 through 10/31
22 S	33 E	WM	31	SE SE	40.0	3/1 through 10/31
22 S	33 E	WM	32	SW NE	11.0	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	32	SE NE	11.2	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	32	NE NW	40.0	3/1 through 10/31
22 S	33 E	WM	32	NW NW	40.0	3/1 through 10/31
22 S	33 E	WM	32	SW NW	40.0	3/1 through 10/31
22 S	33 E	WM	32	SE NW	40.0	3/1 through 10/31
22 S	33 E	WM	32	NE SW	38.0	3/1 through 10/31
22 S	33 E	WM	32	NW SW	38.0	3/1 through 10/31
22 S	33 E	WM	32	SW SW	40.0	3/1 through 10/31

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Irrigation Season
22 S	33 E	WM	32	SE SW	40.0	3/1 through 10/31
22 S	33 E	WM	32	NE SE	4.0	3/1 through 10/31
22 S	33 E	WM	32	NE SE	34.0	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	32	NW SE	32.0	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	32	NW SE	4.0	3/1 through 10/31
22 S	33 E	WM	32	SW SE	40.0	3/1 through 10/31
22 S	33 E	WM	32	SE SE	40.0	3/1 through 10/31

SUPPLEMENTAL IRRIGATION						
(Irrigation Season 4/1 through 10/1)						
Twp	Rng	Mer	Sec	Q-Q	Acres	
22 S	33 E	WM	20	NE NE	29.6	
22 S	33 E	WM	20	SE NE	34.2	
22 S	33 E	WM	20	NE SE	38.4	
22 S	33 E	WM	20	SE SE	39.9	
22 S	33 E	WM	21	NW NW	26.8	
22 S	33 E	WM	21	SW NW	19.6	
22 S	33 E	WM	21	NW SW	16.4	
22 S	33 E	WM	21	SW SW	7.3	
22 S	33 E	WM	28	NW NW	28.3	
22 S	33 E	WM	28	SW NW	35.6	
22 S	33 E	WM	28	NW SW	34.4	
22 S	33 E	WM	28	SW SW	27.6	
22 S	33 E	WM	29	NE NE	37.2	
22 S	33 E	WM	29	SW NE	0.9	
22 S	33 E	WM	29	SE NE	40.0	
22 S	33 E	WM	29	NE SE	6.6	
22 S	33 E	WM	29	NW SE	0.3	
22 S	33 E	WM	32	SW NE	11.0	
22 S	33 E	WM	32	SE NE	11.2	
22 S	33 E	WM	32	NE SE	34.0	
22 S	33 E	WM	32	NW SE	32.0	

Permit Amendment T-11863 Conditions

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on the permit, then use of water from the wells 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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

Existing Permit Conditions

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

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

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from shallower water-bearing zones. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydro-geologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The

request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The observation well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The observation well shall be constructed at a location approved by the Department prior to construction. The landowner or permittee shall provide Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any other purpose while the Department is monitoring water levels. The observation well shall be completed prior to any groundwater use under the terms of any groundwater permit issued. The Department may consider the use of an existing well that meets all the criteria described above.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube: Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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 well(s) 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

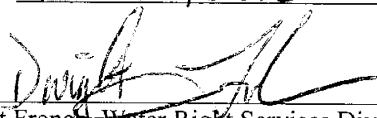
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Completion of construction and application of the water shall be made by May 2, 2018. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued JAN 15, 2015


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

Mailing List for FO Copies

Application #G-17562

Original mailed to applicant with claim of beneficial use form:

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH CA 94010 ✓

Copies Mailed
By: <u>Connie Vance</u> (SUPPORT STAFF)
on: <u>5/3/2013</u> (DATE)

Copies sent to:

1. WRD - File # G-17562 ✓
2. WRD - Ken Stahr ✓

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 10 ✓
4. WRD - Regional Manager: EASTERN ✓

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

5. Steven Applegate Consulting, 3395 Huckleberry Ct S, Salem OR 97302 ✓

CASEWORKER : Kerry Kavanagh

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

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

APPLICATION FILE NUMBER: G-17562

SOURCE OF WATER: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 15 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 2416.0 ACRES; SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

MAXIMUM RATE: 20.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 6.39 CFS FOR SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

PERIOD OF USE: SEE TABLE BELOW

DATE OF PRIORITY: JUNE 11, 2012

WELL LOCATIONS:

WELL 3 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T22S, R33E, W.M.; 4150 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 29

WELL 4 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 20, T22S, R33E, W.M.; 6940 FEET NORTH AND 680 FEET WEST FROM SE CORNER, SECTION 29

WELL 5 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T22S, R33E, W.M.; 9560 FEET NORTH AND 620 FEET WEST FROM SE CORNER, SECTION 29

WELL 6 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, T22S, R33E, W.M.; 3900 FEET NORTH AND 6700 FEET WEST FROM SE CORNER, SECTION 29

WELL 7 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T22S, R33E, W.M.; 1420 FEET NORTH AND 6720 FEET WEST FROM SE CORNER, SECTION 29

WELL 8 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 29, T22S, R33E, W.M.; 1420 FEET NORTH AND 4050 FEET WEST FROM SE CORNER, SECTION 29

WELL 9 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 31, T22S, R33E, W.M.; 1920 FEET SOUTH AND 7850 FEET WEST FROM SE CORNER, SECTION 29

WELL 10 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 1950 FEET SOUTH AND 5180 FEET WEST FROM SE CORNER, SECTION 29

WELL 11 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 1960 FEET SOUTH AND 2760 FEET WEST FROM SE CORNER, SECTION 29

WELL 12 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T22S, R33E, W.M.; 3940 FEET SOUTH AND 7800 FEET WEST FROM SE CORNER, SECTION 29

WELL 13 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 3940 FEET SOUTH AND 5160 FEET WEST FROM SE CORNER, SECTION 29

WELL 14 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 3940 FEET SOUTH AND 2480 FEET WEST FROM SE CORNER, SECTION 29

WELL 15 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, T22S, R33E, W.M.; 2740 FEET NORTH AND 1980 FEET EAST FROM SE CORNER, SECTION 29

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:

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NENE	10.4	22S	33E	WM	20	3/1 through 10/31	
NENE	29.6	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNE	40.0	22S	33E	WM	20	3/1 through 10/31	
SENE	5.8	22S	33E	WM	20	3/1 through 10/31	
SENE	34.2	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NESE	1.6	22S	33E	WM	20	3/1 through 10/31	
NESE	38.4	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESE	39.9	22S	33E	WM	20	3/1 through 3/31 and	4/1 through 10/1

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NWNW	26.8	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	19.6	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSW	16.4	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	7.3	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	40.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	11.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	28.3	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	0.6	22S	33E	WM	28	3/1 through 10/31	
SWNW	35.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SEnw	40.0	22S	33E	WM	28	3/1 through 10/31	
NESW	40.0	22S	33E	WM	28	3/1 through 10/31	
NWSW	34.4	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	10.0	22S	33E	WM	28	3/1 through 10/31	
SWSW	27.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESW	40.0	22S	33E	WM	28	3/1 through 10/31	
NENE	0.7	22S	33E	WM	29	3/1 through 10/31	
NENE	37.2	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNE	40.0	22S	33E	WM	29	3/1 through 10/31	
SWNE	39.1	22S	33E	WM	29	3/1 through 10/31	
SWNE	0.9	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	40.0	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	9.0	22S	33E	WM	29	3/1 through 10/31	
SWNW	38.0	22S	33E	WM	29	3/1 through 10/31	
SEnw	39.4	22S	33E	WM	29	3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NESW	40.0	22S	33E	WM	29	3/1 through 10/31	
NWSW	40.0	22S	33E	WM	29	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	29	3/1 through 10/31	
SESW	40.0	22S	33E	WM	29	3/1 through 10/31	
NESE	6.6	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	28.0	22S	33E	WM	29	3/1 through 10/31	
NWSE	0.3	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	10.8	22S	33E	WM	29	3/1 through 10/31	
NENE	0.4	22S	33E	WM	30	3/1 through 10/31	
NWNE	25.7	22S	33E	WM	30	3/1 through 10/31	
SWNE	40.0	22S	33E	WM	30	3/1 through 10/31	
SENE	38.2	22S	33E	WM	30	3/1 through 10/31	
NESE	40.0	22S	33E	WM	30	3/1 through 10/31	
NWSE	40.0	22S	33E	WM	30	3/1 through 10/31	
SWSE	40.0	22S	33E	WM	30	3/1 through 10/31	
SESE	40.0	22S	33E	WM	30	3/1 through 10/31	
NENE	40.0	22S	33E	WM	31	3/1 through 10/31	
NWNE	40.0	22S	33E	WM	31	3/1 through 10/31	
SWNE	40.0	22S	33E	WM	31	3/1 through 10/31	
SENE	40.0	22S	33E	WM	31	3/1 through 10/31	
NENW	40.0	22S	33E	WM	31	3/1 through 10/31	
NWNW	40.0	22S	33E	WM	31	3/1 through 10/31	
SWNW	40.0	22S	33E	WM	31	3/1 through 10/31	
SENW	40.0	22S	33E	WM	31	3/1 through 10/31	
NESW	38.0	22S	33E	WM	31	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	31	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	31	3/1 through 10/31	
SESW	40.0	22S	33E	WM	31	3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NESE	38.0	22S	33E	WM	31	3/1 through 10/31	
NWSE	38.0	22S	33E	WM	31	3/1 through 10/31	
SWSE	40.0	22S	33E	WM	31	3/1 through 10/31	
SESE	40.0	22S	33E	WM	31	3/1 through 10/31	
SWNE	11.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	11.2	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	40.0	22S	33E	WM	32	3/1 through 10/31	
NWNW	40.0	22S	33E	WM	32	3/1 through 10/31	
SWNW	40.0	22S	33E	WM	32	3/1 through 10/31	
SENW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESW	38.0	22S	33E	WM	32	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	32	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	32	3/1 through 10/31	
SESW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESE	4.0	22S	33E	WM	32	3/1 through 10/31	
NESE	34.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	4.0	22S	33E	WM	32	3/1 through 10/31	
NWSE	32.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	40.0	22S	33E	WM	32	3/1 through 10/31	
SESE	40.0	22S	33E	WM	32	3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.

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

D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

A. Associate each measurement with an owner's well name or number and a Department well log ID; and

B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and

C. Specify the method of measurement; and

D. Certify the accuracy of all measurements and calculations reported to the Department.

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from shallower water-bearing zones. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The observation well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The observation well shall be constructed at a location approved by the Department prior to construction. The landowner or permittee shall provide Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any other purpose.

while the Department is monitoring water levels. The observation well shall be completed prior to any groundwater use under the terms of any groundwater permit issued. The Department may consider the use of an existing well that meets all the criteria described above.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube: Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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 well(s) 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

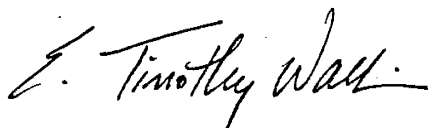
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued May 2 , 2013



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director

file: /groups / FS / transfer / cancellations / Orders & RRs / 15529-ord-part cancel
Greg's DRAFT

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

In the Matter of Cancellation of a Portion of)
Perfected and Developed Water Right Certificate) FINAL ORDER
15529, in the name of Harney Valley)
Improvement Company, Inc., Harney County)

Authority

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

Findings of Fact

1. On April 10, 2013, the Department received an affidavit from Bo Thorenfeldt, 885 Hillsborough Blvd., Hillsborough, CA, 94010, stating he is the owner of land and the water right appurtenant as evidenced by Certificate 15529. The affidavit requests a portion of the certificate be cancelled.
2. Pursuant to OAR 690-017-0100(2)(a), the Department has determined Bo Thorenfeldt is the recorded owner, as established by county deed records, of a portion of the water right evidenced by Certificate 15529.
3. Certificate 15529 allows for the use of not more than 3.0 acre-feet per acre per year for irrigation of 417.4 acres being: 8.175 cubic feet per second (cfs) to April 20 of each year and 5.45 cfs the balance of the year for 327.0 acres in Tract 1 from Cow Creek, tributary to Malheur Slough; and 2.26 cfs to April 20 of each year and 1.51 cfs the balance of the year for 90.4 acres in Tract 2 from Waste Water. The date of priority is 1884.
4. The portion of Certificate 15529 which has been abandoned is for the use of 2.26 cfs to April 20 of each year and 1.51 cfs the balance of the year for irrigation of 90.4 acres in Tract 1 located as follows:

TWP	RNG	MER	SEC	GOVT LOT	Q-Q	ACRES
22 S	33 E	W.M.	31		NE SW	6.8
22 S	33 E	W.M.	31	3		25.0
22 S	33 E	W.M.	31	4		34.6
22 S	33 E	W.M.	31		SE SW	24.0
TOTAL:						90.4

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

Conclusions of Law

The Director of the Water Resources Department concludes that a portion of the right evidenced by Water Right Certificate 15529 has been abandoned in accordance with the provisions of ORS 540.621 and shall be canceled.

Now, therefore, it is ORDERED:

1. Certificate 15529 is canceled.
2. The Department shall issue Certificate ^{88147 ✓}XXXXX, a new a superseding certificate, to describe the remaining portion of the perfected and developed water right NOT canceled by the provisions of this order.

Dated at Salem, Oregon this _____ day of _____, 2013.

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

*E. Timothy Wallen, Water Rights
Program Manager*

Mailing date: _____

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARNEY VALLEY IMPROVEMENT COMPANY, INC.
BURNS, OR 97720

confirms the right to use the waters of COW CREEK for Tract No. 1, and WASTE WATER from lands to the west for Tract No. 1, for IRRIGATION of 327.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Harney County. The decree is of record in Salem in the Order Record of the Water Resources Department, in Volume 14, at Page 424. The date of priority is 1884.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for the described purposes and shall not exceed ONE-FORTIETH (1/40) of one cubic foot per second (CFS) per acre up to April 20 of each year and shall not exceed ONE-SIXTIETH (1/60) of one cubic foot per second per acre for the balance of the year; provided that the total quantity diverted shall not exceed THREE (3.0) acre feet per acre in any one year.

A description of the place to which this right is appurtenant is as follows:

TWP	RNG	MER	SEC	Q-Q	ACRES
12 S	15 E	W.M.	35	NE NE	29.5
12 S	15 E	W.M.	35	NW NE	14.0
12 S	15 E	W.M.	35	SW NE	27.5
12 S	15 E	W.M.	35	SE NE	40.0
12 S	15 E	W.M.	35	NE SW	10.7
12 S	15 E	W.M.	35	SW SW	10.1
12 S	15 E	W.M.	35	SE SW	35.2
12 S	15 E	W.M.	35	NE SE	40.0
12 S	15 E	W.M.	35	NW SE	40.0
12 S	15 E	W.M.	35	SW SE	40.0
12 S	15 E	W.M.	35	SE SE	40.0
TOTAL:					327.0

This certificate describes that portion of the water right confirmed by Certificate 15529, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, and recorded in Special Order Volume 89, Pages 392 to 393 canceling a portion of the water right. This certificate supersedes Certificate 15529.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed _____.

~~Dwight French, Water Right Services Division Administrator for~~
Phillip C. Ward, Director

*E. Timothy Wallin, Water Rights
Program Manager*

DRAFT

INTEROFFICE MEMORANDUM

Water Rights Section

TO: Greg Nelson
FROM: Kerry Kavanagh
DATE: April 10, 2013
RE: Partial cancellation of Certificate 15529 to resolve conflict with pending Application G-17562

Please prepare a partial cancellation order for Certificate 15529, please DO NOT have it signed, and route it to me. I will have the partial cancellation order and the related Final Order for Application G-17562 issued concurrently.

Let me know if you have any questions.

Thanks.

C# 15529 → decreed right - Rock Creek, Harvey Co.

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF
WATER RIGHT CERTIFICATE**

State of Oregon)
) ss
County of Harney)

I/We (or authorized agent), BO THORENFELDT

885 Hillsborough Blvd., Hillsborough, CA 94010
telephone 650-333-0594, being first duly sworn depose and

*4/10/13
Kerry —
Here is the conc.
affidavit you
requested!
Re: G-17562
Thorenfeldt.
Steve R.*

- I/We are the legal owner(s) of the property described as tax lot number 900, within the --- $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 22 S N/S, Range 33 E E/W, of the Willamette Meridian, in Harney County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
- A portion of water right certificate number 15529 issued to Harney Valley Improvement Co., Inc., with a date of priority of 1884 for use of 2.26 cubic foot per second of water from Waste water from lands to west (source) for the purpose of Irrigation of 90.4 acres (all of Tract No. 2 on said certificate) (use) is appurtenant to my/our property;
- The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (*if the right is located within a district or reclamation project, name it here*)
N/A
- If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (*Signature of district manager on the line below documents consent of the district.*)

	<u>N/A</u>	
Signature of district manager	Printed Name	Date

- I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of 2.26 cubic foot per second from waste water from lands to the west for ---, and irrigation of 90.4 acres located:

(use)	(if applicable)
<u>NE $\frac{1}{4}$ SW $\frac{1}{4}$</u>	<u>6.8</u> Acres
<u>NW $\frac{1}{4}$ SW $\frac{1}{4}$</u>	<u>25.0</u> Acres
<u>S1/2 $\frac{1}{4}$ SW $\frac{1}{4}$</u>	<u>58.6</u> Acres
Section <u>31</u>	
Township <u>22 S</u> N/S, Range <u>33 E</u> E/W, WM; and	

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SALEM, OREGON**

6. I/We request the portion of the water right described above be canceled.

R. Thompson

Signature of legal owner as listed on deed, or authorized agent

4-9-2013

Date

Signature of legal co-owner as listed on deed
(if applicable)

Date

Subscribed and Sworn to Before Me this

9th

day of

April

2013

RB



Amy Darius

Notary Public for ~~Oregon~~ California

RB

My Commission Expires

9-11-2013

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

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Grantor:
Gene E. Watson,
40637 Hwy 20 East
Burns, OR 97720

Grantee:
Bo Thorenfeldt
885 Hillsborough Blvd.
Hillsborough, CA 94010

Until a change is requested, all
tax statements shall be sent to:
Bo Thorenfeldt
885 Hillsborough Blvd.
Hillsborough, CA 94010

After recording return to: AmeriTitle, 111 W. Washington, Burns, OR 97720

RECORDER'S INFORMATION:

HARNEY COUNTY, OR **2012-0566**
DEED WD
Cnt=1 Pgs=5 **05/07/2012 03:38 PM**
Total: \$56.00



00003625201200005660050052

I, Maria Iturriaga, County Clerk for Harney County,
Oregon certify that the instrument identified herein was
recorded in the Clerk records.

Maria Iturriaga, CCC, Harney County Clerk

STATUTORY WARRANTY DEED

GENE E. WATSON, Grantor, conveys and warrants to BO THORENFELDT, Grantee, the following
described real property free of encumbrances except as specifically set forth herein:

**See Exhibit A attached hereto and
by this reference incorporated herewith**

SUBJECT TO AND TOGETHER WITH:

**See Exhibit B attached hereto and
by this reference incorporated herewith**

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 2009. 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, CHAPTER 424, OREGON LAWS 2009.

The true consideration for this conveyance is \$2,400,000.00.

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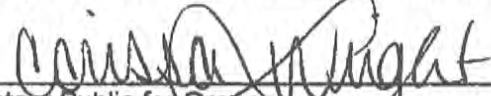
Dated this 4 day of May, 2012.



GENE E. WATSON

State of Oregon)
) ss
County of Harney)

The foregoing instrument was acknowledged before me this 4th day of May, 2012, by
GENE E. WATSON.



Notary Public for Oregon
My commission expires: Jan. 22, 2016



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Exhibit A
(Legal Description)

Land in Harney County, Oregon, as follows:

In Twp. 22 S., R. 33 E., W.M.:

- Sec. 16: S1/2SW1/4.
Sec. 17: E1/2NE1/4, NW1/4NE1/4, W1/2, SW1/4SE1/4.
Sec. 20: E1/2E1/2, SW1/4NE1/4.
Sec. 21: All.
Sec. 28: W1/2.
Sec. 29: All.
Sec. 31: Lots 1, 2, 3 and 4, E1/2W1/2, E1/2, SAVE AND EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded July 12, 1937, in Book 37, Page 547, Deed Records. ALSO, SAVE & EXCEPT that parcel conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded March 8, 1945, in Book 41, Page 608, Deed Records.
Sec. 32: All, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 9, 1937, in Book 37, Page 413, Deed Records. ALSO, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 16, 1937, in Book 37, Page 421, Deed Records.
Sec. 33: Beginning at the Southwest corner of said Sec. 33;
thence N. 01°35'06" E. along the West line of said Sec. 33, 1328.04 feet;
thence N. 01°35'48" E. and continuing along said West line of Sec. 33, 1428.42 feet to a fence line;
thence S. 56°20'45" E. along said fence line 140.49 feet;
thence S. 00°57'27" W. along said fence line 1143.97 feet to a fence corner on the North side of State Highway 20 right of way;
thence S. S. 04°01'09" E. 101.01 feet to a fence corner on the South right of way line of said State Highway 20 right of way;
thence S. 00°44'31" W. along said fence line 1433.28 feet to the South line of said Sec. 33;
thence N. 89°56" W. 162.88 feet to the Point of Beginning. Save & Except Highway 20 right of way.

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**Exhibit B
(Exceptions)**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties.
5. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
6. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
7. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: Charles Books
Recorded: November 23, 1914
Book/Page: "X"/243, Deed Records. (Affects the SW 1/4 of Sec. 32, Twp. 22 S., R. 33 E., W.M.)
8. Reservation of minerals, in deed from First Church of Christ, Scientist, in Boston Massachusetts, a body corporation, as to a full interest therein
Recorded: February 18, 1950
Book/Page: 52/104, Deed Records. (Affects the SW1/4 of Sec. 32, Twp. 22 S., R. 33 E., W.M.)
9. Reservation of minerals, in deed from the State of Oregon, as to a full interest therein
Recorded: February 3, 1953
Book/Page: 56/236, Deed Records. (Affects the NW1/4 of Sec. 32, Twp. 22 S., R. 33 E., W.M.)
10. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: Idaho Power Company, a corporation
Recorded: March 12, 1962
Book/Page: 71/62, Deed Records. (Affects the N1/2S1/2 of Sec. 31, N1/2S1/2 of Sec. 32, Twp. 22 S., R. 33 E., W.M.)

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11. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: Pacific Power & Light Company, a corporation
Recorded: March 27, 1980
book/Page: 112/7, Deed Records.
12. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: U.S. West Communications, a Colorado corporation
Recorded: February 24, 1993
Instrument No.: 930282, Deed Records. (Affects Sections 20, 29 and 32, Twp. 22 S., R. 33 E., W. M.)
13. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: Telephone Utilities of Eastern Oregon, Inc., dba PTI Communications
Recorded: February 13, 1997
Instrument No.: 970281, Deed Records. (Affects Lots 3 and 4, Sec. 31, Twp. 22 S., R. 33 E., W.M.)
14. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein
As granted to: Centurytel of Eastern Oregon, Inc., dba Centurytel
Recorded: August 31, 1998
Instrument No.: 981585, Deed Records. (Affects the SE1/4 of Sec. 32, Twp. 22 S., R. 33 E., W.M.)

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF Harney

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Harney Valley Improvement Company, Inc.

of Burns, State of Oregon, has a right to the use of
the waters of Cow Creek for Tract No. 1, and Waste water from lands to west for
Tract No. 2
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Harney County, and the said decrees entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 14, at page 424; that the priority of the right thereby
confirmed dates from 1884.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic
foot per second per acre up to April 20 of each year and shall not exceed one-
sixtieth of a cubic foot per second per acre for the balance of the year; provided,
that the total quantity diverted shall not exceed three acre feet per acre in any
one year.

A description of the lands irrigated under such right; and to which the water is appurtenant (or,
if for other purposes; the place where such water is put to beneficial use), is as follows:

TRACT NO. 1

29.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
14.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
27.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
10.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
10.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
35.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35,

T. 22 S., R. 32 $\frac{1}{2}$ E., W.M.

TRACT NO. 2

6.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
25.0 acres in Lot 3
34.6 acres in Lot 4
24.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 31,
T. 22 S., R. 33 E., W.M.

Cancel All
70.4 AC.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed
this 28th day of October, 1948.

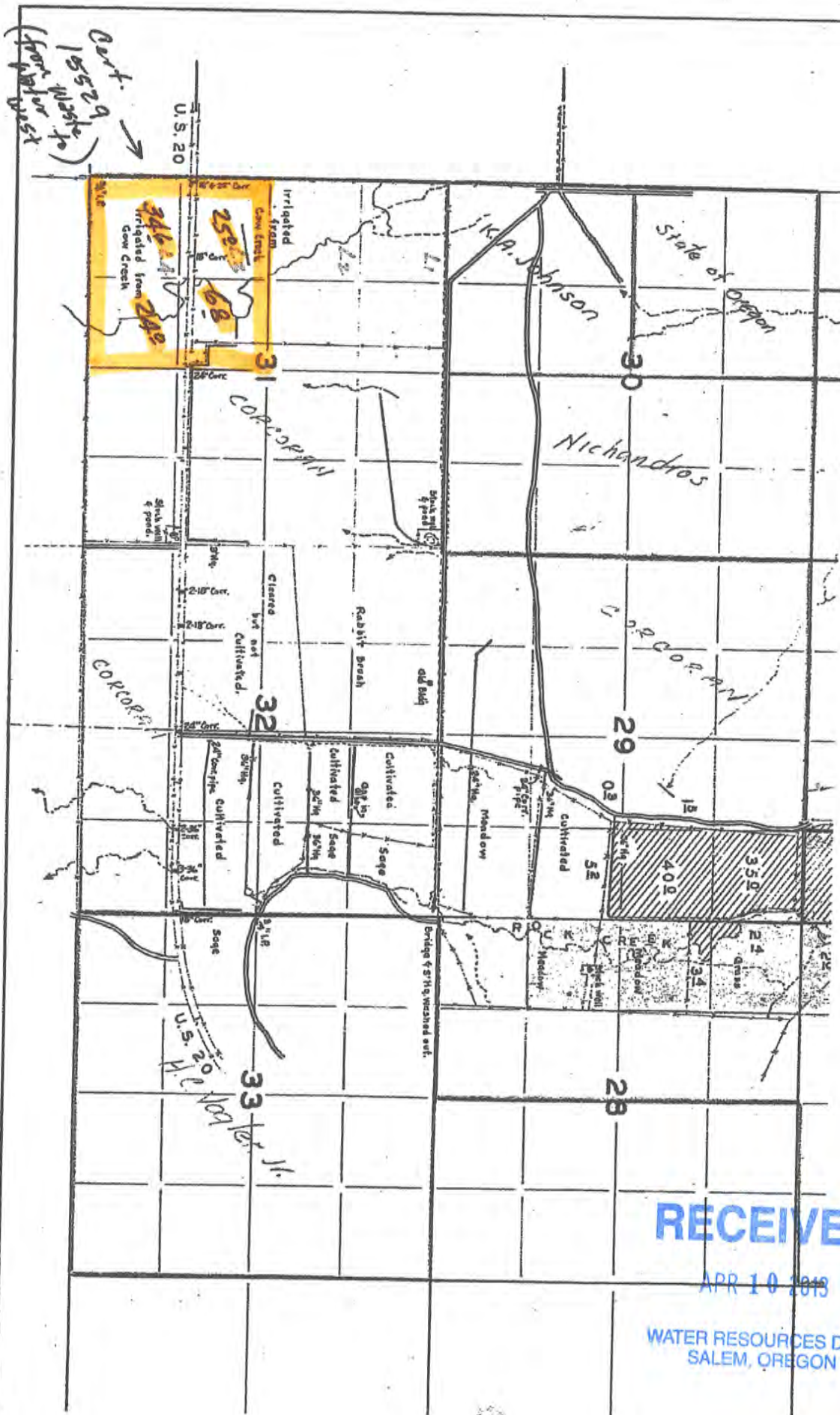
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15,529

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WATER RESOURCES DEPT
SALEM, OREGON



Cont.
15529
(15529)
from 15529
west

RECEIVED

APR 10 2015

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF Harney

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Harney Valley Improvement Company, Inc.

of Burns, State of Oregon, has a right to the use of
the waters of Cow Creek for Tract No. 1, and Waste water from lands to west for
Tract No. 2
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Harney County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 14, at page 424; that the priority of the right thereby
confirmed dates from 1884.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic
foot per second per acre up to April 20 of each year and shall not exceed one-
sixtieth of a cubic foot per second per acre for the balance of the year; provided,
that the total quantity diverted shall not exceed three acre feet per acre in any
one year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT NO. 1

29.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
14.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
27.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
10.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
10.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
35.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35,

T. 22 S., R. 32 $\frac{1}{2}$ E., W.M.TRACT NO. 2

6.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
25.0 acres in Lot 3
34.6 acres in Lot 4
24.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 31,

T. 22 S., R. 33 E., W.M.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this 28th day of October, 1948.

State Engineer

Water Right Information Query Results

Contact Information

▼ Current contact information

OWNER:
 ▶ HARNEY VALLEY IMPROVEMENT CO.
 BURNS, OR 97720

Water Right Information

Status: Non-Cancelled
 County: Harney
 File Folder Location: Salem
 Watermaster District: 10

Documents

[View all scanned documents](#)

▼ Decree: ROCK CREEK, HARNEY COUNTY [document](#)

▶ Volume-Page: 18-21
 ▶ Signature: 7/30/1979

▼ Certificate: 15529 [document](#)

▶ Signature: 10/28/1948
 ▶ Type: Original
 ▶ [View right with Web Mapping](#)
 ▶ [View Places of Use from Water Rights in the Same Area](#)

Point(s) of Diversion

▶ POD 1 - COW CREEK > MALHEUR SL

▶ POD 2 - WASTE WATER > ROCK CREEK

Place(s) of Use

[Add TRS grouping](#)

▼ Use - IRRIGATION (Primary) - 417.4 acres; Priority Date: 12/31/1884

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks
22.00S-32.50E-35	NE NE				29.5	NC			
22.00S-32.50E-35	NW NE				14.0	NC			
22.00S-32.50E-35	SW NE				27.5	NC			
22.00S-32.50E-35	SE NE				40.0	NC			
22.00S-32.50E-35	NE SW				10.7	NC			
▶ 22.00S-32.50E-35	SW SW				10.1	NC			
	SE SW				35.2	NC			
	NE SE				40.0	NC			
	NW SE				40.0	NC			
	SW SE				40.0	NC			
	SE SE				40.0	NC			
22.00S-33.00E-31			3		25.0	NC			

22.00S-33.00E-31		4	34.6	NC		
22.00S-33.00E-31	NE SW		6.8	NC		
22.00S-33.00E-31	SE SW		24.0	NC		
Sum of Acres: 417.4						
Water Right Genealogy						
<i>No genealogy records available for this water right, try the family link below instead.</i>						

[View Water Rights in same Family](#)

[Help understanding and working with the Water Rights Information System](#)

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)

FO Checklist

Application #: G-17562 Applicant: BO THORENFELDT

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

If new: _____

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A ☐ Yes

☒ **Affected landowner(s)** have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.

☒ **Verify names/addresses** of affected landowners, and those who commented and/or paid \$10 fee. ☒ N/A ☐ Yes

☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☒ No

If so: _____

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

☒ **SWW** If GW and interference, copy form for Stahr. ☒ N/A

☒ **WMCP** required, cc: Lisa Jaramillo. ☒ N/A

<u>Fees</u>	<u>Base Fee</u>	<u>Water Amount (Q)</u>	
	\$300 / \$500	1 st CFS/AF	_____
	\$700 / \$1000		_____
		_____ Addl @ _____	_____
		_____ Addl @ _____	_____
		Add'l ☐ POD/POA ☐ use + _____	_____
	_____ + _____	_____ = _____	_____
	(base)	(Q)	(total exam fee)

EXAM FEE REQUIRED	<u>9250</u>	RECORDING FEE REQUIRED	\$300 / <u>400</u> / \$900
EXAM FEE PAID	<u>-9250</u>	RECORDING FEE PAID	<u>-400</u>
STILL OWED	_____	STILL OWED	_____

___ FO w/ draft permit; still needed:

- ___ fees
- ___ easement
- ___ st water contract
- ___ approved dam plans & specs
- ___ land use approval
- ___ well construction approval

☒ FO w/ permit # 6-17037

___ FO to deny
refund \$ _____

Name: Kerry Kavanagh Date: 4/2/2013

Peer Reviewer: Tim Wallin 4/12/13

PFO Checklist

Application #: G-17562 Applicant: BO THORENFELDT

☒ IR requested add'l info ☐ No ☒ Yes revised map - 8-10-12
applicant will cancel portion of C#15529 - sec 31
☒ Have conflicts been addressed? ☐ NA ☐ No ☒ Yes see revised map rec'd 8-10-12
to sec 20 → primary = 5.8 ac & supp = 34.2 ac → TOTAL primary = 1904.7 ac
TOTAL Supp = 511.3 ac
☒ IR date 7-26-12 Noticed on 7-31-12 Comment Deadline 8-30-2012
☒ Electronic/written comments? ☒ No ☐ Yes ☐ Comment eval? ☐ No ☐ Yes
☒ SW availability ☒ NA ☐ 80% ☐ 50%
☐ Is second gw review necessary? ☐ NA ☐ No ☐ Yes Complete? ☐ No ☐ Yes Add'l fees ☐ necessary ☐ collected ☐ needed
☒ DIV 9 ☐ NA ☐ will likely be available... ☐ will not likely be available... ☒ will, if properly conditioned...
well no has PSI with _____
GW conditions 7N, 7K (100ft, shallower w-b zone), construct observation well
☒ Conditions 7N, 7K (100ft, shallower w-b zone), construct observation well
see 1-4-13 email from Ivan Gall modifying permit condition re: observation well
☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 0.5 CFS, > 9.2 AF but < 100 AF ☒ Large ≥ 0.5 CFS, ≥ 100 AF
☒ Allowed Use/Rate/Season see table Limit 1/80 Duty 3
☐ Confirm POD/POU are correct per the map
☒ SWW ☒ NA ☐ above ☐ within _____ If GW and interference, copy form for Stahr.
☒ POD characteristics identifies as DEQ 303d? ☒ NA ☐ No ☐ Yes; confirm DEQ cc'd at IR, and if not, copy them on PFO
☒ Application was filed prior to 10/23/99 ☒ No ☐ Yes (If Yes, add A date requirement)
At same time as permit issuance → partially cancel C#15529
☒ Needed before permit ☒ NA ☐ fees ☐ evidence of well repair ☐ LU ☐ easement ☐ plans/specs ☐ storage contract
☒ Changes from IR determinations
Applicant resolved conflict w/ C#49303 → 8-10-12 revised map 1904.7 ac primary
511.3 ac primary
☒ Notes average changed per 8-10-12 revised map - adjust rate for primary & supp
☒ Copy to Reg Manager E WM 10 CWRE _____ Agent Steve Applegate

Fees

<u>Base Fee</u>	<u>Water Amount (Q)</u>	
\$300 / \$500	Up to 1 CFS	_____
\$700 / \$1000	_____ Add'l CFS @ _____	_____
	_____ AF (up to 20 AF) @ _____ each	_____
	_____ add'l AF @ _____ each	_____
	Add'l _____ POD/POA _____ use @ _____ +	_____
_____ + (base)	_____ (Q)	= _____ (total exam fee)

EXAM FEE REQUIRED	<u>9250</u>	RECORDING FEE REQUIRED	\$300 / <u>\$400</u> / \$900
EXAM FEE PAID	<u>- 9250</u>	RECORDING FEE PAID	<u>- 400</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

Name: Kerry Kavanagh Date: 12/27/2012 Peer Reviewer: Jeana Eastman 2/28/13

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.

Kerry Kavanagh

From: Ivan Gall
Sent: Friday, January 04, 2013 11:10 AM
To: Mike Zwart; Kerry Kavanagh
Subject: RE: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

Kerry, we are open to the idea of using an existing well, but as Mike noted, there likely is not one available, particularly in a suitable location and of suitable construction.

That being said, the addition of your sentence below is fine. Please make sure the applicant understands that the observation well must be installed prior to any groundwater use under the permit. Since we are modifying the condition I have made some additional small changes for clarification immediately below. Please let me know if you have any questions.

Thanks - ikg

The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The observation well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The observation well shall be constructed at a location approved by the Department prior to construction. The landowner or permittee shall provide Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any other purpose while the Department is monitoring water levels. The observation well shall be completed prior to any groundwater use under the terms of any groundwater permit issued. The Department may consider the use of an existing well that meets all the criteria described above.

Ivan Gall - Manager
Groundwater Section
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
503.986.0847 503.986.0902 FAX
ivan.k.gall@wrdd.state.or.us

From: Mike Zwart
Sent: Friday, January 04, 2013 10:31 AM
To: Ivan Gall
Subject: FW: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

Ivan,

See below regarding a proposed addition to our condition requiring a monitoring well for G-17582. I thought I cc'd you when I was here Tuesday.

Mike

From: Mike Zwart
Sent: Tuesday, January 01, 2013 9:13 AM

To: Kerry Kavanagh

Subject: RE: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

Kerry,

I know we talked about this. I would prefer not to modify the condition. I would prefer to have the applicant/agent propose an existing well that might be used prior to permit issuance. Then I could modify the language to include that well log ID. However, I do not believe that there is an existing well that meets the permit condition (I reviewed all local well logs). However, your suggested language would likely work, but I believe that Ivan should see it before approval.

Mike

From: Kerry Kavanagh

Sent: Thursday, December 27, 2012 3:28 PM

To: Mike Zwart

Cc: KAVANAGH Kerry L (Kerry.L.Kavanagh@state.or.us)

Subject: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

Hi Mike,

As you may recall, we discussed the possibility of the applicant utilizing an existing well to serve as an observation well. My recollection from our conversation is that you thought an existing well may be a possibility -- but the well would need to be reviewed by the GW Section to ensure that all criteria would be met.

I spoke to Steve Applegate this morning -- the applicant is not ready to present a specific existing well at this time, but Steve explained that he would like the PFO to contain language allowing the Department to consider a suitable existing well rather than the requirement to drill a new well.

Here is the condition as recommended in your 7-11-12 Public Interest Review:

"The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued."

If I remember the outcome of our conversation correctly and you do indeed believe that an existing well may be suitable as an observation well under this application, could a sentence be added to the end of the condition - something like this? *The Department may consider the use of an existing well that meets all the criteria described above.*

If this would not be sufficient, please edit the condition -- if you do indeed view the use of an existing well as a viable option.

The IR and gw review may be viewed at this

link: http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_folder_image.aspx?snp_id=174296

Thanks for your help Mike! I really appreciate your patience.

Kerry Kavanagh

From: Mike Zwart
Sent: Tuesday, January 01, 2013 9:14 AM
To: Kerry Kavanagh
Subject: RE: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

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Kerry

from: pages 8-11 of Application Fact Sheet
7-26-12 IR

Well Locations (continued):

WELL 12 - NWSE, SECTION 31, T22S, R33E, W.M.
FEET WEST FROM SE CORNER, SECTION 29

WELL 13 - SWSW, SECTION 32, T22S, R33E, W.M.
FEET WEST FROM SE CORNER, SECTION 29

WELL 14 - SWSE, SECTION 32, T22S, R33E, W.M.;
FEET WEST FROM SE CORNER, SECTION 29

WELL 15 - SENW, SECTION 28, T22S, R33E, W.M.;
FEET EAST FROM SE CORNER, SECTION 29

- 4.2 primary
+ 4.2 supps

Place of Use:

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIG SEASON	SECONDARY IRRIG SEASON
SWSW	0.2	22S	33E	WM	16	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NENE	10.4	22S	33E	WM	20	3/1 through 10/31	
✓ NENE	29.6	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SWNE	40.0	22S	33E	WM	20	3/1 through 10/31	
* SENE	5.8 10.0	22S	33E	WM	20	3/1 through 10/31	
* SENE	30.0 34.2	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NESE	1.6	22S	33E	WM	20	3/1 through 10/31	
✓ NESE	38.4	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SESE	39.9	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NWNW	26.8	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SWNW	19.6	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NWSW	16.4	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SWSW	7.3	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1

not shown on 8-10-12 revised map

20

21

* acres shown on 8-10-12 Revised Application Map

App G-17562

Place of Use (continued):

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
✓ NENW	40.0	22S	33E	WM	28	3/1 through 10/31	
✓ NWNW	11.0	22S	33E	WM	28	3/1 through 10/31	
✓ NWNW	28.3	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SWNW	0.6	22S	33E	WM	28	3/1 through 10/31	
✓ SWNW	35.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SENW	40.0	22S	33E	WM	28	3/1 through 10/31	
✓ NESW	40.0	22S	33E	WM	28	3/1 through 10/31	
✓ NWSW	34.4	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SWSW	10.0	22S	33E	WM	28	3/1 through 10/31	
✓ SWSW	27.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SESW	40.0	22S	33E	WM	28	3/1 through 10/31	
✓ NENE	0.7	22S	33E	WM	29	3/1 through 10/31	
✓ NENE	37.2	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NWNE	40.0	22S	33E	WM	29	3/1 through 10/31	
✓ SWNE	39.1	22S	33E	WM	29	3/1 through 10/31	
✓ SWNE	0.9	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SENE	40.0	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NENW	9.0	22S	33E	WM	29	3/1 through 10/31	
✓ SWNW	38.0	22S	33E	WM	29	3/1 through 10/31	
✓ SENW	39.4	22S	33E	WM	29	3/1 through 10/31	
✓ NESW	40.0	22S	33E	WM	29	3/1 through 10/31	
✓ NWSW	40.0	22S	33E	WM	29	3/1 through 10/31	
✓ SWSW	40.0	22S	33E	WM	29	3/1 through 10/31	
✓ SESW	40.0	22S	33E	WM	29	3/1 through 10/31	

28

29

Place of Use (continued):

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
✓ NESE	6.6	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NWSE	28.0	22S	33E	WM	29	3/1 through 10/31	
✓ NWSE	0.3	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SWSE	10.8	22S	33E	WM	29	3/1 through 10/31	
✓ NENE	0.4	22S	33E	WM	30	3/1 through 10/31	
✓ NWNE	25.7	22S	33E	WM	30	3/1 through 10/31	
✓ SWNE	40.0	22S	33E	WM	30	3/1 through 10/31	
✓ SENE	38.2	22S	33E	WM	30	3/1 through 10/31	
✓ NESE	40.0	22S	33E	WM	30	3/1 through 10/31	
✓ NWSE	40.0	22S	33E	WM	30	3/1 through 10/31	
✓ SWSE	40.0	22S	33E	WM	30	3/1 through 10/31	
✓ SESE	40.0	22S	33E	WM	30	3/1 through 10/31	
✓ NENE	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ NWNE	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ SWNE	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ SENE	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ NENW	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ NWNW	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ SWNW	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ SENW	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ NESW	38.0	22S	33E	WM	31	3/1 through 10/31	
✓ NWSW	38.0	22S	33E	WM	31	3/1 through 10/31	
✓ SWSW	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ SESW	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ NESE	38.0	22S	33E	WM	31	3/1 through 10/31	
✓ NWSE	38.0	22S	33E	WM	31	3/1 through 10/31	
✓ SWSE	40.0	22S	33E	WM	31	3/1 through 10/31	
✓ SESE	40.0	22S	33E	WM	31	3/1 through 10/31	

29

30

31

Place of Use (continued):

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
✓ SWNE	11.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SENE	11.2	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NENW	40.0	22S	33E	WM	32	3/1 through 10/31	
✓ NWNW	40.0	22S	33E	WM	32	3/1 through 10/31	
✓ SWNW	40.0	22S	33E	WM	32	3/1 through 10/31	
✓ SENW	40.0	22S	33E	WM	32	3/1 through 10/31	
✓ NESW	38.0	22S	33E	WM	32	3/1 through 10/31	
✓ NWSW	38.0	22S	33E	WM	32	3/1 through 10/31	
✓ SWSW	40.0	22S	33E	WM	32	3/1 through 10/31	
✓ SESW	40.0	22S	33E	WM	32	3/1 through 10/31	
✓ NESE	4.0	22S	33E	WM	32	3/1 through 10/31	
✓ NESE	34.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ NWSE	4.0	22S	33E	WM	32	3/1 through 10/31	
✓ NWSE	32.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
✓ SWSE	40.0	22S	33E	WM	32	3/1 through 10/31	
✓ SESE	40.0	22S	33E	WM	32	3/1 through 10/31	

14 DAY STOP PROCESSING DEADLINE DATE: Thursday, August 9, 2012

PUBLIC NOTICE DATE: Tuesday, July 31, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, August 30, 2012

IR CHECKLIST

13 proposed wells
Harney County

Application #: G-17562 Applicant: BO THORENFELDT

Use(s): IRRIGATION OF 1908.9 ACRES; SUPPLEMENTAL IRRIGATION OF 507.3 ACRES Priority Date: June 11, 2012

☒ MU or QM ☒ NA ☐ will complete construction within 20 years
☐ Fujii reviewed recommendations _____

☒ ORS 538 prohibits use ☒ No ☐ Yes If so, do not do an IR; return the application & fees to the applicant.

☒ DIV 9 ☐ NA ☐ will likely be available... ☐ will not likely be available... ☒ will, if properly conditioned...

☐ classify as surface water well _____ has PSI with _____

(include basin map if true) well _____ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____

GW conditions 7N, 7K (100ft, shallower), 7T & special - 6" obs. well

☒ DIVISION 33 ☒ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30
☐ below Bonneville
☐ statewide

☒ SW Availability ☒ NA ☐ 80% live ☐ 50% storage _____ WID: _____

☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoeg Creek (including Mission & Case Creeks)

☒ POU conflict ☐ NA ☐ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate

☒ Yes 1) portion of Cert 15529 in SW 1/4 Sec 31, T22S, R33E W.M. - app states will cancel portion
2) portion of Cert 49303 in SENE Sec 20, T22S, R33E, W.M.

☒ Use is supplemental, checked for primary rights w/ diff source ☐ NA ☒ Yes limits _____

☒ Use is ☒ allowed ☐ not allowed ☐ limited ☒ OAR ☐ Compact 690-512-0040

☒ Requested Use/Rate/Season img of supp / 20.0 cfs / "irrigation season"

☒ Allowed Use/Rate/Season img of supp / ac / acx / 80 = Mar 1 - Oct 31 Limit 3 Duty 3

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained _____

☒ Authorized agent specified ☐ NA ☐ needed ☒ Yes Steven P. Applegate Consulting

☒ Conditions: 7N, 7K (100ft, shallower), 7T & special - 6" obs. well

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF, ☐ Medium > 0.1 and < 0.5 CFS, > 9.2 and < 100 AF, ☒ Large ≥ 0.5 CFS, ≥ 100 AF
Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.
Use "Large" for temp control (including NU), Tenmile Lake, or if applicant is a government entity
Use "Large-7i" if GW recommends 7i
Use "Large with TFM" for HC exceptions, IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

☒ Stream is withdrawn ☒ NA ☐ No ☐ Yes, allows use/season _____

☒ SWW ☒ NA ☐ above ☐ within _____ (If GW and interference, copy form for Stahr.)

Application #: G-17562 Applicant: BO THORENFELDT

☒ Use is within a **high priority area for streamflow restoration** ☐ NA ☒ No ☐ Yes

☐ Letter format ☐ good ☐ limited ☐ bad ☐ bad w/ rate reduction opportunity ☐ bad w/ HC opportunity

☒ POD is within **North Umpqua settlement reach** and the spreadsheet was updated ☒ NA ☐ Yes

☒ Forms ☒ NA ☐ HC except ☐ spring description other _____

☒ Copy to ☐ SWR ☐ WM # 10 ☐ a.l.o. ☐ NW Planning Council
☒ ER ☒ agent ☐ DOA ☐ CRIFC
☐ NCR ☐ CWRE ☐ CTUIR ☐ US Fish & Wildlife

☐ DOA Food Safety Division
(bottled water)

☐ city _____
(w/in 5-mile muni wells)

cc: Steven P. Appligate Consulting

☒ Req'd before permit ☒ NA ☐ evidence of well repair ☐ LU ☐ easement ☐ plans/specs ☐ storage contract

☐ App and map meet **min. requirements** ☐ Yes ☐ No _____
(If not, send IR certified)

☐ Scanned images exist for application form and map

☒ Fees <u>20.0</u> CFS	Base	<u>1000</u>
_____ AF	Up to 1 CFS	<u>250</u>
<u>13 wells</u>	<u>19</u> Add'l CFS @ <u>250</u>	<u>4750</u>
<u>2 uses</u>	Up to 20 AF	_____
	_____ Add'l AF @ \$1	_____
	Add'l <u>12</u> POD/POA <u>1</u> use @ <u>250</u> +	<u>3250</u>
	Exam Fee Required =	<u>9250</u>
	Exam Fee Paid	<u>9250</u>
	Still Owed	<u>0</u>

Application: 1808.9 ac primary of 507.1 ac Supplemental
Map: 1908.9 ac primary of 507.3 ac Supp
• Applicant will cancel portion of Cert 15529 upon approval of permit under this app
• Pd \$400 permit recording fees

Name: Kerry Kavanagh

Date: 7/19/2012

Peer Reviewer: Jeana Eastman

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.

INTEROFFICE MEMORANDUM

Water Rights Section

TO: Application G-17562 Bo Thorenfeldt
FROM: Kerry Kavanagh
DATE: 7-24-12
RE: Land Use Compatibility

On July 24, 2012, Brandon McMullen, Planner with Harney County Planning Department, confirmed that the proposed use of ground water is allowed outright and cited County ordinance 3.010 for an agricultural -designated zone.

App: G 17562 *

Platcard

Conflict Report

POD Characteristics

Water Availability

MALHEUR SL > MALHEUR L - AB NINEMILE SL

POD: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

IR Checklist

Digital Map (Applications are not mapped, use POD Locations instead)

Contact Information

Current contact information

AGENT:
STEVEN APPEGATE CONSULTING
STEVEN APPEGATE
3395 HUCKLEBERRY COURT S
SALEM, OR 97302
APPLICANT:
BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

Water Right Information

Status: Non-Cancelled
County: Harney
File Folder Location: Salem
Watermaster District: 10

Documents

View all scanned documents

Application: G 17562

Received: 6/11/2012

Application Workflow			
Action	Date	Result	Completed By
Application Filed	6/11/2012		

Unable to view right in new web mapping because this water right is not currently mapped.

Point(s) of Diversion

POD 1 - A WELL > ROCK CREEK

Description

Name: WELL 3
T-R-S-QQ: 22.00S-33.00E-29-NE NE
Location Description: 4150 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 29

POD Rate

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

IRRIGATION (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

SUPPLEMENTAL IRRIGATION (Supplemental)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

POD 2 - A WELL > ROCK CREEK

Description

Name: WELL 4
T-R-S-QQ: 22.00S-33.00E-20-NE SE
Location Description: 6940 FEET NORTH AND 680 FEET WEST FROM SE CORNER, SECTION 29

POD Rate

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

IRRIGATION (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

SUPPLEMENTAL IRRIGATION (Supplemental)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

POD 3 - A WELL > ROCK CREEK

Description

Name: WELL 5
T-R-S-QQ: 22.00S-33.00E-20-NE NE
Location Description: 9560 FEET NORTH AND 620 FEET WEST FROM SE CORNER, SECTION 29

POD Rate

1 of 6

7/18/2012 2:22 PM

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **SUPPLEMENTAL IRRIGATION (Supplemental)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **POD 4 - A WELL > ROCK CREEK**

▼ **Description**

▶ Name: WELL 6

▶ T-R-S-QQ: 22.00S-33.00E-30-SW NE

▶ Location Description: 3900 FEET NORTH AND 6700 FEET WEST FROM SE CORNER, SECTION 29

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **SUPPLEMENTAL IRRIGATION (Supplemental)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **POD 5 - A WELL > ROCK CREEK**

▼ **Description**

▶ Name: WELL 7

▶ T-R-S-QQ: 22.00S-33.00E-30-NE SE

▶ Location Description: 1420 FEET NORTH AND 6720 FEET WEST FROM SE CORNER, SECTION 29

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **SUPPLEMENTAL IRRIGATION (Supplemental)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **POD 6 - A WELL > ROCK CREEK**

▼ **Description**

▶ Name: WELL 8

▶ T-R-S-QQ: 22.00S-33.00E-29-NW SW

▶ Location Description: 1420 FEET NORTH AND 4050 FEET WEST FROM SE CORNER, SECTION 29

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **SUPPLEMENTAL IRRIGATION (Supplemental)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **POD 7 - A WELL > ROCK CREEK**

▼ **Description**
 ▶ Name: WELL 9
 ▶ T-R-S-QQ: 22.00S-33.00E-31-SW NE
 ▶ Location Description: 1920 FEET SOUTH AND 7850 FEET WEST FROM SE CORNER, SECTION 29

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **SUPPLEMENTAL IRRIGATION (Supplemental)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **POD 8 - A WELL > ROCK CREEK**

▼ **Description**
 ▶ Name: WELL 10
 ▶ T-R-S-QQ: 22.00S-33.00E-32-SW NW
 ▶ Location Description: 1950 FEET SOUTH AND 5180 FEET WEST FROM SE CORNER, SE5TION 29

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **SUPPLEMENTAL IRRIGATION (Supplemental)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **POD 9 - A WELL > ROCK CREEK**

▼ **Description**
 ▶ Name: WELL 11
 ▶ T-R-S-QQ: 22.00S-33.00E-32-SE NW
 ▶ Location Description: 1960 FEET SOUTH AND 2760 FEET WEST FROM SE CORNER, SE5TION 29

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **SUPPLEMENTAL IRRIGATION (Supplemental)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ **POD 10 - A WELL > ROCK CREEK**

▼ **Description**
 ▶ Name: WELL 12
 ▶ T-R-S-QQ: 22.00S-33.00E-31-NW SE
 ▶ Location Description: 3940 FEET SOUTH AND 7800 FEET WEST FROM SE CORNER, SE5TION 29

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ SUPPLEMENTAL IRRIGATION (Supplemental)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ POD 11 - A WELL > ROCK CREEK

▼ Description

▶ Name: WELL 13

▶ T-R-S-QQ: 22.00S-33.00E-32-SW SW

▶ Location Description: 3940 FEET SOUTH AND 5160 FEET WEST FROM SE CORNER, SECTION 29

▼ POD Rate

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ IRRIGATION (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ SUPPLEMENTAL IRRIGATION (Supplemental)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ POD 12 - A WELL > ROCK CREEK

▼ Description

▶ Name: WELL 14

▶ T-R-S-QQ: 22.00S-33.00E-32-SW SE

▶ Location Description: 3940 FEET SOUTH AND 2480 FEET WEST FROM SE CORNER, SECTION 29

▼ POD Rate

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ IRRIGATION (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ SUPPLEMENTAL IRRIGATION (Supplemental)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ POD 13 - A WELL > ROCK CREEK

▼ Description

▶ Name: WELL 15

▶ T-R-S-QQ: 22.00S-33.00E-28-SE NW

▶ Location Description: 2740 FEET NORTH AND 1980 FEET EAST FROM SE CORNER, SECTION 29

▼ POD Rate

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
20.0	1.538(est)		

▼ IRRIGATION (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

▼ SUPPLEMENTAL IRRIGATION (Supplemental)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
6/11/2012	20.0	0.769(est)					3/1	10/31	

Place(s) of Use Add TRS grouping

▼ Use - SUPPLEMENTAL IRRIGATION (Supplemental) - 507.3 acres; Priority Date: 6/11/2012

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks
22.00S-33.00E-16	SW SW				0.2	NC	✓	
22.00S-33.00E-20	NE NE				29.6	NC	✓	
22.00S-33.00E-20	SE NE				30.0	NC	✓	

Sec 16

Sec 20

Supp

22.00S-33.00E-20	NE SE				38.4	NC		
22.00S-33.00E-20	SE SE				39.9	NC		
22.00S-33.00E-21	NW NW				26.8	NC		
22.00S-33.00E-21	SW NW				19.6	NC		
22.00S-33.00E-21	NW SW				16.4	NC		
22.00S-33.00E-21	SW SW				7.3	NC		
22.00S-33.00E-28	NW NW				28.3	NC		
22.00S-33.00E-28	SW NW				35.6	NC		
22.00S-33.00E-28	NW SW				34.4	NC		
22.00S-33.00E-28	SW SW				27.6	NC		
22.00S-33.00E-29	NE NE				37.2	NC		
22.00S-33.00E-29	SW NE				0.9	NC		
22.00S-33.00E-29	SE NE				40.0	NC		
22.00S-33.00E-29	NE SE				6.6	NC		
22.00S-33.00E-29	NW SE				0.3	NC		
22.00S-33.00E-32	SW NE				11.0	NC		
22.00S-33.00E-32	SE NE				11.2	NC		
22.00S-33.00E-32	NE SE				34.0	NC		
22.00S-33.00E-32	NW SE				32.0	NC		
Sum of Acres: 507.3								

See 20

See 21

See 28

See 29

See 32

▼ Use - IRRIGATION (Primary) - 1908.9 acres; Priority Date: 6/11/2012

PRIMARY

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks
22.00S-33.00E-20	NE NE				10.4	NC		
22.00S-33.00E-20	SW NE				40.0	NC		
22.00S-33.00E-20	SE NE				10.0	NC		
22.00S-33.00E-20	NE SE				1.6	NC		
22.00S-33.00E-28	NE NW				40.0	NC		
22.00S-33.00E-28	NW NW				11.0	NC		
22.00S-33.00E-28	SW NW				0.6	NC		
22.00S-33.00E-28	SE NW				40.0	NC		
22.00S-33.00E-28	NE SW				40.0	NC		
22.00S-33.00E-28	SW SW				10.0	NC		
22.00S-33.00E-28	SE SW				40.0	NC		
22.00S-33.00E-29	NE NE				0.7	NC		
22.00S-33.00E-29	NW NE				40.0	NC		
22.00S-33.00E-29	SW NE				39.1	NC		
22.00S-33.00E-29	NE NW				9.0	NC		
22.00S-33.00E-29	SW NW				38.0	NC		
22.00S-33.00E-29	SE NW				39.4	NC		
22.00S-33.00E-29	NE SW				40.0	NC		
22.00S-33.00E-29	NW SW				40.0	NC		
22.00S-33.00E-29	SW SW				40.0	NC		
22.00S-33.00E-29	SE SW				40.0	NC		
22.00S-33.00E-29	NW SE				28.0	NC		
22.00S-33.00E-29	SW SE				10.8	NC		
22.00S-33.00E-30	NE NE				0.4	NC		
22.00S-33.00E-30	NW NE				25.7	NC		

See 20

See 28

See 29

See 30

PRIMARY

22.00S-33.00E-30	SW NE			40.0	NC
22.00S-33.00E-30	SE NE			38.2	NC
22.00S-33.00E-30	NE SE			40.0	NC
22.00S-33.00E-30	NW SE			40.0	NC
22.00S-33.00E-30	SW SE			40.0	NC
22.00S-33.00E-30	SE SE			40.0	NC
22.00S-33.00E-31	NE NE			40.0	NC
22.00S-33.00E-31	NW NE			40.0	NC
22.00S-33.00E-31	SW NE			40.0	NC
22.00S-33.00E-31	SE NE			40.0	NC
22.00S-33.00E-31	NE NW			40.0	NC
22.00S-33.00E-31	NW NW			40.0	NC
22.00S-33.00E-31	SW NW			40.0	NC
22.00S-33.00E-31	SE NW			40.0	NC
22.00S-33.00E-31	NE SW			38.0	NC
22.00S-33.00E-31	NW SW			38.0	NC
22.00S-33.00E-31	SW SW			40.0	NC
22.00S-33.00E-31	SE SW			40.0	NC
22.00S-33.00E-31	NE SE			38.0	NC
22.00S-33.00E-31	NW SE			38.0	NC
22.00S-33.00E-31	SW SE			40.0	NC
22.00S-33.00E-31	SE SE			40.0	NC
22.00S-33.00E-32	NE NW			40.0	NC
22.00S-33.00E-32	NW NW			40.0	NC
22.00S-33.00E-32	SW NW			40.0	NC
22.00S-33.00E-32	SE NW			40.0	NC
22.00S-33.00E-32	NE SW			38.0	NC
22.00S-33.00E-32	NW SW			38.0	NC
22.00S-33.00E-32	SW SW			40.0	NC
22.00S-33.00E-32	SE SW			40.0	NC
22.00S-33.00E-32	NE SE			4.0	NC
22.00S-33.00E-32	NW SE			4.0	NC
22.00S-33.00E-32	SW SE			40.0	NC
22.00S-33.00E-32	SE SE			40.0	NC
Sum of Acres: 1908.9					

Sec 30

Sec 31

Sec 32

Water Right Genealogy

No genealogy records available for this water right, try the family link below instead.

- [View Water Rights in same Family](#)
- [Help understanding and working with the Water Rights Information System](#)
- [Report Errors with Water Right Data](#)
- [Return to WRIS Query](#)

Point of Diversion Characteristics

Right:	App: G 17562 *
Name:	BO THORENFELDT

TRSOQ: 22.00S-33.00E-20-NENE [Digital Map of TRSOQ](#)

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: [MALHEUR SL > MALHEUR L - AB NINEMILE SL \(31200107\)](#)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33: STATEWIDE
Water Quality Limited:

TRSOQ: 22.00S-33.00E-20-NESE [Digital Map of TRSOQ](#)

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: [MALHEUR SL > MALHEUR L - AB NINEMILE SL \(31200107\)](#)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33: STATEWIDE
Water Quality Limited:

TRSOQ: 22.00S-33.00E-28-SENE [Digital Map of TRSOQ](#)

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: [MALHEUR SL > MALHEUR L - AB NINEMILE SL \(31200107\)](#)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33: STATEWIDE
Water Quality Limited:

TRSOQ: 22.00S-33.00E-29-NENE [Digital Map of TRSOQ](#)

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: [MALHEUR SL > MALHEUR L - AB NINEMILE SL \(31200107\)](#)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33: STATEWIDE
Water Quality Limited:

TRSOQ: 22.00S-33.00E-29-NWSW [Digital Map of TRSOQ](#)

County: Harney

Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33: STATEWIDE
Water Quality Limited:

TRSQQ: 22.00S-33.00E-30-NESE Digital Map of TRSQQ

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33: STATEWIDE
Water Quality Limited:

TRSQQ: 22.00S-33.00E-30-SWNE Digital Map of TRSQQ

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33: STATEWIDE
Water Quality Limited:

TRSQQ: 22.00S-33.00E-31-NWSE Digital Map of TRSQQ

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33: STATEWIDE
Water Quality Limited:

TRSQQ: 22.00S-33.00E-31-SWNE Digital Map of TRSQQ

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

TRSQQ: 22.00S-33.00E-32-SENW Digital Map of TRSQQ

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

TRSQQ: 22.00S-33.00E-32-SWNW Digital Map of TRSQQ

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

TRSQQ: 22.00S-33.00E-32-SWSE Digital Map of TRSQQ

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

TRSQQ: 22.00S-33.00E-32-SWSW Digital Map of TRSQQ

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: MALHEUR SL > MALHEUR L - AB NINEMILE SL (31200107)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

<u>Name</u>	<u>Irrigation Season</u>	<u>Rate/Acre</u>	<u>Duty</u>
Rickreall Creek	4/1 - 9/30	1/80	2.5
Roberts Creek	5/15 - 9/15	1/80 (per WM Dave Williams 12/3/2002)	2.5
Rock Creek (Catlow Valley)	4/1 - 10/1	1/80	3.0
Rogue River	4/1 - 11/1		
S Santiam & Santiam River	4/1 - 9/30	1/80	2.5
Silver Creek (Harn Co.)	3/1 - 8/1	1/60 to 4/30 thereafter 1/80	
Silver Creek (Lake Co. by court)	4/1 - 7/31(?)		
Silvies River	3/20 - 9/1	1/80 trib. not in harney valley 1/60	2 to 3
Snow & Three Creeks		1/80	2.5
Sprague River	3/1 - 10/1	1/40 to 6/15 thereafter 1/80	3.0
S Branch Mud Creek	SEASON/RATE/DUTY PER DECREE FOR EACH APPROPRIATOR		
Squaw Creek		1/50	
Sucker Creek	4/1 - 10/31	1/50	
Swan Lake	3/15 - 9/30	1/40 to 6/15 thereafter 1/80	3.0
Tandy Creek	3/15 - 9/1	1/40	2.5
Tenmile Creek (Malh Co. by court)			3.0
Threemile Creek	3/1 - 10/1	1/60	3.0
Trout Creek (Harn Co. by court)	3/15 - 10/1	1/40	3.0

Decree Titles, Irrigation Seasons and Limits for Adjudicated Streams

<u>Name</u>	<u>Irrigation Season</u>	<u>Rate/Acre</u>	<u>Duty</u>
Althouse Creek	4/1 - 10/31	1/50	
Anna Creek	4/1 - 11/1	1/60 to 1/80	3 to 4
Ash Creek	4/1 - 9/30	1/80	2.5
Bachert & Netter Creeks			
Big Creek (Basin 9)	3/1 – 9/30	1/20	3.0 (per Rick Lusk)
Bridge Creek (Lake Co.)	4/1 - 9/30	1/80	3.0
Bridge Creek (Whee Co.)	3/1 - 10/1	1/40 to 6/15 thereafter 1/80	
Buck Creek	3/1 - 10/1	1/40 to 6/15 thereafter 1/80	3.0
Burnt River (findings 64)	4/1 - 10/1	1/20 (10 ac. or less) 1/40	3.0
Butter Creek	1/1 - 9/1		4.0
Calapooia River	5/1 - 9/30	1/80	2.5
Chenowith Creek	3/1 - 10/1	1/60	3.0
Cherry Creek (Jeff Co.)		1/40 to 7/1 thereafter 1/80	3.0
Cherry Creek (Klam Co.)	5/1 - 10/1	1/80	3.0
Chewaucan River	Variable 1/1 - 9/30	1/25	3.9 to 4.8
Cochran Creek	Variable 4/1 - 10/1	1/50	
Cottonwood Creek	Variable 3/15 - 9/1		3.0
Cougar Gulch			
Cow Creek (Doug Co.)	4/1 - 10/1	1/70 (Verified by WM Dave Williams 12/3/2002)	

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: G 17562 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
CERT:15529 OR *	HARNEY VALLEY IMPROVEMENT CO.	ROCK CREEK, HARNEY COUNTY	15529	12/31/1884	NC	IR	22.00S-33.00E-31-		?	3	25.0000	
									?	3	25.0000	
									?	3	25.0000	
									?	3	25.0000	
									?	3	25.0000	
									?	3	25.0000	
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							IR	22.00S-33.00E-31-		4	34.6000		
							IR	22.00S-33.00E-31-		4	34.6000		
							IR	22.00S-33.00E-31-		4	34.6000		
							IR	22.00S-33.00E-31-		4	34.6000		
							IR	22.00S-33.00E-31-		4	34.6000		
							IR	22.00S-33.00E-31-		4	34.6000		
							IR	22.00S-33.00E-31-NESW			6.8000		
							IR	22.00S-33.00E-31-SESW			24.0000		
<u>CERT:49303 OR *</u>	JOHN C/JOYCE A LAGLER		ROCK CREEK, HARNEY COUNTY	49303	12/31/1887	NC	IR	22.00S-33.00E-16-SWSW			1.8000		
							IR	22.00S-33.00E-20-NENE			27.5000		
							IR	22.00S-33.00E-20-SENE			34.2000		
							IR	22.00S-33.00E-20-NESE			39.4000		
<u>CERT:49304 OR *</u>	JOHN C/JOYCE A LAGLER		ROCK CREEK, HARNEY COUNTY	49304	12/31/1896	NC	IR	22.00S-33.00E-20-SESE			39.6000		
<u>CERT:49305 OR *</u>	JOHN C/JOYCE A LAGLER		ROCK CREEK, HARNEY COUNTY	49305	12/31/1887	NC	IR	22.00S-33.00E-21-NWNW			37.0000		
							IR	22.00S-33.00E-21-SWNW			20.9000		
							IR	22.00S-33.00E-21-NWSW			15.7000		
							IR	22.00S-33.00E-21-SWSW			2.0000		
<u>CERT:49306 OR *</u>	JOHN C/JOYCE A LAGLER		ROCK CREEK, HARNEY COUNTY	49306	12/31/1887	NC	IR	22.00S-33.00E-28-NWNW			2.4000		
							IR	22.00S-33.00E-28-SWNW			3.4000		
<u>CERT:67666 OR *</u>	JOHN C LAGLER			G-10206	G-9310	67666	3/11/1981	NC	IS	22.00S-33.00E-29-NESE		33.4000	
									IS	22.00S-33.00E-29-SWSE		29.2000	
									IS	22.00S-33.00E-32-SENE		16.7000	
									IS	22.00S-33.00E-32-SWNE		24.8000	
								3/11/1991	NC	IS	22.00S-33.00E-29-NWSE		11.3000
<u>CERT:67673 OR *</u>	JOHN C LAGLER			R-24221	R-7989	67673		NC	ST	22.00S-33.00E-16-SWSW			
<u>CERT:67683 OR *</u>	JOHN C LAGLER			R-61128	R-8305	67683	1/8/1981	NC	IS	22.00S-33.00E-16-SWSW			
<u>CERT:1818 OR *</u>	MARY E BOWER			S-3758	S-2123	1818	6/30/1914	NC	ID	22.00S-33.00E-32-SENE		40.0000	
									ID	22.00S-33.00E-32-SWNE		40.0000	
<u>CERT:67674 OR *</u>	JOHN C LAGLER			S-24227	S-44659	67674		NC	IR	22.00S-33.00E-20-NENE		2.1000	
									IR	22.00S-33.00E-20-SESE		0.3000	
									IR	22.00S-33.00E-21-NWSW		0.7000	

IR	22.00S-33.00E-21-SWSW		5.3000
IR	22.00S-33.00E-28-NWNW		1.5000
IR	22.00S-33.00E-28-NWNW		26.8000
IR	22.00S-33.00E-28-SENW		0.5000
IR	22.00S-33.00E-28-SWNW		32.8000
IR	22.00S-33.00E-28-NWSW		34.4000
IR	22.00S-33.00E-28-SWSW		27.6000
IR	22.00S-33.00E-29-NENE		37.2000
IR	22.00S-33.00E-29-NWNE		0.2000
IR	22.00S-33.00E-29-SENE		40.0000
IR	22.00S-33.00E-29-SWNE		0.9000
IR	22.00S-33.00E-29-NESE		40.0000
IR	22.00S-33.00E-29-NWSE		11.6000
IR	22.00S-33.00E-29-SWSE		29.2000
IR	22.00S-33.00E-32-NESE		34.0000
IR	22.00S-33.00E-32-NWSE		32.0000
IS	22.00S-33.00E-16-SWSW		0.2000
IS	22.00S-33.00E-20-NENE		27.5000
IS	22.00S-33.00E-20-SENE		30.0000
IS	22.00S-33.00E-20-NESE		38.4000
IS	22.00S-33.00E-20-SESE		39.6000
IS	22.00S-33.00E-21-NWNW		26.8000
IS	22.00S-33.00E-21-SWNW		19.6000
IS	22.00S-33.00E-21-NWSW		15.7000
IS	22.00S-33.00E-21-SWSW		2.0000
IS	22.00S-33.00E-28-SWNW		2.8000
IS	22.00S-33.00E-32-SENE		28.0000
IS	22.00S-33.00E-32-SWNE		36.8000
IS	22.00S-33.00E-16-SWSW		0.2000
IS	22.00S-33.00E-20-NENE		29.6000
IS	22.00S-33.00E-20-SENE		30.0000

CERT:67684 OR * JOHN C LAGLER

S-61129 S-46002 67684 1/8/1981 NC

IS	22.00S-33.00E-20-NESE		38.4000
IS	22.00S-33.00E-20-SESE		39.9000
IS	22.00S-33.00E-21-NWNW		26.8000
IS	22.00S-33.00E-21-SWNW		19.6000
IS	22.00S-33.00E-21-NWSW		16.4000
IS	22.00S-33.00E-21-SWSW		7.3000
IS	22.00S-33.00E-28-NWNW		28.3000
IS	22.00S-33.00E-28-SENW		0.5000
IS	22.00S-33.00E-28-SWNW		35.6000
IS	22.00S-33.00E-28-NWSW		34.4000
IS	22.00S-33.00E-28-SWSW		27.6000
IS	22.00S-33.00E-29-NENE		37.2000
IS	22.00S-33.00E-29-NWNE		0.2000
IS	22.00S-33.00E-29-SENE		40.0000
IS	22.00S-33.00E-29-SWNE		0.9000
IS	22.00S-33.00E-29-NESE		40.0000
IS	22.00S-33.00E-29-NWSE		11.6000
IS	22.00S-33.00E-29-SWSE		29.2000
IS	22.00S-33.00E-32-SENE		28.0000
IS	22.00S-33.00E-32-SWNE		36.8000
IS	22.00S-33.00E-32-NESE		34.0000
IS	22.00S-33.00E-32-NWSE		32.0000

STATE OF OREGON

COUNTY OF Harney

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Harney Valley Improvement Company, Inc.

of Burns, State of Oregon, has a right to the use of
the waters of Cow Creek for Tract No. 1, and Waste water from lands to west for
Tract No. 2
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Harney County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 14, at page 424; that the priority of the right thereby
confirmed dates from 1884.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of a cubic
foot per second per acre up to April 20 of each year and shall not exceed one-
sixtieth of a cubic foot per second per acre for the balance of the year; provided,
that the total quantity diverted shall not exceed three acre feet per acre in any
one year.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
if for other purposes; the place where such water is put to beneficial use), is as follows:

TRACT NO. 1

29.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
14.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
27.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
10.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
10.1 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
35.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35,

T. 22 S., R. 32 $\frac{1}{2}$ E., W.M.TRACT NO. 2

6.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
25.0 acres in Lot 3
34.6 acres in Lot 4
24.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 31,

T. 22 S., R. 33 E., W.M.

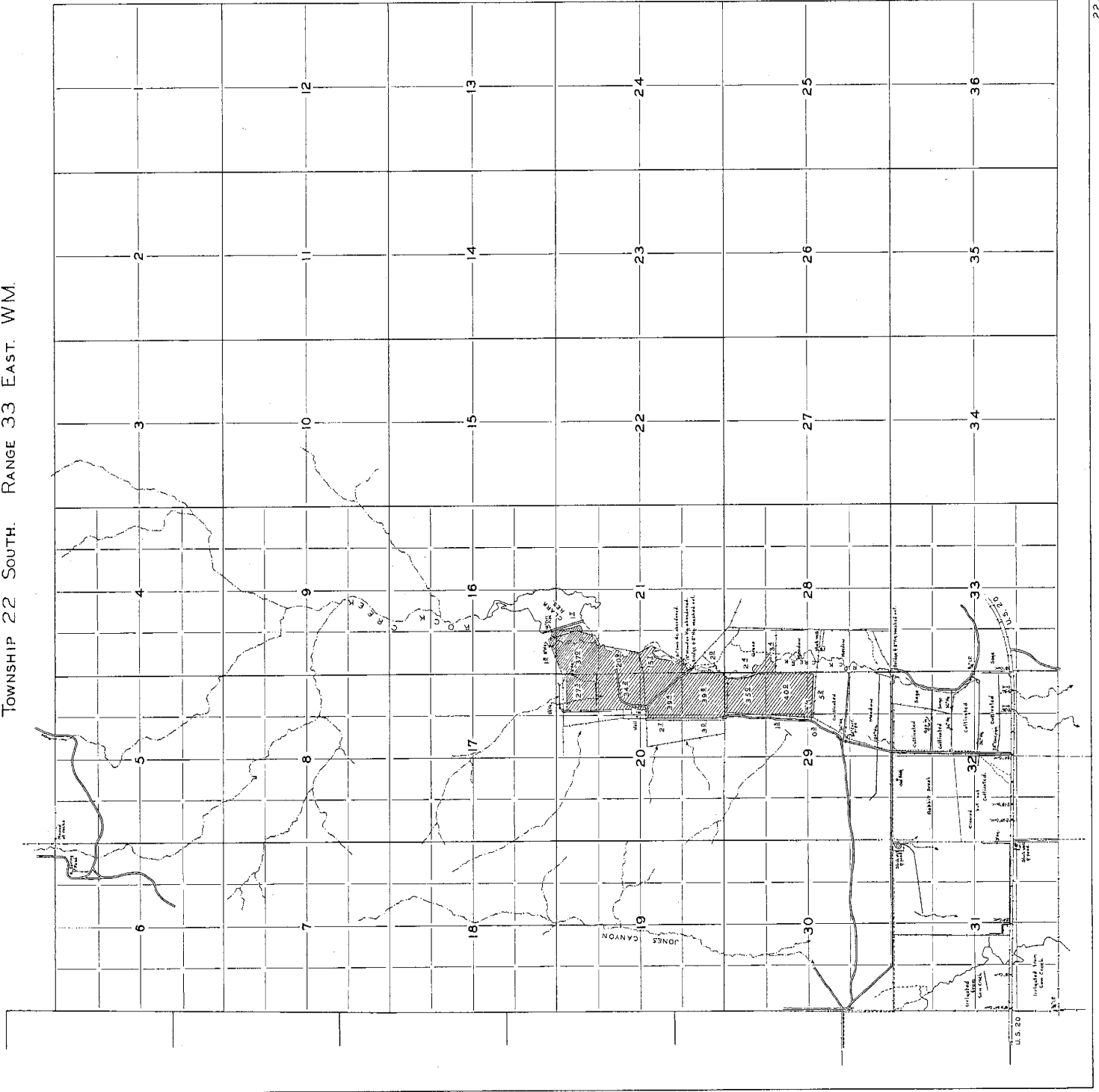
And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

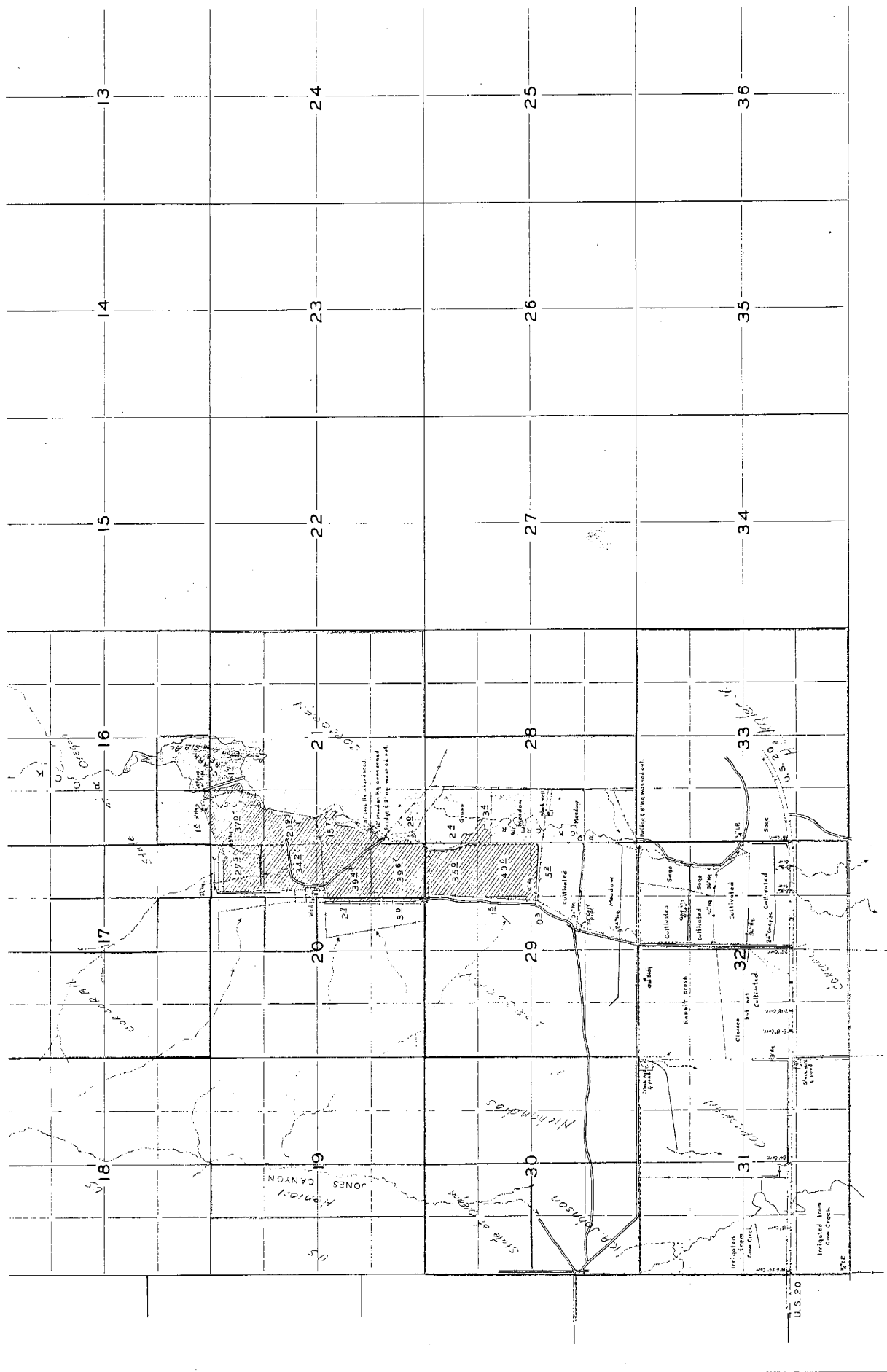
WITNESS the signature of the State Engineer, affixed

this 28th day of October, 1948.

State Engineer

TOWNSHIP 22 SOUTH. RANGE 33 EAST. WM.





DIVISION 512 MALHEUR LAKE BASIN PROGRAM PROVISION

690-512-0040 Water Availability

(1) Except as provided in section (3) of this rule, the Department shall not accept an application for permit, or issue a permit, for any use of surface water, or of groundwater the use of which has the potential to substantially interfere with surface water, in the Malheur Lake Basin unless the applicant shows, by a preponderance of evidence, that unappropriated water is available to supply the proposed use at the times and in the amounts requested. The evidence provided shall be prepared by a qualified hydrologist or other water resources specialist and shall include:

(a) Streamflow measurements of gage records from the source or, for use of groundwater, the stream in hydraulic connection with the source; or

(b) An estimate of water availability from the source or, for use of groundwater, the stream in hydraulic connection with the source which includes correlations with streamflow measurements or gage records on other, similar streams and considers current demands for water affecting the streamflows.

(2) The criteria used in determining if the use of groundwater has the potential to substantially interfere with surface water shall be those established in OAR chapter 690, division 9.

(3) This rule shall not apply to issuance of:

(a) Instream water rights;

(b) Permits for storage of water between March 1 and May 31; or

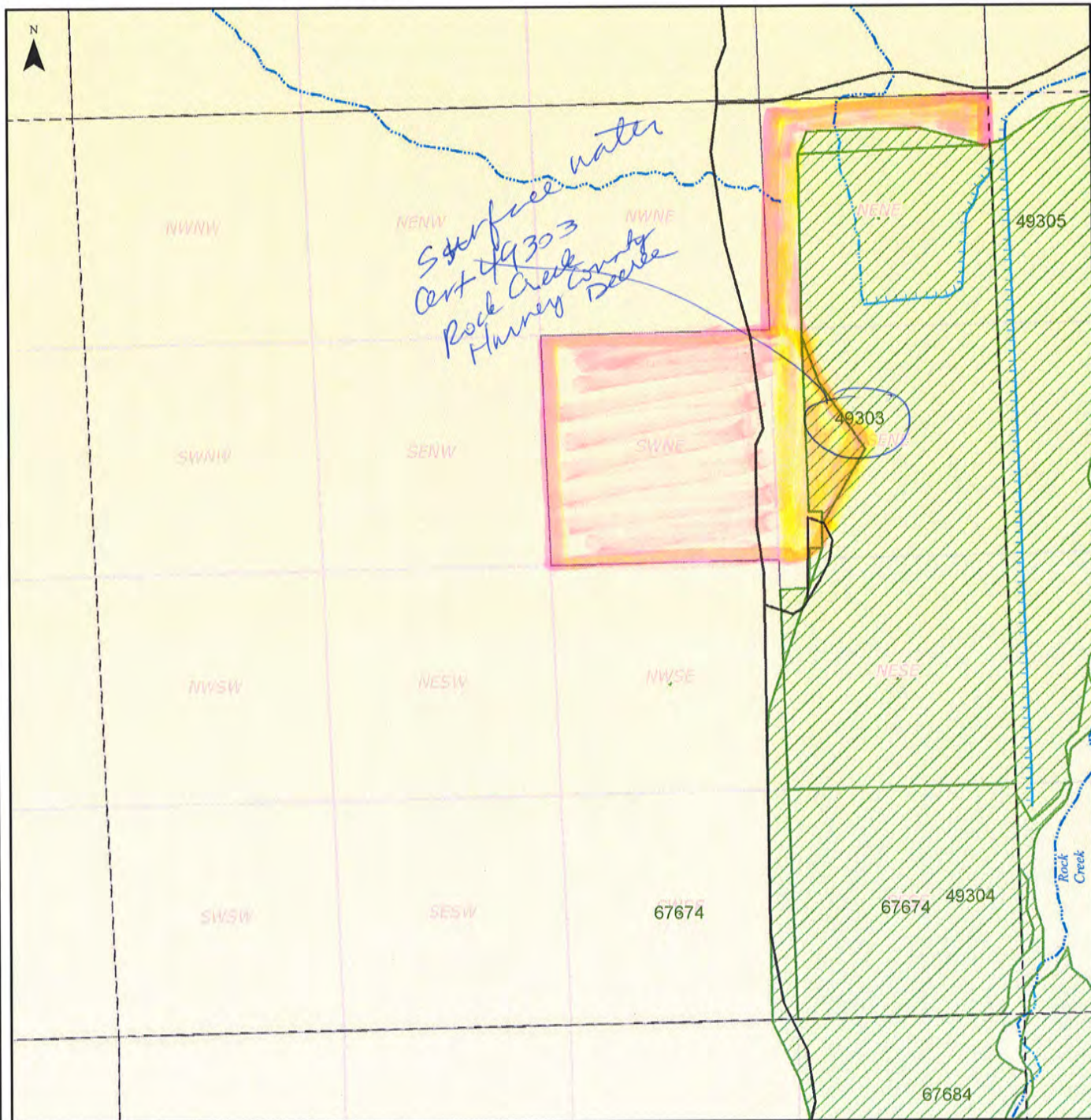
(c) Permits for use of water legally stored.

(d) Permits for Multipurpose Storage under OAR 690-512-0100.



Oregon Water Resources Department
Water Rights by Type

22 S 33 E 20
Map Date: July 3, 2012



0 1,000 Feet

Legend

Points of Diversion Places of Use

● 75030

● 24883

● 24883

75030

24883

24883

Storage water

Surface water

Ground water

◆ Water Rights - Outline to be determined. (Applies to all colors)

Water right labels indicate certificate number or permit letter(s) and number. Municipality uses excluded.

Index Map



For more information:
<http://www.wrd.state.or.us>
and
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

This map is for informal purposes only.
It is not intended for legal, engineering or
surveying purposes.

require the installation of suitable head-gates or measuring devices, such owner or owners shall construct and maintain such suitable head-gates or measuring devices as may be necessary to assist the watermaster to determine the quantity of water that is to be diverted into said ditch, pipeline or other means of conveyance, from the spring, stream or other source of supply.

If the owner or owners shall refuse or neglect to install such head-gates or measuring devices after ten days written notice, the watermaster may close and post such ditch, pump, pipeline or other means of conveyance and the same shall not be opened or any water diverted from the source of supply under the penalties prescribed by law for the illegal opening of head-gates lawfully closed, until the requirements of the watermaster as to such head-gates or measuring devices have been complied with.

-38-

IRRIGATION SEASON

The irrigation season for Rock Creek and its tributaries hereby is fixed as commencing on March 1 and ending September 1, of each year; provided, however, that as irrigation depends upon climatic conditions and changes in the season, the season hereby fixed shall not prevent water users awarded a right herein to use the water of Rock Creek and its tributaries for the purpose of irrigation according to their relative rights of priority, and its quantities as fixed herein, at other times when such will be a beneficial use to the crop grown when the ground is not frozen and the same can be used without needless waste.

-39-

PLACE OF MEASUREMENT

The place of measurement of the water to which any appropriator of the waters of Rock Creek and its tributaries is entitled, whether such appropriation was determined in this proceeding, or was initiated by the filing of an application with the State Engineer, hereby is fixed to be at the point of diversion from the stream or source of supply.

-40-

RIGHTS APPURTENANT TO LAND

The rights to the use of the waters of Rock Creek and its tributaries for irrigation purposes, as herein confirmed, are appurtenant to the lands herein described in connection with such rights, and are limited and confined to the irrigation of the lands described herein, and the priorities of rights confirmed confer no right to the use of the waters of said stream and

BEFORE THE STATE ENGINEER OF OREGON

Harney County

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS TO THE USE)
OF THE WATERS OF ROCK CREEK AND ITS)
TRIBUTARIES, HARNEY COUNTY)

FINDINGS OF FACT
AND
ORDER OF DETERMINATION

Now at this time the above-entitled matter coming on for consideration by the State Engineer, and it appearing that all evidence and testimony have been taken in the above-entitled proceeding, and the State Engineer having carefully considered all such evidence and testimony and the engineering data and information gathered in accordance with law, and being fully advised in the premises, makes and orders to be entered of record in his office the following:

FINDINGS OF FACT AND ORDER OF DETERMINATION

-1-

The several unnamed tributaries forming the headwaters of Rock Creek rise within the southwest portion of Township 21 South, Range 33 East, W.M., in the lower elevations of the mountains forming the divide between the headwaters of the Malheur River and Silvies River.

These several channels bear in a general southerly direction to consolidate into one main channel within Section 9, Township 22 South, Range 33 East, W.M., designated as Rock Creek. From the consolidation of the several channels into the main channel of Rock Creek, the stream flows through one channel in a southerly direction to the approximate east quarter corner of Section 32, same township and range, where the channel flattens out at the edge of a cultivated field and the water spreads for a considerable distance toward the west.

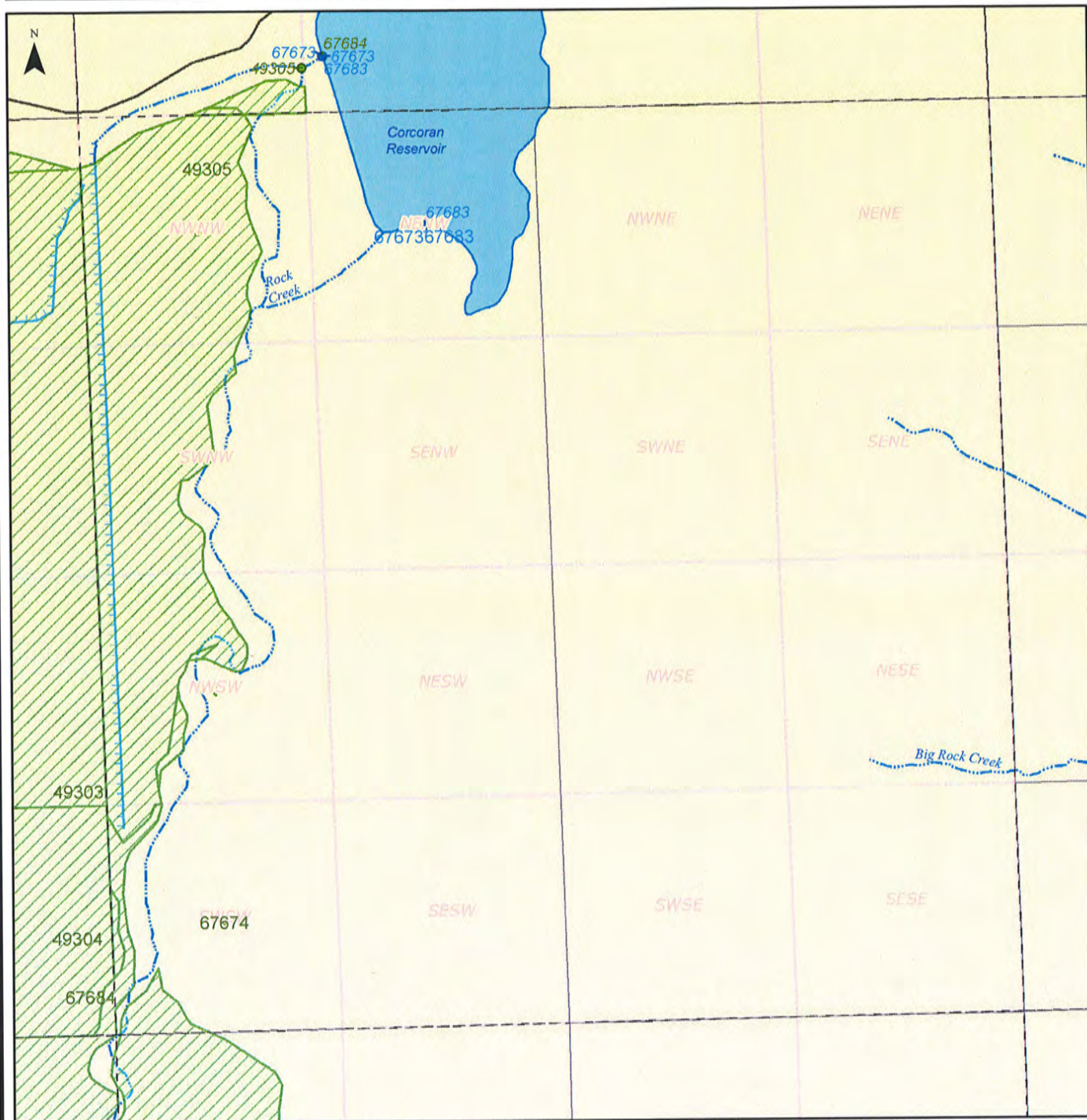
The borrow pit along the north side of U. S. Highway No. 20 (Burns-Vale Highway) collects the water and it is then conducted into the borrow pit along the south side of said highway through eight culverts within Section 32, Township 22 South, Range 33 East, W.M.

From the borrow pit along the south side of the highway, the water flows south through two natural channels within the S½ SE¼ of said Section 32, and an old irrigation ditch constructed about the year 1913, in connection with Permit No. 1515 issued by the State Engineer to a Mr. Chas. Books, for the irrigation of Lands in the NW¼, Section 8, Township 23 South, Range 33 East, W.M. Said ditch is located along the north-south center line through Section 32, Township 22 South, Range 33 East, W.M., and Sections 5 and 8, Township 23 South, Range 33 East, W.M.



Oregon Water Resources Department Water Rights by Type

22 S 33 E 21
Map Date: July 3, 2012



0 1,000 Feet

Legend

Index Map

For more information:
<http://www.wrd.state.or.us>
and
<http://apps2.wrd.state.or.us/apps/wrr/wrinfo/>

This map is for informal purposes only.
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surveying purposes.

Points of Diversion Places of Use

● 75030

● 24883

● 24883

75030

24883

24883

Storage water

Surface water

Ground water

◇ Water Rights - Outline to be
determined. (Applies to all colors)

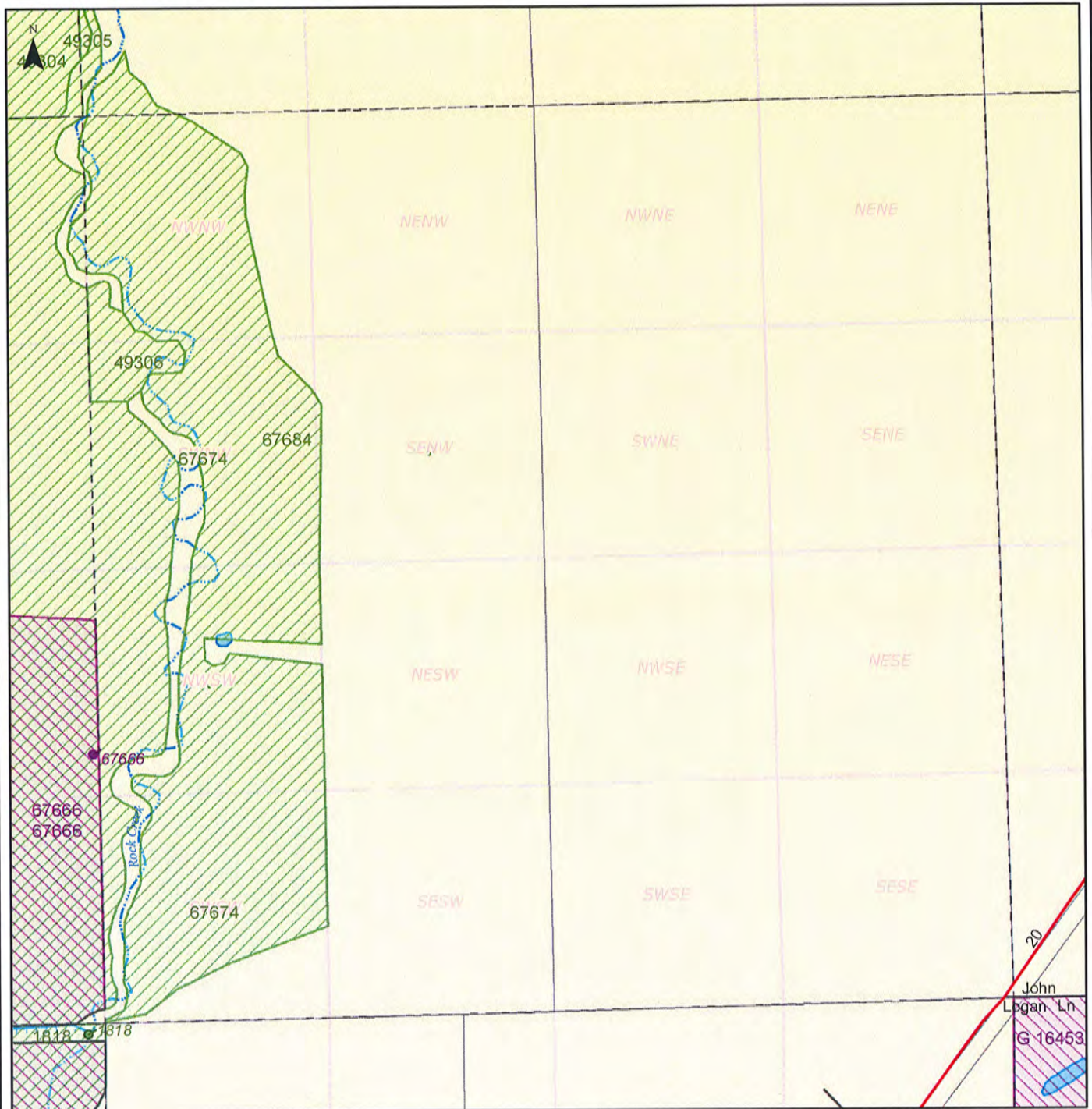
Water right labels indicate certificate
number or permit letter(s) and number.
Municipal uses excluded.





Oregon Water Resources Department Water Rights by Type

22 S 33 E 28
Map Date: July 3, 2012



0 1,000 Feet

For more information:
<http://www.wrd.state.or.us>
and
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

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Legend

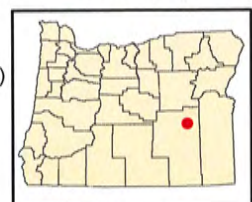
- Points of Diversion
- 75030
 - 24883
 - 24883

- Places of Use
- 75030 Storage water
 - 24883 Surface water
 - 24883 Ground water

Water Rights - Outline to be
determined. (Applies to all colors)

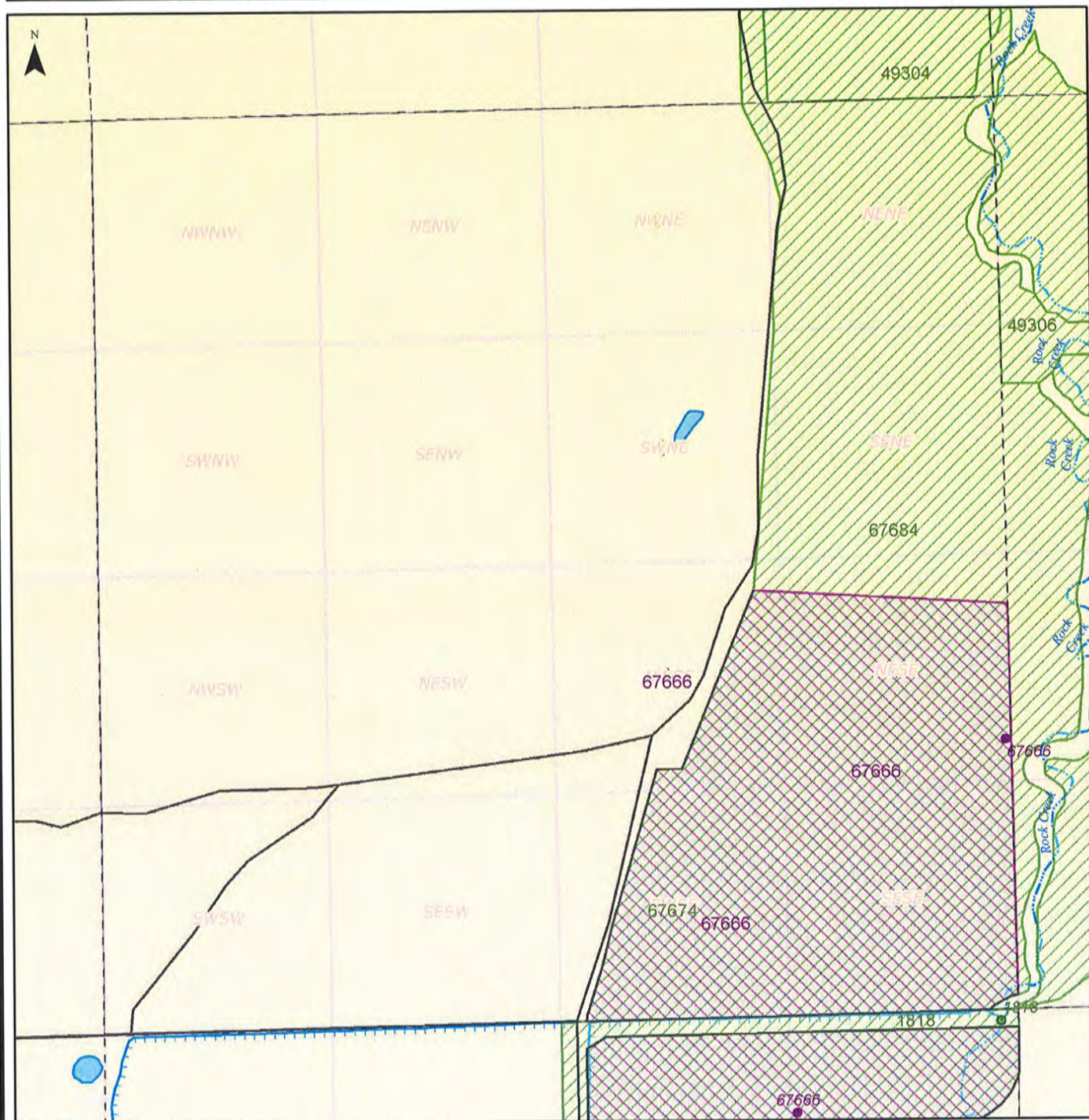
Water right labels indicate certificate
number or permit letter(s) and number.
Municipal uses excluded.

Index Map





22 S 33 E 29
Map Date: July 3, 2012



0 1,000 Feet

For more information:
<http://www.wrd.state.or.us>
 and
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

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Legend

Points of Diversion Places of Use

- 75030
- 24883
- 24883

- | | |
|-------|---------------|
| 75030 | Storage water |
| 24883 | Surface water |
| 24883 | Ground water |

- Water Rights - Outline to be determined. (Applies to all colors)
- Water right labels indicate certificate number or permit letter(s) and number. Municipality uses excluded.

Index Map





Oregon Water Resources Department Water Rights by Type

22 S 33 E 30
Map Date: July 3, 2012



0 1,000 Feet

Legend

Points of Diversion Places of Use

● 75030

● 24883

● 24883

75030

24883

24883

Storage water

Surface water

Ground water

◇ Water Rights - Outline to be determined. (Applies to all colors)

Water right labels indicate certificate number or permit letter(s) and number. Municipality uses excluded.

Index Map



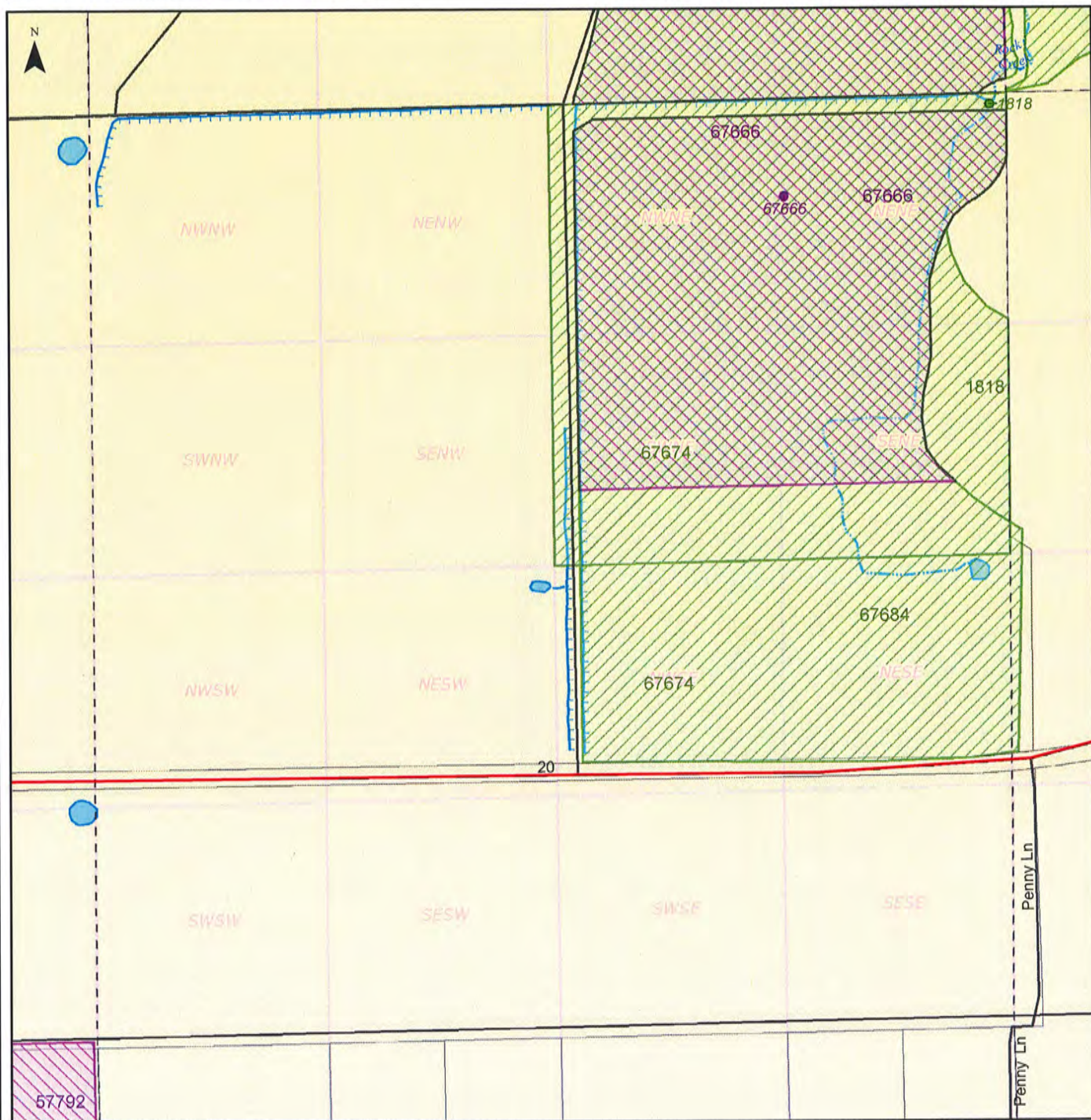
For more information:
<http://www.wrd.state.or.us>
and
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

This map is for informal purposes only.
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Oregon Water Resources Department
Water Rights by Type

22 S 33 E 32
Map Date: July 3, 2012



0 1,000 Feet

Legend

Points of Diversion Places of Use

● 75030

● 24883

● 24883

75030

24883

24883

Storage water

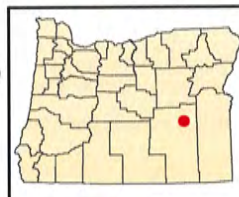
Surface water

Ground water

◇ Water Rights - Outline to be determined. (Applies to all colors)

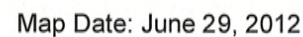
Water right labels indicate certificate number or permit letter(s) and number. Municipality uses excluded.

Index Map



For more information:
<http://www.wrd.state.or.us>
and
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

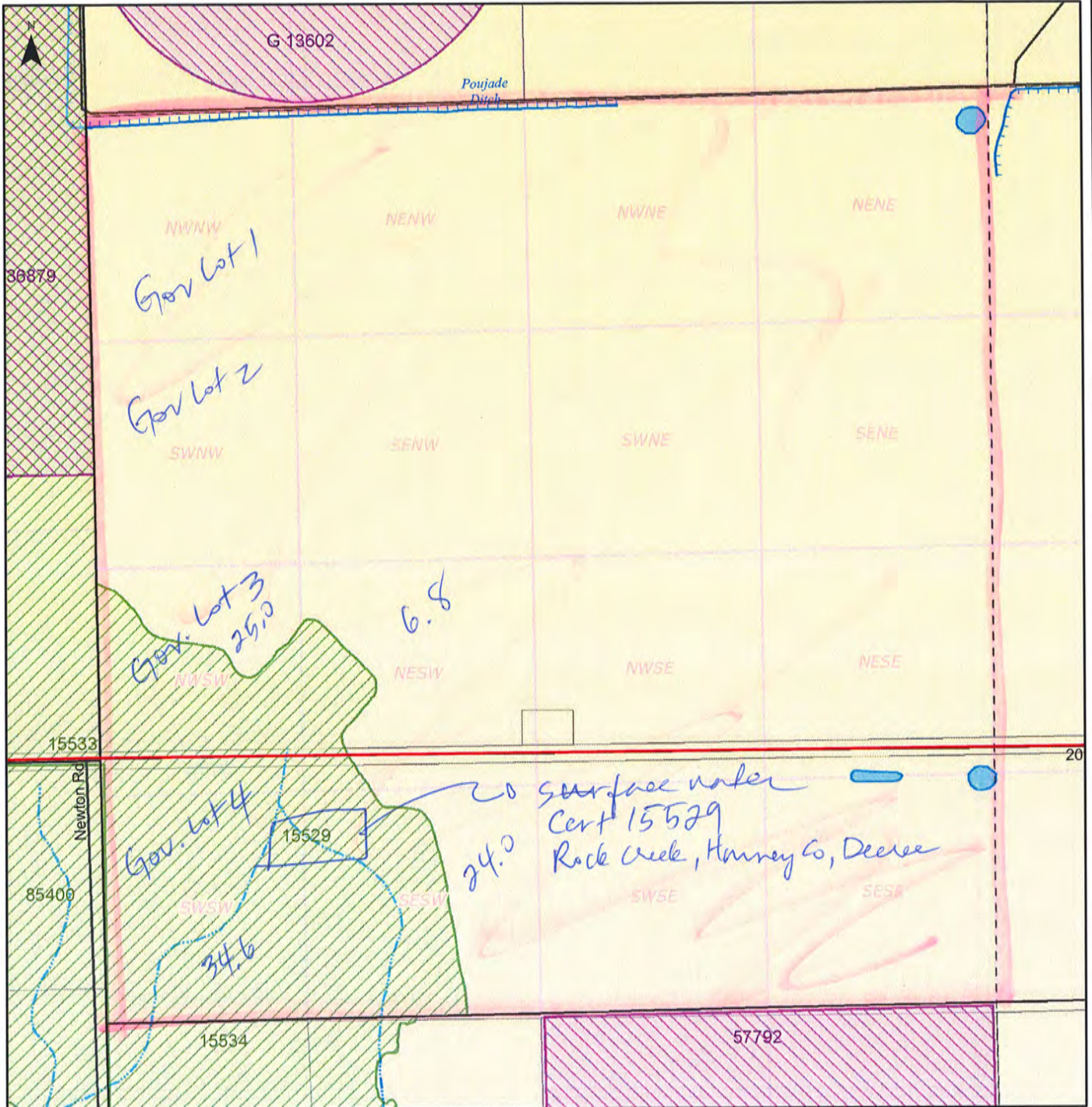
This map is for informal purposes only.
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Oregon Water Resources Department
Water Rights by Type

22 S 33 E 31
Map Date: July 3, 2012



0 1,000 Feet

Legend

Index Map

For more information:
<http://www.wrd.state.or.us>
and
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

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Points of Diversion

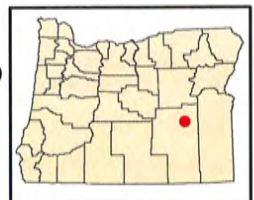
- 75030
- 24883
- 24883

Places of Use

- 75030 Storage water
- 24883 Surface water
- 24883 Ground water

◆ Water Rights - Outline to be
determined. (Applies to all colors)

Water right labels indicate certificate
number or permit letter(s) and number.
Municipal uses excluded.





Map Date: June 29, 2012



This map is for informal purposes only.
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surveying purposes.

		Municipal
		Domestic
		Commercial
		Power
		Mining

◆ Water Rights - Outline to be determined. (Applies to all colors)

POD	POU	
		Instream
		Wildlife
		Fish
		Recreation



Oregon Water Resources Department
725 Summer Street NE
Salem, OR 97301
(503)986-0900

Report Date: 7/6/2012

Water Right Report for Section WM22.00S33.00E31

Legend

Type: (GW) = Ground Water; (ST) = Storage Water; (SW) = Surface Water

Use: (P) = Primary; (S) = Supplemental

Volume Acre Feet(af): (e) = estimated

Acreage: 12.25 Regular acreage ~~42.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Points of Diversions (POD)

There are no PODs in this section or they have not been mapped. To check for updates, visit the online Water Rights Platcard Report at http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx

Places of Use (POU)

Water Right	Name	Type	QQ	Priority Date	Use	Acres by Use	DLC	Govt Lot
Cert:15529 OR * IR	HARNEY VALLEY IMPROVEMENT CO.	SW		12/31/1884	IRRIGATION (P)	25.000		3
Cert:15529 OR * IR	HARNEY VALLEY IMPROVEMENT CO.	SW		12/31/1884	IRRIGATION (P)	34.600		4
Cert:15529 OR * IR	HARNEY VALLEY IMPROVEMENT CO.	SW	NESW	12/31/1884	IRRIGATION (P)	6.800		
Cert:15529 OR * IR	HARNEY VALLEY IMPROVEMENT CO.	SW	SESW	12/31/1884	IRRIGATION (P)	24.000		

Disclaimer: The information reflected in this report is derived by interpretations of paper records. Please refer to the actual water rights records for the details on any water right. Care was taken in the creation of the data but it is provided "as is". The Water Resources Department cannot accept any responsibility for errors, omission, or accuracy of the information. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this information. However, notification of any errors would be appreciated. For more information: <http://www.wrd.state.or.us/OWRD/WR/wris.shtml>

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

This superseding permit is issued to describe an amendment for a point of appropriation proposed under Permit Amendment Application T-11863 and approved by Special Order Vol. 93, Page 1105, entered JAN 15, 2015. This permit supersedes Permit G-17037.

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

APPLICATION FILE NUMBER: G-17562

SOURCE OF WATER: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 16 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 2416.0 ACRES; SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

MAXIMUM RATE: 20.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 6.39 CFS FOR SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

PERIOD OF USE: SEE TABLES BELOW

DATE OF PRIORITY: JUNE 11, 2012

WELL LOCATIONS:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 3	22 S	33 E	WM	29	NE NE	4150 FEET NORTH AND 640 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 4	22 S	33 E	WM	20	NE SE	6940 FEET NORTH AND 680 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 5	22 S	33 E	WM	20	NE NE	9560 FEET NORTH AND 620 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 6	22 S	33 E	WM	30	SW NE	3900 FEET NORTH AND 6700 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 7	22 S	33 E	WM	30	NW SE	1420 FEET NORTH AND 6720 FEET WEST FROM THE SE CORNER OF SECTION 29

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 8	22 S	33 E	WM	29	NW SW	1420 FEET NORTH AND 4050 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 9	22 S	33 E	WM	31	SW NE	1920 FEET SOUTH AND 7850 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 10	22 S	33 E	WM	32	SW NW	1950 FEET SOUTH AND 5180 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 11	22 S	33 E	WM	32	SE NW	1960 FEET SOUTH AND 2760 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 12	22 S	33 E	WM	31	NW SE	3940 FEET SOUTH AND 7800 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 13	22 S	33 E	WM	32	NW SW	3940 FEET SOUTH AND 5160 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 14	22 S	33 E	WM	32	NW SE	3940 FEET SOUTH AND 2480 FEET WEST FROM THE SE CORNER OF SECTION 29
Well 16	22 S	33 E	WM	28	SE SE	148 FEET NORTH AND 73 FEET WEST FROM THE SE CORNER OF 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:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Irrigation Season
22 S	33 E	WM	20	NE NE	10.4	3/1 through 10/31
22 S	33 E	WM	20	NE NE	29.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	20	SW NE	40.0	3/1 through 10/31
22 S	33 E	WM	20	SE NE	5.8	3/1 through 10/31
22 S	33 E	WM	20	SE NE	34.2	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	20	NE SE	38.4	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	20	NE SE	1.6	3/1 through 10/31
22 S	33 E	WM	20	SE SE	39.9	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	21	NW NW	26.8	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	21	SW NW	19.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	21	NW SW	16.4	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	21	SW SW	7.3	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	NE NW	40.0	3/1 through 10/31
22 S	33 E	WM	28	NW NW	11.0	3/1 through 10/31
22 S	33 E	WM	28	NW NW	28.3	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	SW NW	35.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	SW NW	0.6	3/1 through 10/31
22 S	33 E	WM	28	SE NW	40.0	3/1 through 10/31
22 S	33 E	WM	28	NE SW	40.0	3/1 through 10/31
22 S	33 E	WM	28	NW SW	34.4	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	SW SW	27.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	28	SW SW	10.0	3/1 through 10/31
22 S	33 E	WM	28	SE SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	NE NE	0.7	3/1 through 10/31

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Irrigation Season
22 S	33 E	WM	29	NE NE	37.2	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	NW NE	40.0	3/1 through 10/31
22 S	33 E	WM	29	SW NE	39.1	3/1 through 10/31
22 S	33 E	WM	29	SW NE	0.9	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	SE NE	40.0	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	NE NW	9.0	3/1 through 10/31
22 S	33 E	WM	29	SW NW	38.0	3/1 through 10/31
22 S	33 E	WM	29	SE NW	39.4	3/1 through 10/31
22 S	33 E	WM	29	NE SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	NW SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	SW SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	SE SW	40.0	3/1 through 10/31
22 S	33 E	WM	29	NE SE	6.6	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	NW SE	0.3	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	29	NW SE	28.0	3/1 through 10/31
22 S	33 E	WM	29	SW SE	10.8	3/1 through 10/31
22 S	33 E	WM	30	NE NE	0.4	3/1 through 10/31
22 S	33 E	WM	30	NW NE	25.7	3/1 through 10/31
22 S	33 E	WM	30	SW NE	40.0	3/1 through 10/31
22 S	33 E	WM	30	SE NE	38.2	3/1 through 10/31
22 S	33 E	WM	30	NE SE	40.0	3/1 through 10/31
22 S	33 E	WM	30	NW SE	40.0	3/1 through 10/31
22 S	33 E	WM	30	SW SE	40.0	3/1 through 10/31
22 S	33 E	WM	30	SE SE	40.0	3/1 through 10/31
22 S	33 E	WM	31	NE NE	40.0	3/1 through 10/31
22 S	33 E	WM	31	NW NE	40.0	3/1 through 10/31
22 S	33 E	WM	31	SW NE	40.0	3/1 through 10/31
22 S	33 E	WM	31	SE NE	40.0	3/1 through 10/31
22 S	33 E	WM	31	NE NW	40.0	3/1 through 10/31
22 S	33 E	WM	31	NW NW	40.0	3/1 through 10/31
22 S	33 E	WM	31	SW NW	40.0	3/1 through 10/31
22 S	33 E	WM	31	SE NW	40.0	3/1 through 10/31
22 S	33 E	WM	31	NE SW	38.0	3/1 through 10/31
22 S	33 E	WM	31	NW SW	38.0	3/1 through 10/31
22 S	33 E	WM	31	SW SW	40.0	3/1 through 10/31
22 S	33 E	WM	31	SE SW	40.0	3/1 through 10/31
22 S	33 E	WM	31	NE SE	38.0	3/1 through 10/31
22 S	33 E	WM	31	NW SE	38.0	3/1 through 10/31
22 S	33 E	WM	31	SW SE	40.0	3/1 through 10/31
22 S	33 E	WM	31	SE SE	40.0	3/1 through 10/31
22 S	33 E	WM	32	SW NE	11.0	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	32	SE NE	11.2	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	32	NE NW	40.0	3/1 through 10/31
22 S	33 E	WM	32	NW NW	40.0	3/1 through 10/31
22 S	33 E	WM	32	SW NW	40.0	3/1 through 10/31
22 S	33 E	WM	32	SE NW	40.0	3/1 through 10/31
22 S	33 E	WM	32	NE SW	38.0	3/1 through 10/31
22 S	33 E	WM	32	NW SW	38.0	3/1 through 10/31
22 S	33 E	WM	32	SW SW	40.0	3/1 through 10/31

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Irrigation Season
22 S	33 E	WM	32	SE SW	40.0	3/1 through 10/31
22 S	33 E	WM	32	NE SE	4.0	3/1 through 10/31
22 S	33 E	WM	32	NE SE	34.0	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	32	NW SE	32.0	3/1 through 3/31 and 10/2 through 10/31
22 S	33 E	WM	32	NW SE	4.0	3/1 through 10/31
22 S	33 E	WM	32	SW SE	40.0	3/1 through 10/31
22 S	33 E	WM	32	SE SE	40.0	3/1 through 10/31

SUPPLEMENTAL IRRIGATION					
(Irrigation Season 4/1 through 10/1)					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	33 E	WM	20	NE NE	29.6
22 S	33 E	WM	20	SE NE	34.2
22 S	33 E	WM	20	NE SE	38.4
22 S	33 E	WM	20	SE SE	39.9
22 S	33 E	WM	21	NW NW	26.8
22 S	33 E	WM	21	SW NW	19.6
22 S	33 E	WM	21	NW SW	16.4
22 S	33 E	WM	21	SW SW	7.3
22 S	33 E	WM	28	NW NW	28.3
22 S	33 E	WM	28	SW NW	35.6
22 S	33 E	WM	28	NW SW	34.4
22 S	33 E	WM	28	SW SW	27.6
22 S	33 E	WM	29	NE NE	37.2
22 S	33 E	WM	29	SW NE	0.9
22 S	33 E	WM	29	SE NE	40.0
22 S	33 E	WM	29	NE SE	6.6
22 S	33 E	WM	29	NW SE	0.3
22 S	33 E	WM	32	SW NE	11.0
22 S	33 E	WM	32	SE NE	11.2
22 S	33 E	WM	32	NE SE	34.0
22 S	33 E	WM	32	NW SE	32.0

Permit Amendment T-11863 Conditions

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on the permit, then use of water from the wells 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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

Existing Permit Conditions

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

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

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from shallower water-bearing zones. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydro-geologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The

request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The observation well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The observation well shall be constructed at a location approved by the Department prior to construction. The landowner or permittee shall provide Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any other purpose while the Department is monitoring water levels. The observation well shall be completed prior to any groundwater use under the terms of any groundwater permit issued. The Department may consider the use of an existing well that meets all the criteria described above.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube: Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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 well(s) 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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.

Completion of construction and application of the water shall be made by May 2, 2018. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued JAN 15, 2015


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

Kerry Kavanagh

From: Ivan Gall
Sent: Friday, January 04, 2013 11:10 AM
To: Mike Zwart; Kerry Kavanagh
Subject: RE: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

Kerry, we are open to the idea of using an existing well, but as Mike noted, there likely is not one available, particularly in a suitable location and of suitable construction.

That being said, the addition of your sentence below is fine. Please make sure the applicant understands that the observation well must be installed prior to any groundwater use under the permit. Since we are modifying the condition I have made some additional small changes for clarification immediately below. Please let me know if you have any questions.

Thanks - ikg

The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The observation well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The observation well shall be constructed at a location approved by the Department prior to construction. The landowner or permittee shall provide Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any other purpose while the Department is monitoring water levels. The observation well shall be completed prior to any groundwater use under the terms of any groundwater permit issued. The Department may consider the use of an existing well that meets all the criteria described above.

Ivan Gall - Manager
Groundwater Section
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
503.986.0847 503.986.0902 FAX
ivan.k.gall@wrdd.state.or.us

From: Mike Zwart
Sent: Friday, January 04, 2013 10:31 AM
To: Ivan Gall
Subject: FW: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

Ivan,

See below regarding a proposed addition to our condition requiring a monitoring well for G-17582. I thought I cc'd you when I was here Tuesday.

Mike

From: Mike Zwart
Sent: Tuesday, January 01, 2013 9:13 AM

To: Kerry Kavanagh

Subject: RE: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

Kerry,

I know we talked about this. I would prefer not to modify the condition. I would prefer to have the applicant/agent propose an existing well that might be used prior to permit issuance. Then I could modify the language to include that well log ID. However, I do not believe that there is an existing well that meets the permit condition (I reviewed all local well logs). However, your suggested language would likely work, but I believe that Ivan should see it before approval.

Mike

From: Kerry Kavanagh

Sent: Thursday, December 27, 2012 3:28 PM

To: Mike Zwart

Cc: KAVANAGH Kerry L (Kerry.L.Kavanagh@state.or.us)

Subject: App G-17562 Bo Thorenfeldt -- Steve Applegate is the agent -- use of existing well as observation well

Hi Mike,

As you may recall, we discussed the possibility of the applicant utilizing an existing well to serve as an observation well. My recollection from our conversation is that you thought an existing well may be a possibility -- but the well would need to be reviewed by the GW Section to ensure that all criteria would be met.

I spoke to Steve Applegate this morning -- the applicant is not ready to present a specific existing well at this time, but Steve explained that he would like the PFO to contain language allowing the Department to consider a suitable existing well rather than the requirement to drill a new well.

Here is the condition as recommended in your 7-11-12 Public Interest Review:

"The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued."

If I remember the outcome of our conversation correctly and you do indeed believe that an existing well may be suitable as an observation well under this application, could a sentence be added to the end of the condition - something like this? *The Department may consider the use of an existing well that meets all the criteria described above.*

If this would not be sufficient, please edit the condition -- if you do indeed view the use of an existing well as a viable option.

The IR and gw review may be viewed at this

link: http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_folder_image.aspx?snp_id=174296

Thanks for your help Mike! I really appreciate your patience.

RE: observation well condition
see 1-4-13 email from
Ivan Gall

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date July 11, 2012

FROM: Ground Water/Hydrology Section Michael Zwart
Reviewer's Name

SUBJECT: Application G- 17562 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: Bo Thorenfeldt County: Harney

A1. Applicant(s) seek(s) 20.0 cfs from 13 well(s) in the Malheur Lake Basin,
Harney Valley subbasin Quad Map: Carson Point / Buchanan

A2. Proposed use: Irrigation, 2416.2 acres Seasonality: March 1 to 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	Proposed	3	Volcanic Seds.	1.54	22S/33E-29 NE-NE	4150' N, 640' W fr SE cor S 29
2	Proposed	4	Volcanic Seds.	1.54	22S/33E-20 NE-SE	6940' N, 680' W fr SE cor S 29
3	Proposed	5	Volcanic Seds.	1.54	22S/33E-20 NE-NE	9560' N, 620' W fr SE cor S 29
4	Proposed	6	Volcanic Seds.	1.54	22S/33E-30 SW-NE	3900' N, 6700' W fr SE cor S 29
5	Proposed	7	Volcanic Seds.	1.54	22S/33E-30 NW-SE	1420' N, 6720' W fr SE cor S 29
6	Proposed	8	Volcanic Seds.	1.54	22S/33E-29 NW-SW	1420' N, 4050' W fr SE cor S 29
7	Proposed	9	Volcanic Seds.	1.54	22S/33E-31 SW-NE	1920' S, 7850' W fr SE cor S 29
8	Proposed	10	Volcanic Seds.	1.54	22S/33E-32 SW-NE	1950' S, 5180' W fr SE cor S 29
9	Proposed	11	Volcanic Seds.	1.54	22S/33E-32 SE-NW	1960' S, 2760' W fr SE cor S 29
10	Proposed	12	Volcanic Seds.	1.54	22S/33E-31 NW-SE	3940' S, 7800' W fr SE cor S 29
11	Proposed	13	Volcanic Seds.	1.54	22S/33E-32 NW-SW	3940' S, 5160' W fr SE cor S 29
12	Proposed	14	Volcanic Seds.	1.54	22S/33E-32 NW-SE	3940' S, 2480' W fr SE cor S 29
13	Proposed	15	Volcanic Seds.	1.54	22S/33E-28 SE-NW	2740' N, 1980' E fr SE cor S 29

* 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
All	*	?	?		4-800	100+	100-150	?	?			

Use data from application for proposed wells.

A4. Comments: *Estimated elevations for wells 1-13, respectively, are: 4158, 4165, 4183, 4300, 4138, 4148, 4134, 4134, 4136, 4133, 4134 & 4160 feet above mean sea level.

A5. ☒ **Provisions of the Malheur Lake** 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: _____

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) 7N, 7K (100 feet, shallower water-bearing zones), 7T.;
 - 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: Region Manager Ivan Gall recommends use of Condition 7N in this basin. Condition 7K is recommended to ensure that the applicant does not develop shallow hydraulically connected groundwater, as was proposed in the application. There are no nearby wells with long-term water-level records. Nearby well HARN 51275 has been measured only twice as part of a permit condition. Therefore, there is not a sufficient record to comment about the stability of groundwater levels in the area.

Special Permit Condition: The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.

see
1-4-13
from Gall
email for
modifications
to this permit
condition

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
All	Tuffaceous sedimentary rocks and sediments (Tvs of GW Report 16)	☒	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: Locally, the aquifer may be confined to semiconfined, but regionally it is unconfined and discharges to Malheur Lake.

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
All	1	Rock Creek	4122±	varies	varies	☐	☒	☐	☐	☒
All	2	Jones Canyon	4122±	varies	varies	☐	☒	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: These creeks are intermittent and likely contain water only in very wet years. Groundwater likely provides negligible baseflow to these creeks.

Water Availability Basin the well(s) are located within: Malheur Sl. > Malheur Lake ab Ninemile Sl. (31200107).

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?
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
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		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

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: **This section does not apply.**

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.

[illegible]

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;

[illegible]

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).**
-

MEMO

July 11, 2022

YES
✓ NO The source of appropriation is within or above a Scenic Waterway

 YES
✓ NO Use the Scenic Waterway condition (Condition 7J)

Per ORS 390.835, the Ground Water Section is able to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below.

Per ORS 390.835, the Ground Water Section is unable to calculate ground water interference with surface water that contributes to a scenic waterway; therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway.

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

[illegible]

Oregon Water Resources Department (OWRD) Well Location

22.00S/33.00E-30cb

OWRD Logid

HARN 51275

OWRD Well Tag (Well ID)

OWRD State Observation Well Number

Total well depth (feet below land surface)

260

Land surface elevation (feet above mean sea level)

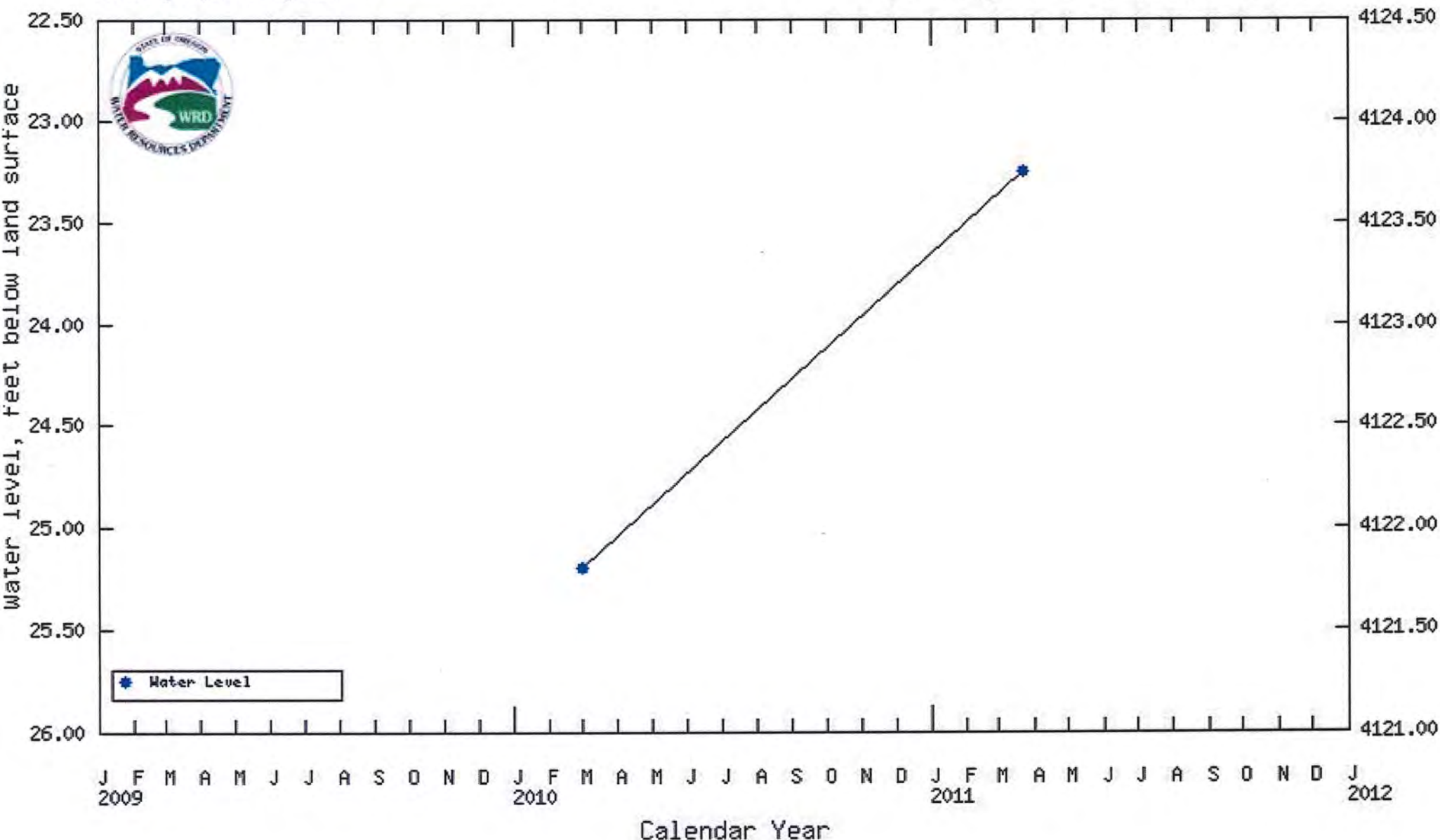
4147

Primary use of well

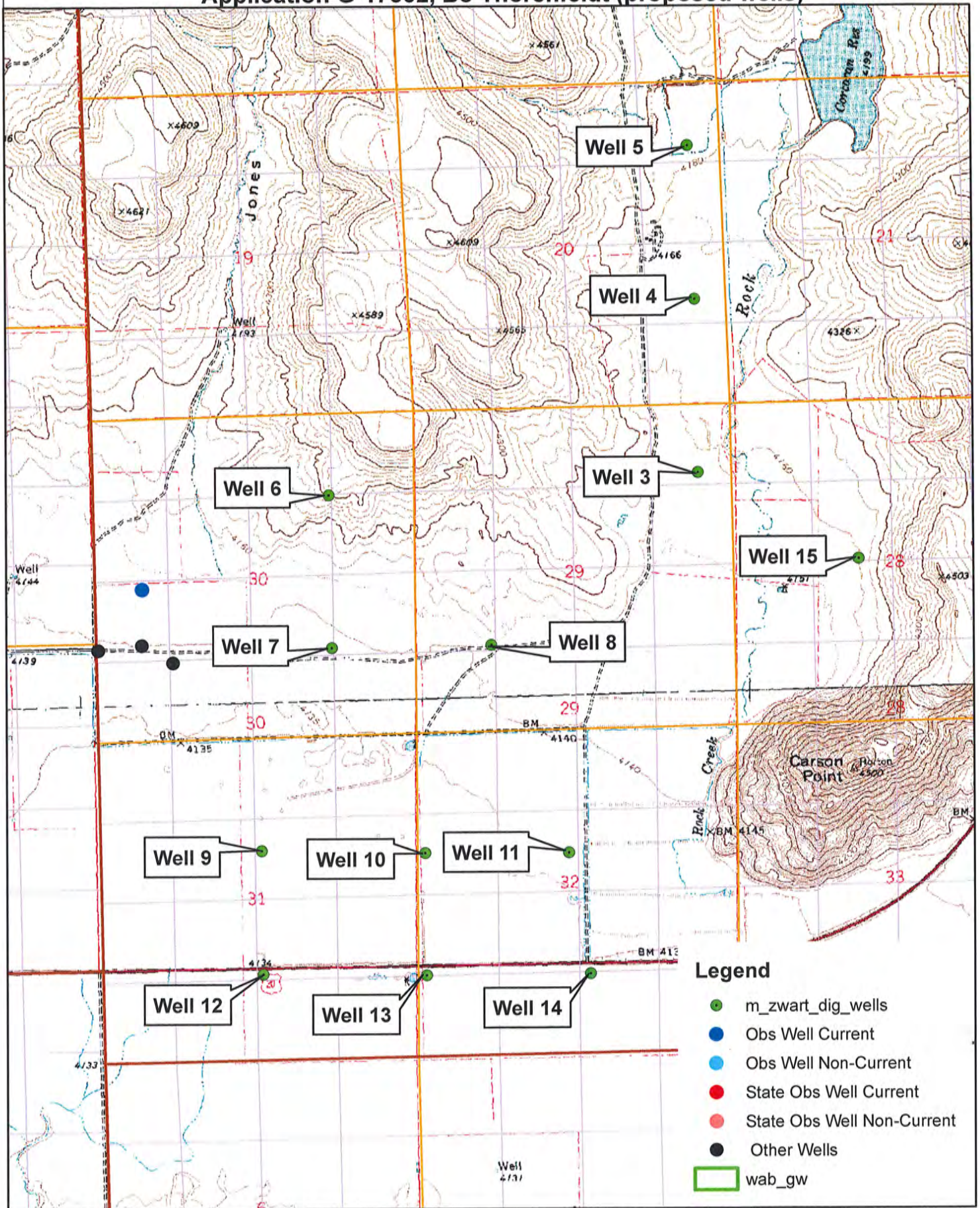
IRRIGATION

Primary aquifer system

Quaternary-Late Tertiary Sediment Aquifers



Application G-17562, Bo Thorenfeldt (proposed wells)



0 0.5 1 1.5 Miles

Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Application G-17562 County HARNEY Priority Date 6/11/2012

Township 22 S Range 33 E Section See Map

Amount \$9650⁰⁰ Use IR / SUPPLEMENTAL WM Dist # 10

Applicant Name BO THOREL FELDT

Receipt No. 105970

Caseworker Assigned ☐ Jeana Eastman ☒ Kerry Kavanagh

☒ Applicant/Organization Name, Mailing Address, and Telephone Number.

☒ All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) **NOTE:** *A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Expedited Secondary(E2).*

NA ☐ If for stored water not under contract, is the source valid / Permit or Certificate issued Y / N List Permit or Certificate number _____

☒ The proposed source is or is not (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

☒ Property ownership indicated.

☐ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

☐ If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ Well Development (pg. 4 & 5) or a well log report.

☒ Proposed use of water. If supplemental, list primary acreage. (*Irrigation and Suppl. Irrigation together, is 2 uses*)

☐ Supplemental data sheets enclosed if needed ?

☐ Form M (Municipal or Quasi-Municipal)

☐ Spring Description Sheet

☒ Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

☒ Period of use

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (*N/A for Groundwater*)

☒ Project schedule (If system is already completed, indicate "existing").

N/A ☐ Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir for all standard reservoir applications

N/A ☐ A map prepared by a CWRE for a standard reservoir application proposing to store more than 9.2 acre feet and having a dam height of more than 10 feet

☒ You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*

☐ The map must meet all the minimum requirements of OAR 690-310-0050.

☒ Township, Range, Section

☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)

☒ Place of use, 1/4, 1/4-s and tax lot clearly identified

☒ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)

☒ Location of **each** diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.

☒ Reference corner on map

☒ North Directional Symbol

☒ Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture

☐ Other _____

☐ Fees: Amount of water requested 20 CFS

Base Fee \$ 1,000.00

Total Exam Fees \$ 9250.00

Permit Recording Fees \$ 400.00

Mitigation Fee \$ 0

Total Paid \$ 9650.00

Amount Due \$ _____

Amount Returned \$ _____

Addtl CFS/AF @ _____ = _____

Addtl POD/POA @ _____ = _____

1 Addtl Use @ 250 = 250

Reviewed by: _____

Date: _____

*20 CFS /
600 GPM per
690: well
13 wells*

**Oregon Water Resources Department
Water Rights Services Division**

Water Rights Application
Number G-17562

Proposed Final Order

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

Application History

On June 11, 2012, Bo Thorenfeldt submitted an application to the Department for the following water use permit:

- Amount of Water: 20.0 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION OF 1908.9 ACRES; SUPPLEMENTAL IRRIGATION OF 507.3 ACRES
- Source of Water: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 15 IN ROCK CREEK BASIN
- Area of Proposed Use: HARNEY COUNTY WITHIN SECTION 16, SECTION 20, SECTION 21, SECTION 28, SECTION 29, SECTION 30, SECTION 31, AND SECTION 32, TOWNSHIP 22 SOUTH, RANGE 33 EAST, W.M.

On July 26, 2012, the Department mailed the applicant notice of its Initial Review, determining that "The appropriation of 20.0 CFS from Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12, Well 13, Well 14, and Well 15 in Rock Creek Basin, for primary irrigation of 1908.9 acres March 1 through October 31, further limited to no more than 6.34 CFS for primary irrigation of 507.3 acres March 1 through March 31 and October 2 through October 31 and supplemental irrigation of 507.3 acres April 1 through October 1, may be allowed." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On July 31, 2012, 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 obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

On August 10, 2012, Steve Applegate, authorized agent, submitted a revised map and a letter requesting the Department consider if an existing well may be suitable to serve as an observation well in order to satisfy the proposed permit condition described in the July 26, 2012 Initial Review.

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

- any applicable basin program
- applicable statutes, administrative rules, and case law
- the amount of water available
- the rate and duty for the proposed use
- 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
- pending senior applications and existing water rights of record
- any applicable comprehensive plan or zoning ordinance
- recommendations by other state agencies
- the Scenic Waterway requirements of ORS 390.835
- designations of any critical ground water areas
- any comments received

Findings of Fact

The Initial Review erroneously described the locations of Well 7, Well 13, and Well 14; the correct locations of these wells are described in the attached draft permit portion of this document.

The Initial Review incorrectly described the number of primary acres as 1908.9 acres; the correct amount is 2416.0 acres.

The Department will concurrently cancel the conflicting portion of Certificate 15529 upon issuance of a Final Order for approving Application G-17562. The August 10, 2012 revised map clarifies primary irrigation of 5.8 acres and supplemental irrigation of 34.2 acres in the SENE, Section 20, T22S, R33E, W.M., thereby resolving the conflict with Certificate 49303, as identified in the Initial Review.

The August 10, 2012 revised map does not show the 0.2 acres in the SWSW, Section 16, T22S, R33E, W.M.

As a result of the conflict resolution and the omission of 0.2 acres in Section 16 described above, the total acreage is 2416.0 acres for primary irrigation and 511.3 acres for supplemental irrigation.

Upon review of Steve Applegate's August 10, 2012 request, the Department has determined that an existing well may possibly be used as a monitoring well if all criteria required by the Department are met and that the observation well be installed prior to any ground water use under a permit, if issued. The modified condition describing requirements for the observation well is reflected in the attached draft permit portion of this document.

The Malheur Lake Basin Program allows irrigation.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12, Well 13, Well 14, and Well 15 in Rock Creek Basin are not within or above a State Scenic Waterway.

The Department finds that the amount of water requested, 20.0 CFS, is an acceptable amount, if further limited to no more than 6.39 CFS for supplemental irrigation of 511.3 acres.

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

Conclusions of Law

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

The proposed use requested in this application is allowed in the Malheur Lake Basin Program.

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

The application is in compliance with the State Agency Coordination Program regarding 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 the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED January 29, 2013

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **March 15, 2013**. Protests 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 the 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;
- To affect the department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;
- If you are the applicant, the protest fee of \$300 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$600 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 ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **March 15, 2013**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$150. If a hearing is scheduled, an additional fee of \$350 must be submitted along with a request for intervention.

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 either:

- 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.

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

This document was prepared by Kerry Kavanagh. 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 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing".

If you have previously filed a protest and want to know its status, please contact Patricia McCarty 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, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

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

APPLICATION FILE NUMBER: G-17562

SOURCE OF WATER: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 15 IN ROCK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 2416.0 ACRES; SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

MAXIMUM RATE: 20.0 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 6.39 CFS FOR SUPPLEMENTAL IRRIGATION OF 511.3 ACRES

PERIOD OF USE: SEE TABLE BELOW

DATE OF PRIORITY: JUNE 11, 2012

WELL LOCATIONS:

WELL 3 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T22S, R33E, W.M.; 4150 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 29

WELL 4 - NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 20, T22S, R33E, W.M.; 6940 FEET NORTH AND 680 FEET WEST FROM SE CORNER, SECTION 29

WELL 5 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 20, T22S, R33E, W.M.; 9560 FEET NORTH AND 620 FEET WEST FROM SE CORNER, SECTION 29

WELL 6 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 30, T22S, R33E, W.M.; 3900 FEET NORTH AND 6700 FEET WEST FROM SE CORNER, SECTION 29

WELL 7 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 30, T22S, R33E, W.M.; 1420 FEET NORTH AND 6720 FEET WEST FROM SE CORNER, SECTION 29

WELL 8 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 29, T22S, R33E, W.M.; 1420 FEET NORTH AND 4050 FEET WEST FROM SE CORNER, SECTION 29

WELL 9 - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 31, T22S, R33E, W.M.; 1920 FEET SOUTH AND 7850 FEET WEST FROM SE CORNER, SECTION 29

WELL 10 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 1950 FEET SOUTH AND 5180 FEET WEST FROM SE CORNER, SECTION 29

WELL 11 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 1960 FEET SOUTH AND 2760 FEET WEST FROM SE CORNER, SECTION 29

WELL 12 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T22S, R33E, W.M.; 3940 FEET SOUTH AND 7800 FEET WEST FROM SE CORNER, SECTION 29

WELL 13 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 3940 FEET SOUTH AND 5160 FEET WEST FROM SE CORNER, SECTION 29

WELL 14 - NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T22S, R33E, W.M.; 3940 FEET SOUTH AND 2480 FEET WEST FROM SE CORNER, SECTION 29

WELL 15 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, T22S, R33E, W.M.; 2740 FEET NORTH AND 1980 FEET EAST FROM SE CORNER, SECTION 29

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:

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NENE	10.4	22S	33E	WM	20	3/1 through 10/31	
NENE	29.6	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNE	40.0	22S	33E	WM	20	3/1 through 10/31	
SENE	5.8	22S	33E	WM	20	3/1 through 10/31	
SENE	34.2	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NESE	1.6	22S	33E	WM	20	3/1 through 10/31	
NESE	38.4	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESE	39.9	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NWNW	26.8	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	19.6	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSW	16.4	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	7.3	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	40.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	11.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	28.3	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	0.6	22S	33E	WM	28	3/1 through 10/31	
SWNW	35.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENW	40.0	22S	33E	WM	28	3/1 through 10/31	
NESW	40.0	22S	33E	WM	28	3/1 through 10/31	
NWSW	34.4	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	10.0	22S	33E	WM	28	3/1 through 10/31	
SWSW	27.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESW	40.0	22S	33E	WM	28	3/1 through 10/31	
NENE	0.7	22S	33E	WM	29	3/1 through 10/31	
NENE	37.2	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNE	40.0	22S	33E	WM	29	3/1 through 10/31	
SWNE	39.1	22S	33E	WM	29	3/1 through 10/31	
SWNE	0.9	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	40.0	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	9.0	22S	33E	WM	29	3/1 through 10/31	
SWNW	38.0	22S	33E	WM	29	3/1 through 10/31	
SENW	39.4	22S	33E	WM	29	3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NESW	40.0	22S	33E	WM	29	3/1 through 10/31	
NWSW	40.0	22S	33E	WM	29	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	29	3/1 through 10/31	
SESW	40.0	22S	33E	WM	29	3/1 through 10/31	
NESE	6.6	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	28.0	22S	33E	WM	29	3/1 through 10/31	
NWSE	0.3	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	10.8	22S	33E	WM	29	3/1 through 10/31	
NENE	0.4	22S	33E	WM	30	3/1 through 10/31	
NWNE	25.7	22S	33E	WM	30	3/1 through 10/31	
SWNE	40.0	22S	33E	WM	30	3/1 through 10/31	
SENE	38.2	22S	33E	WM	30	3/1 through 10/31	
NESE	40.0	22S	33E	WM	30	3/1 through 10/31	
NWSE	40.0	22S	33E	WM	30	3/1 through 10/31	
SWSE	40.0	22S	33E	WM	30	3/1 through 10/31	
SESE	40.0	22S	33E	WM	30	3/1 through 10/31	
NENE	40.0	22S	33E	WM	31	3/1 through 10/31	
NWNE	40.0	22S	33E	WM	31	3/1 through 10/31	
SWNE	40.0	22S	33E	WM	31	3/1 through 10/31	
SENE	40.0	22S	33E	WM	31	3/1 through 10/31	
NENW	40.0	22S	33E	WM	31	3/1 through 10/31	
NWNW	40.0	22S	33E	WM	31	3/1 through 10/31	
SWNW	40.0	22S	33E	WM	31	3/1 through 10/31	
SENW	40.0	22S	33E	WM	31	3/1 through 10/31	
NESW	38.0	22S	33E	WM	31	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	31	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	31	3/1 through 10/31	
SESW	40.0	22S	33E	WM	31	3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NESE	38.0	22S	33E	WM	31	3/1 through 10/31	
NWSE	38.0	22S	33E	WM	31	3/1 through 10/31	
SWSE	40.0	22S	33E	WM	31	3/1 through 10/31	
SESE	40.0	22S	33E	WM	31	3/1 through 10/31	
SWNE	11.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	11.2	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	40.0	22S	33E	WM	32	3/1 through 10/31	
NWNW	40.0	22S	33E	WM	32	3/1 through 10/31	
SWNW	40.0	22S	33E	WM	32	3/1 through 10/31	
SENW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESW	38.0	22S	33E	WM	32	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	32	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	32	3/1 through 10/31	
SESW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESE	4.0	22S	33E	WM	32	3/1 through 10/31	
NESE	34.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	4.0	22S	33E	WM	32	3/1 through 10/31	
NWSE	32.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	40.0	22S	33E	WM	32	3/1 through 10/31	
SESE	40.0	22S	33E	WM	32	3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.

- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

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

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from shallower water-bearing zones. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The observation well shall meet the Department's minimum well construction standards, and shall be cased and sealed to the same depth as the production wells. The observation well shall be constructed at a location approved by the Department prior to construction. The landowner or permittee shall provide Department staff access to the observation well to install and maintain continuous water-level monitoring equipment. The observation well shall not be used for any

other purpose while the Department is monitoring water levels. The observation well shall be completed prior to any groundwater use under the terms of any groundwater permit issued. The Department may consider the use of an existing well that meets all the criteria described above.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

Dedicated Measuring Tube: Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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 well(s) 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director

Water Rights Information for Thorenfeldt

March 10, 2013

APPL' #	Permit #	Cert. #	Source	Use	Q-cfs	Priority	Acres	Remarks/Actions Needed
R-24211	R-7989	67673	Rock Cr	Strg	214.2 AF	10/9/1949	N/A	
					157.8 AF	9/18/1950	N/A	
R-61128	R-8305	67683	Rock Cr	Strg	258.0 AF	1/8/1981	N/A	Reservoir enlargement
R-87822			Rock Cr	Strg	1000 AF	7/23/2012	N/A	Reservoir Enlargement
G-17611			Wells	Strg	750 AF	12/27/2012	N/A	Groundwater Storage

Storage Totals 2380 AF

* AF= acre-foot; 1 AF = 43,560 cu.ft.

Decree	----	15529	Waste Wtr	Irrig.	2.26	1884	90.4	Waste water from lands to the west
Decree	----	49303	Rock Cr	Irrig.	2.57	1887	102.9	
Decree	----	49304	Rock Cr	Irrig.	0.99	1896	39.6	
Decree	----	49305	Rock Cr	Irrig.	1.93	1887	77.3	
Decree	----	49306	Rock Cr	Irrig.	0.15	1887	5.8	
3758	2123	1818	Rock Cr	Irrig.	2	6/30/1914	150	
24227	44659	67674	RockCr/Res	Irrig.	5	10/24/1949	400	Original Permit was for 17.2cfs/1376 ac.
				Suppl	^4.2	9/18/1950	^332.9	
61129	46002	67684	Reservoir	Suppl	^258 AF	1/8/1981	^732.9	Stored water only-all Supplemental
87823			Reservoir	Suppl	^1000 AF	7/23/2012	^1908.9	SWO
G10206	G-9310	67666	2 Wells	Suppl	^2.34	3/11/1981	^218.6	Full amount of permit certificated.
G-17562			13 wells	Irrig.	20	6/11/2012	2416	
G-17562				Suppl	^6.39		^511.3	
G-17611			13 wells/strg	Suppl	750 AF	12/27/2012	^1860.5	

^indicates "supplemental" use- limited to deficiency in primary sup plies

Irrigation Totals Primary 34.9 3282
 Suppl ^12.93 ^3656.2 Suppl acres are duplications of primary areas.

Mailing List for PFO Copies

Application #G-17562

PFO Date January 29, 2013

Original mailed to applicant:

✓ BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

Copies Mailed By: <u>ga</u> (SUPPORT STAFF) on: <u>1-29-13</u> (DATE)

SENT VIA EMAIL:

1. WRD - Watermaster # 10

Copies sent to:

1. WRD - File # G-17562

✓ 2. WRD - Water Availability - Ken Stahr

Protest/ Standing Dates checked _____
--

PFO and Map Copies sent to:

✓ 3. WRD - Regional Manager: EASTERN

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

4. Steven Applegate Consulting, 3395 Huckleberry Ct S, Salem OR 97302

CASEWORKER : Kerry Kavanagh

STEVEN P. APPLGATE
3395 HUCKLEBERRY COURT SOUTH
SALEM, OR 97302
Phone (503) 362-4040 Fax (503)362-4434

August 8, 2012

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
ATTN: Kerry Kavanaugh

RECEIVED BY OWRD

AUG 10 2012

SALEM, OR

REFERENCE: Application G-17562

Dear Ms. Kavanaugh:

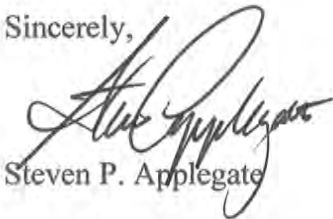
This is in response to issues raised in your Initial Review dated July 26.

You were correct that the total number of primary acres should have been 1908.9 acres. I also took a look at the overlap in the SENE of Section 20. I had looked at the supplemental groundwater right rather than the original map for Certificate 49303. We agree that the primary acreage in the forty should be reduced to 5.8 acres and the supplemental to 34.2 acres. The total primary acreage should thus be reduced to 1904.7 acres and the supplemental increased to 511.3 acres. A revised application map is enclosed showing those changes.

We were somewhat taken aback by the proposed condition requiring the applicant to construct a dedicated monitoring well for the Department's use. I spoke with Mike Zwart about that to determine whether or not an existing well on the property might be used for that purpose. He agreed that was at least possible, provided the well met the needs of the department, particularly in terms of location and construction. We will be looking at the existing wells and, if it looks possible, we will submit a written request to propose the particular well to satisfy that condition. If possible, the PFO version of the condition should hold out for that possibility.

If there are any additional needs or questions about this request, please contact me directly.

Sincerely,



Steven P. Applegate

cc: Bo Thorenfeldt



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 26, 2012

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

Reference: File G-17562

Dear Applicant:

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

This letter is to inform you of the preliminary analysis of your water-use permit application and to describe your options. In determining whether an application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the appropriation of 20.0 cubic feet per second (CFS), or 1.54 CFS per well, from thirteen proposed wells in Rock Creek Basin for irrigation of 1908.9 acres and supplemental irrigation of 507.3 acres March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12, Well 13, Well 14, and Well 15 in Rock Creek Basin for irrigation and supplemental irrigation is allowable under the Malheur Lake Basin Program.
4. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

The Department has determined, based upon OAR 690-009, that the proposed ground water use will not have the potential for substantial interference with any surface water source.

5. A portion of the area proposed to be irrigated under this application is currently covered by existing surface-water irrigation rights evidenced by Certificates 15529 and 49303 (Rock Creek Decree, Harney County). As noted in the application materials, we understand that the portion of Certificate 15529 located in the SW 1/4 of Section 31, Township 22 South, Range 33 East, W.M. will be voluntarily cancelled upon approval of a permit under this application.

However, in addition to the overlap of some acreage authorized under Certificate 15529, there is also a portion of the area proposed for primary irrigation located in the SE1/4 NE1/4, Section 20, Township 22 South, Range 33 East, W.M., which is covered by Certificate 49303. Please let us know how you propose to resolve the conflict with Certificate 49303, and submit a revised map, if appropriate.

Please provide information regarding the status of the overlapping acreage and how you would like to proceed no later than **Thursday, August 30, 2012**. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed. **If we do not receive the information described above or a hold request by this date, the Department may proceed with a proposed final order which omits the overlapping acreage.**

6. The application indicated primary irrigation of 1808.9 acres and supplemental irrigation of 507.1 acres, but the map indicated 1908.9 acres primary and 507.3 acres supplemental. Please clarify the total number of acres, and provide a revised map if appropriate by Thursday, August 30, 2012. If you need additional time, you may send a written request for up to 180 days. **If we do not receive clarification and/or a revised map or a hold request by this date, the Department will proceed with the acreage shown on the map.**
7. The standard allowable rate for irrigation use from ground water is 1/80 CFS per acre. If the application is approved, the rate allowed will be limited to 20.0 CFS for primary irrigation of 1908.9 acres further limited to 6.34 CFS for supplemental irrigation of 507.3 acres.
8. The proposed supplemental irrigation of 507.3 acres use shall be limited to match that of the primary water right. The Rock Creek (Harney County) Decree allows the use of water for irrigation from April 1 through October 1. If the application is approved, the season allowed for supplemental irrigation will be April 1 through October 1. However, primary irrigation may be allowed on these same 507.3 acres March 1 through March 31 and October 2 through October 31.

Summary of Initial Determinations

The appropriation of 20.0 CFS from Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12, Well 13, Well 14, and Well 15 in Rock Creek Basin, for primary irrigation of 1908.9 acres March 1 through October 31, further limited to no more than 6.34 CFS for primary irrigation of 507.3 acres March 1 through March 31 and October 2 through October 31 and supplemental irrigation of 507.3 acres April 1 through October 1, may be allowed.

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated. However, due to **#7 and #8** above, your application will likely be limited accordingly.

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

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Thursday, August 9, 2012**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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

1.Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data.

The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

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

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. The well(s) shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well(s) may not be completed in such a manner to allow ground water to be developed from shallower water-bearing zones. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.
4. The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.
5. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
6. Dedicated Measuring Tube: Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0816 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17562
WAB 12- no psi
POU 12- no psi
GW

APPLICATION FACT SHEET

Application File Number: G-17562

Applicant: BO THORENFELDT

County: Harney

Watermaster: 10

Priority Date: June 11, 2012

Source: WELL 3, WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, WELL 12, WELL 13, WELL 14, AND WELL 15 IN ROCK CREEK BASIN

Use: IRRIGATION OF 1908.9 ACRES; SUPPLEMENTAL IRRIGATION OF 507.3 ACRES

Quantity: 20.0 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 2 ROCK CR & MISC

Well Locations:

WELL 3 - NENE, SECTION 29, T22S, R33E, W.M.; 4150 FEET NORTH AND 640 FEET WEST FROM SE CORNER, SECTION 29

WELL 4 - NESE, SECTION 20, T22S, R33E, W.M. ; 6940 FEET NORTH AND 680 FEET WEST FROM SE CORNER, SECTION 29

WELL 5 - NENE, SECTION 20, T22S, R33E, W.M.; 9560 FEET NORTH AND 620 FEET WEST FROM SE CORNER, SECTION 29

WELL 6 - SWNE, SECTION 30, T22S, R33E, W.M.; 3900 FEET NORTH AND 6700 FEET WEST FROM SE CORNER, SECTION 29

WELL 7 - NWSE, SECTION 30, T22S, R33E, W.M.; 1420 FEET NORTH AND 6720 FEET WEST FROM SE CORNER, SECTION 29

WELL 8 - NWSW, SECTION 29, T22S, R33E, W.M.; 1420 FEET NORTH AND 4050 FEET WEST FROM SE CORNER, SECTION 29

WELL 9 - SWNE, SECTION 31, T22S, R33E, W.M.; 1920 FEET SOUTH AND 7850 FEET WEST FROM SE CORNER, SECTION 29

WELL 10 - SWNW, SECTION 32, T22S, R33E, W.M.; 1950 FEET SOUTH AND 5180 FEET WEST FROM SE CORNER, SECTION 29

WELL 11 - SENW, SECTION 32, T22S, R33E, W.M.; 1960 FEET SOUTH AND 2760 FEET WEST FROM SE CORNER, SECTION 29

Well Locations (continued):

WELL 12 - NWSE, SECTION 31, T22S, R33E, W.M.; 3940 FEET SOUTH AND 7800 FEET WEST FROM SE CORNER, SECTION 29

WELL 13 - SWSW, SECTION 32, T22S, R33E, W.M.; 3940 FEET SOUTH AND 5160 FEET WEST FROM SE CORNER, SECTION 29

WELL 14 - SWSE, SECTION 32, T22S, R33E, W.M.; 3940 FEET SOUTH AND 2480 FEET WEST FROM SE CORNER, SECTION 29

WELL 15 - SENW, SECTION 28, T22S, R33E, W.M.; 2740 FEET NORTH AND 1980 FEET EAST FROM SE CORNER, SECTION 29

Place of Use:

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
SWSW	0.2	22S	33E	WM	16	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENE	10.4	22S	33E	WM	20	3/1 through 10/31	
NENE	29.6	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNE	40.0	22S	33E	WM	20	3/1 through 10/31	
SENE	10.0	22S	33E	WM	20	3/1 through 10/31	
SENE	30.0	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NESE	1.6	22S	33E	WM	20	3/1 through 10/31	
NESE	38.4	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESE	39.9	22S	33E	WM	20	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNW	26.8	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	19.6	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSW	16.4	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	7.3	22S	33E	WM	21	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1

Place of Use (continued):

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NENW	40.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	11.0	22S	33E	WM	28	3/1 through 10/31	
NWNW	28.3	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWNW	0.6	22S	33E	WM	28	3/1 through 10/31	
SWNW	35.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENW	40.0	22S	33E	WM	28	3/1 through 10/31	
NESW	40.0	22S	33E	WM	28	3/1 through 10/31	
NWSW	34.4	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSW	10.0	22S	33E	WM	28	3/1 through 10/31	
SWSW	27.6	22S	33E	WM	28	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SESW	40.0	22S	33E	WM	28	3/1 through 10/31	
NENE	0.7	22S	33E	WM	29	3/1 through 10/31	
NENE	37.2	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWNE	40.0	22S	33E	WM	29	3/1 through 10/31	
SWNE	39.1	22S	33E	WM	29	3/1 through 10/31	
SWNE	0.9	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	40.0	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	9.0	22S	33E	WM	29	3/1 through 10/31	
SWNW	38.0	22S	33E	WM	29	3/1 through 10/31	
SENW	39.4	22S	33E	WM	29	3/1 through 10/31	
NESW	40.0	22S	33E	WM	29	3/1 through 10/31	
NWSW	40.0	22S	33E	WM	29	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	29	3/1 through 10/31	
SESW	40.0	22S	33E	WM	29	3/1 through 10/31	

Place of Use (continued):

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
NESE	6.6	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	28.0	22S	33E	WM	29	3/1 through 10/31	
NWSE	0.3	22S	33E	WM	29	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	10.8	22S	33E	WM	29	3/1 through 10/31	
NENE	0.4	22S	33E	WM	30	3/1 through 10/31	
NWNE	25.7	22S	33E	WM	30	3/1 through 10/31	
SWNE	40.0	22S	33E	WM	30	3/1 through 10/31	
SENE	38.2	22S	33E	WM	30	3/1 through 10/31	
NESE	40.0	22S	33E	WM	30	3/1 through 10/31	
NWSE	40.0	22S	33E	WM	30	3/1 through 10/31	
SWSE	40.0	22S	33E	WM	30	3/1 through 10/31	
SESE	40.0	22S	33E	WM	30	3/1 through 10/31	
NENE	40.0	22S	33E	WM	31	3/1 through 10/31	
NWNE	40.0	22S	33E	WM	31	3/1 through 10/31	
SWNE	40.0	22S	33E	WM	31	3/1 through 10/31	
SENE	40.0	22S	33E	WM	31	3/1 through 10/31	
NENW	40.0	22S	33E	WM	31	3/1 through 10/31	
NWNW	40.0	22S	33E	WM	31	3/1 through 10/31	
SWNW	40.0	22S	33E	WM	31	3/1 through 10/31	
SENW	40.0	22S	33E	WM	31	3/1 through 10/31	
NESW	38.0	22S	33E	WM	31	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	31	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	31	3/1 through 10/31	
SESW	40.0	22S	33E	WM	31	3/1 through 10/31	
NESE	38.0	22S	33E	WM	31	3/1 through 10/31	
NWSE	38.0	22S	33E	WM	31	3/1 through 10/31	
SWSE	40.0	22S	33E	WM	31	3/1 through 10/31	
SESE	40.0	22S	33E	WM	31	3/1 through 10/31	

Place of Use (continued):

Q-Q	Acres	Twp	Rng	Mer	Sec	PRIMARY IRRIGATION SEASON	SUPPLEMENTAL IRRIGATION SEASON
SWNE	11.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SENE	11.2	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NENW	40.0	22S	33E	WM	32	3/1 through 10/31	
NWNW	40.0	22S	33E	WM	32	3/1 through 10/31	
SWNW	40.0	22S	33E	WM	32	3/1 through 10/31	
SENW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESW	38.0	22S	33E	WM	32	3/1 through 10/31	
NWSW	38.0	22S	33E	WM	32	3/1 through 10/31	
SWSW	40.0	22S	33E	WM	32	3/1 through 10/31	
SESW	40.0	22S	33E	WM	32	3/1 through 10/31	
NESE	4.0	22S	33E	WM	32	3/1 through 10/31	
NESE	34.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
NWSE	4.0	22S	33E	WM	32	3/1 through 10/31	
NWSE	32.0	22S	33E	WM	32	3/1 through 3/31 and 10/2 through 10/31	4/1 through 10/1
SWSE	40.0	22S	33E	WM	32	3/1 through 10/31	
SESE	40.0	22S	33E	WM	32	3/1 through 10/31	

14 DAY STOP PROCESSING DEADLINE DATE: Thursday, August 9, 2012

PUBLIC NOTICE DATE: Tuesday, July 31, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, August 30, 2012

Mailing List for IR Copies

Application #G-17562

IR Date : July 26, 2012

Original mailed to applicant:

BO THORENFELDT
885 HILLSBOROUGH BLVD
HILLSBOROUGH, CA 94010

Copies sent to:

- 1. WRD - File # G-17562
- ✓2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

- ✓3. WRD - Regional Manager: EASTERN
- ✓4. WRD - Watermaster # 10

Copies Mailed
By: <u>SA</u>
(SUPPORT STAFF)
on: <u>7/26/12</u>
(DATE)

- ✓ Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)
- 5. Steven Applegate Consulting, 3395 Huckleberry Ct S, Salem OR 97302

COPYSHT.IR

Caseworker: Kerry Kavanagh

Application for a Permit to Use Ground Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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JUN 11 2012

**WATER RESOURCES DEPT
SALEM, OREGON**

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$300.00 for the applicant and \$600.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

G-17562

Application for a Permit to Use Ground Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME BO THORENFELDT		PHONE (HM)
PHONE (WK)	650-333-0594 (CELL)	FAX
885 HILLSBOROUGH BLVD.		
HILLSBOROUGH	CA	94010
SUSANTHORENFELDT@GMAIL.COM		

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WATER RESOURCES DEPT
SALEM, OREGON

Organization Information

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL*

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

AGENT / BUSINESS NAME STEVEN P. APPLGATE CONSULTING		PHONE (503)362-4040	FAX (503)362-4434 (CALL)
ADDRESS 3395 HUCKLEBERRY CT S		CELL (503)999-4049	
CITY SALEM	STATE OR	ZIP 97302	E-MAIL* STEVE.APPLGSP@GMAIL.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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 cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

Applicant Signature

Bo Thorenfeldt

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use

App. No. G-17562

Permit No. _____

Date _____

SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: Harney Valley sediments, below confining clay/rock layers

Total maximum rate requested: 20 cfs total from all wells, being approximately 600 GPM/well (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

								PROPOSED USE		
OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)
ALL	☒	☐	12-14"	100-150'	None	100'+	Unk.	Valley Sediments	400-800'	8980 from all.

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation/Supplemental	Irrigation Season	7,000

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 1808.9 Acres Supplemental: 507.1 Acres

List the Permit or Certificate number of the underlying primary water right(s): 49303, 49304, 49305, 49306, 1818, 67674 & 67684. NOTE: see "remarks" for disposition of certificate 15529.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 7,000

• If the use is **municipal or quasi-municipal**, attach **Form M**

• If the use is **domestic**, indicate the number of households: _____

If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

Gr-17562

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WATER RESOURCES DEPT
SALEM, OREGON

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ Yes

☐ There are no encumbrances.

☒ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

☐ 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 irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

None

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
3	Rock Creek	620'	10'
4	"	950'	20'
5	"	1500'	20'
6	"	N/A	
7	"	N/A	
8	"	4,150	40'
9	"	N/A	
10	"	4,600	20'
11	"	2,200'	20'
12	"	N/A	
13	"	N/A	
14	"	2,800'	0'
15	"	1,400'	20'

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

All wells are proposed, and are to be constructed to eliminate connection to surface water, to the extent possible. See Section 3, below.

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WATER RESOURCES DEPT
SALEM, OREGON

G-17562

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 50-100 for each well.

☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. 50-100 Hp turbines in each well, pumping into common buried mainlines throughout the farm to wheel lines, linears and pivots.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Wheel lines, linears and/or pivots with low-pressure (3-5 GPM/Hd) drop tubes and spray nozzles.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

Efficient. Leak-proof PVC mainlines w/ pivots and low-pressure heads. Irrigation scheduling/monitoring.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR N/A

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR N/A

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Upon approval

Date construction will be completed: Within 5 years from approval

Date beneficial water use will begin: Within 5 years from approval.

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WATER RESOURCES DEPT
SALEM, OREGON

SECTION 9: WITHIN A DISTRICT N/A

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

G-17562

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

We will be searching for higher production wells, but it is possible that wells in this area, based upon well logs for neighboring wells, may be limited to 400+/- GPM per well. If higher production rates can be found, potentially fewer wells would be necessary.

Upon approval for permit of this application, we will authorize cancellation of the portion of Certificate 15529 that is located on our property in the SW1/4 of Section 31 (Tract 2 on the certificate). It is of no value to us and the source may no longer exist to any degree.

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JUN 11 2012

WATER RESOURCES DEPT
SALEM, OREGON

G-17562

Land Use

Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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NOTE TO APPLICANTS

WATER RESOURCES DEPT
SALEM, OREGON

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

G -1 7562

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Bo
First

Thorenfeldt
Last

RECEIVED

JUN 11 2012

Mailing Address: 885 Hillsborough Blvd.

**WATER RESOURCES DEPT
SALEM, OREGON**

Hillsborough
City

CA
State

94010
Zip

Daytime Phone: 650-333-0594

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
22 S.	33 E.	20,21, 28,29, 30,31, 32	Misc.	900, 1700	EFU	☒ Diverted	☒ Conveyed	☒ Used	Farmin g/ Irr.

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Harney County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 20 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Up to 13 new wells to be constructed to provide reliable source to irrigate about 1800 acres of new land and to supplement surface water sources (Rock Creek & reservoir) on 507.1 acres.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

G-17562

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	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

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

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JUN 11 2012

WATER RESOURCES DEPT
SALEM, OREGON

Name: Brendon McMullen Title: Planning Director

Signature: [Signature] Phone: (503) 573-6655 Date: 5/30/2012

Government Entity: Hanna/County Planning Dept.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Gr-17862

EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 21 S., R. 33 E., W.M.:

Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$.

Sec. 32: W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

In Twp. 22 S., R. 33 E., W.M.:

Sec. 5: Lots 2, 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$.

Sec. 6: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.

Sec. 16: S $\frac{1}{2}$ SW $\frac{1}{4}$.

Sec. 17: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 20: E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Sec. 21: All.

Sec. 28: W $\frac{1}{2}$.

Sec. 29: All.

Sec. 30: E $\frac{1}{2}$, W $\frac{1}{2}$.

Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded July 12, 1937, in Book 37, Page 547, Deed Records. ALSO, SAVE & EXCEPT that parcel conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded March 8, 1945, in Book 41, Page 608, Deed Records.

Sec. 32: All, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 9, 1937, in Book 37, Page 413, Deed Records. ALSO, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 16, 1937, in Book 37, Page 421, Deed Records.

Sec. 33: Beginning at the Southwest corner of said Sec. 33;
thence N. 01°35'06" E. along the West line of said Sec. 33, 1328.04 feet;
thence N. 01°35'48" E. and continuing along said West line of Sec. 33, 1428.42 feet to a fence line;
thence S. 56°20'45" E. along said fence line 140.49 feet;
thence S. 00°57'27" W. along said fence line 1143.97 feet to a fence corner on the North side of State Highway 20 right of way;
thence S. S. 04°01'09" E. 101.01 feet to a fence corner on the South right of way line of said State Highway 20 right of way;
thence S. 00°44'31" W. along said fence line 1433.28 feet to the South line of said Sec. 33;
thence N. 89°56" W. 162.88 feet to the Point of Beginning. Save & Except Highway 20 right of way.

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JUN 11 2012

WATER RESOURCES DEPT
SALEM, OREGON

G-17562

Date _____

(For staff use only)



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ SECTION 1: _____
- ☐ SECTION 2: _____
- ☐ SECTION 3: _____
- ☐ SECTION 4: _____
- ☐ SECTION 5: _____
- ☐ SECTION 6: _____
- ☐ SECTION 7: _____
- ☐ SECTION 8: _____
- ☐ SECTION 9: _____
- ☐ Land Use Information Form _____
- ☐ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☐ Fees _____

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WATER RESOURCES DEPT
SALEM, OREGON

MAP

- ☐ Permanent quality and drawn in ink
- ☐ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☐ North Directional Symbol
- ☐ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☐ Reference corner on map
- ☐ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- ☐ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☐ Other _____

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: well development
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☐ SECTION 6: storage of groundwater in a reservoir N/A
- ☐ SECTION 7: use of stored groundwater from the reservoir N/A
- ☒ SECTION 8: project schedule
- ☐ SECTION 9: within a district N/A
- ☒ SECTION 10: remarks

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JUN 11 2012

WATER RESOURCES DEPT
SALEM, OREGON

Attachments:

- ☒ Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- ☒ Fees - Amount enclosed: \$ ~~9,400.00~~ 9650⁰⁰
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- ☒ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use) TBD
- ☐ Other _____

G-17562

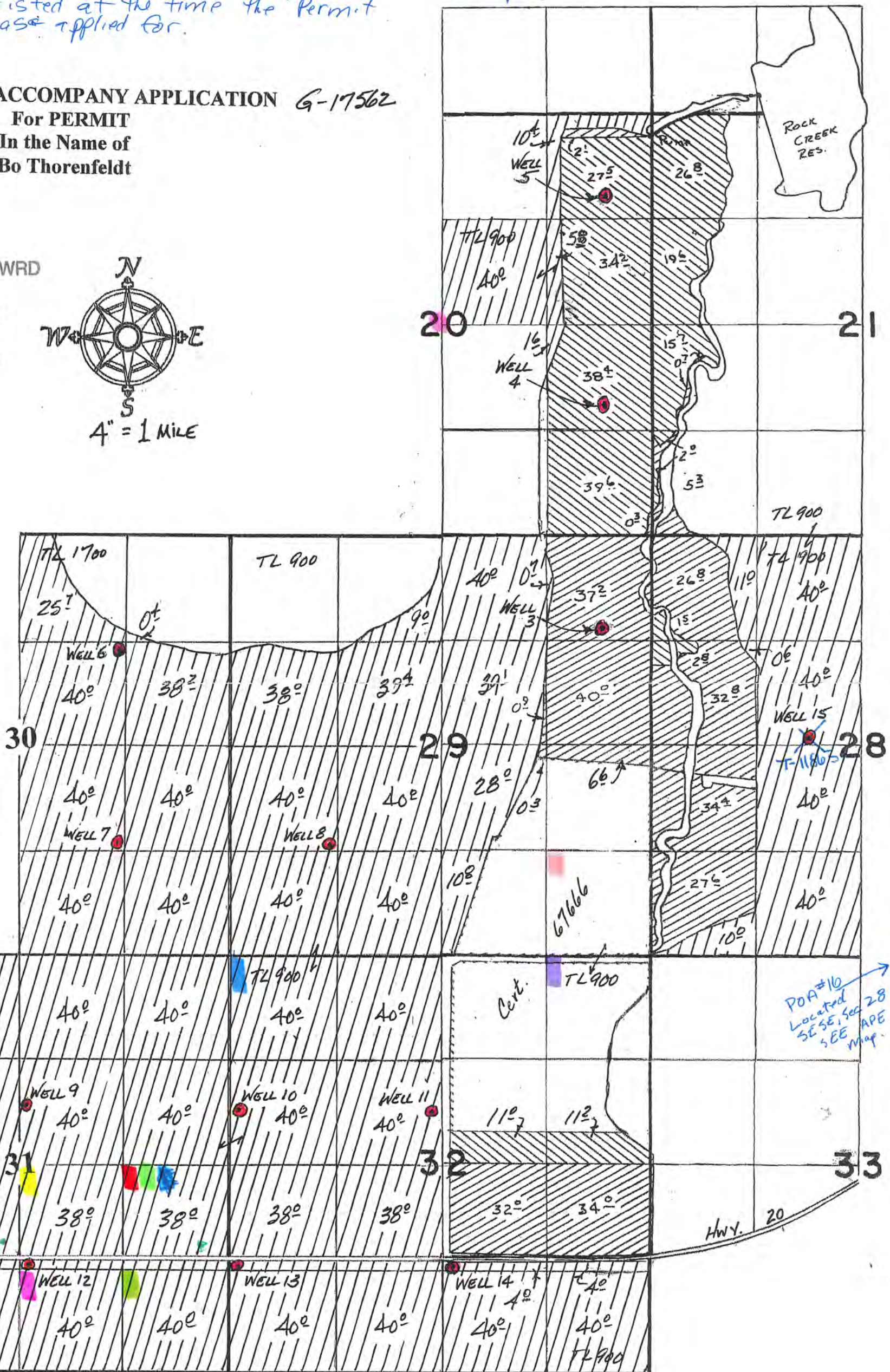
Permit Application (Sec 3) states "All wells are proposed, and are to be constructed to eliminate connection to surface water, to the extent possible."

T.22 S., R. 33 E., W.M. and

the well development table reinforces that ALL wells are proposed.



Well#	Location (all from the SE Cor. Sec. 29)
3	4150' N & 640' W
4	6940' N. & 680' W.
5	9560' N. & 620' W.
6	3900' N. & 6700' W.
7	1420' N. & 6720' W.
8	1420' N. & 4050' W.
9	1920' S. & 7850' W.
10	1950' S. & 5180' W.
11	1960' S. & 2760' W
12	3940' S. & 7800' W.
13	3940' S. & 5160' W.
14	3940' S. & 2480' W.
15	2740' N. & 1980' E.



This map is for the purpose of identifying the location of water rights only, and is not intended to provide legal dimensions or locations of property lines.

 PRIMARY

 SUPPLEMENTAL

May, 2012 *Ma*
AMENDED Aug 2012

May, 2012 *AKA*

WORK COPY

T.22 S., R. 33 E., W.M.

RECEIVED

JUN 11 2012

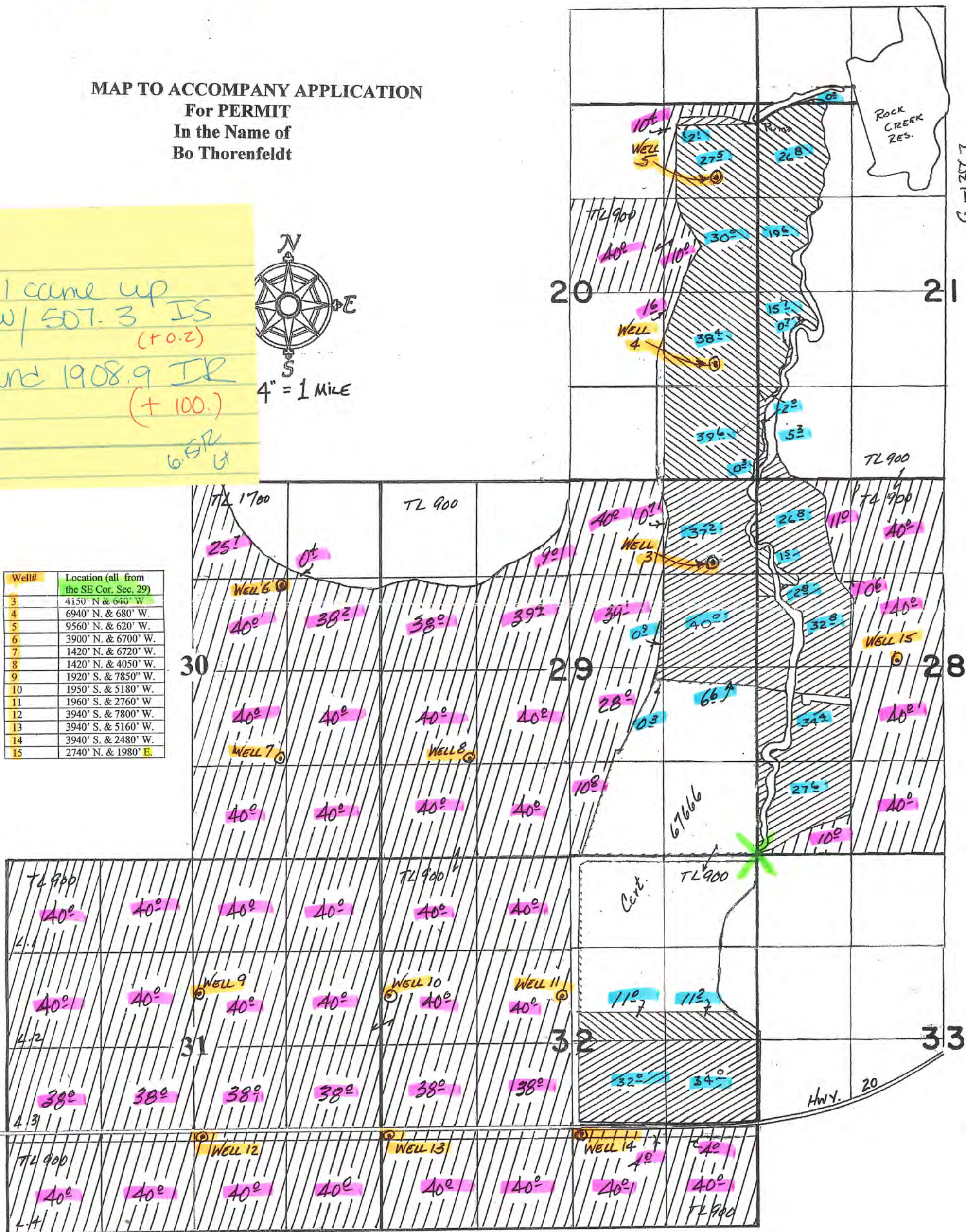
WATER RESOURCES DEPT
SALEM, OREGON

MAP TO ACCOMPANY APPLICATION
For PERMIT
In the Name of
Bo Thorenfeldt



I came up
w/ 507.3 IS
(+0.2)
and 1908.9 IR
(+100.)
6.5%
u

Well#	Location (all from the SE Cor. Sec. 29)
3	4150' N. & 640' W.
4	6940' N. & 680' W.
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 PRIMARY
 SUPPLEMENTAL

May 2012 *Ala*

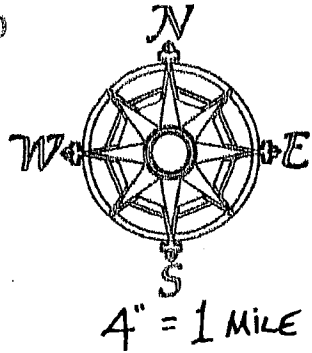
T.22 S., R. 33 E., W.M.

MAP TO ACCOMPANY APPLICATION G-17562
For PERMIT
In the Name of
Bo Thorenfeldt

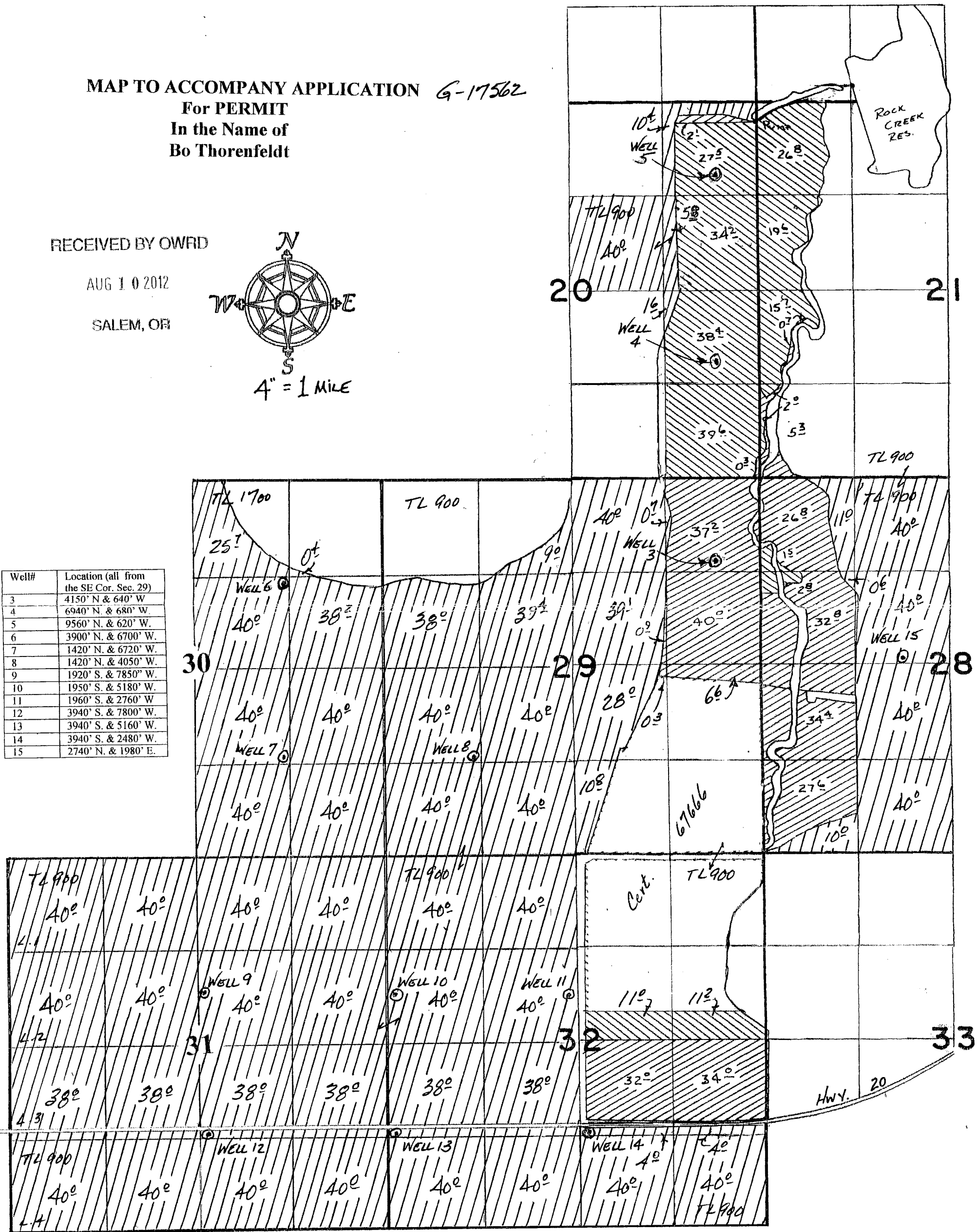
RECEIVED BY OWRD

AUG 10 2012

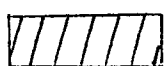
SALEM, OR



Well#	Location (all from the SE Cor. Sec. 29)
3	4150' N. & 640' W.
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PRIMARY



SUPPLEMENTAL

May 2012 *Ala*
Amended Aug 2012

WORK
COPY

T.22 S., R. 33 E., W.M.

MAP TO ACCOMPANY APPLICATION G-17562
For PERMIT
In the Name of
Bo Thorenfeldt

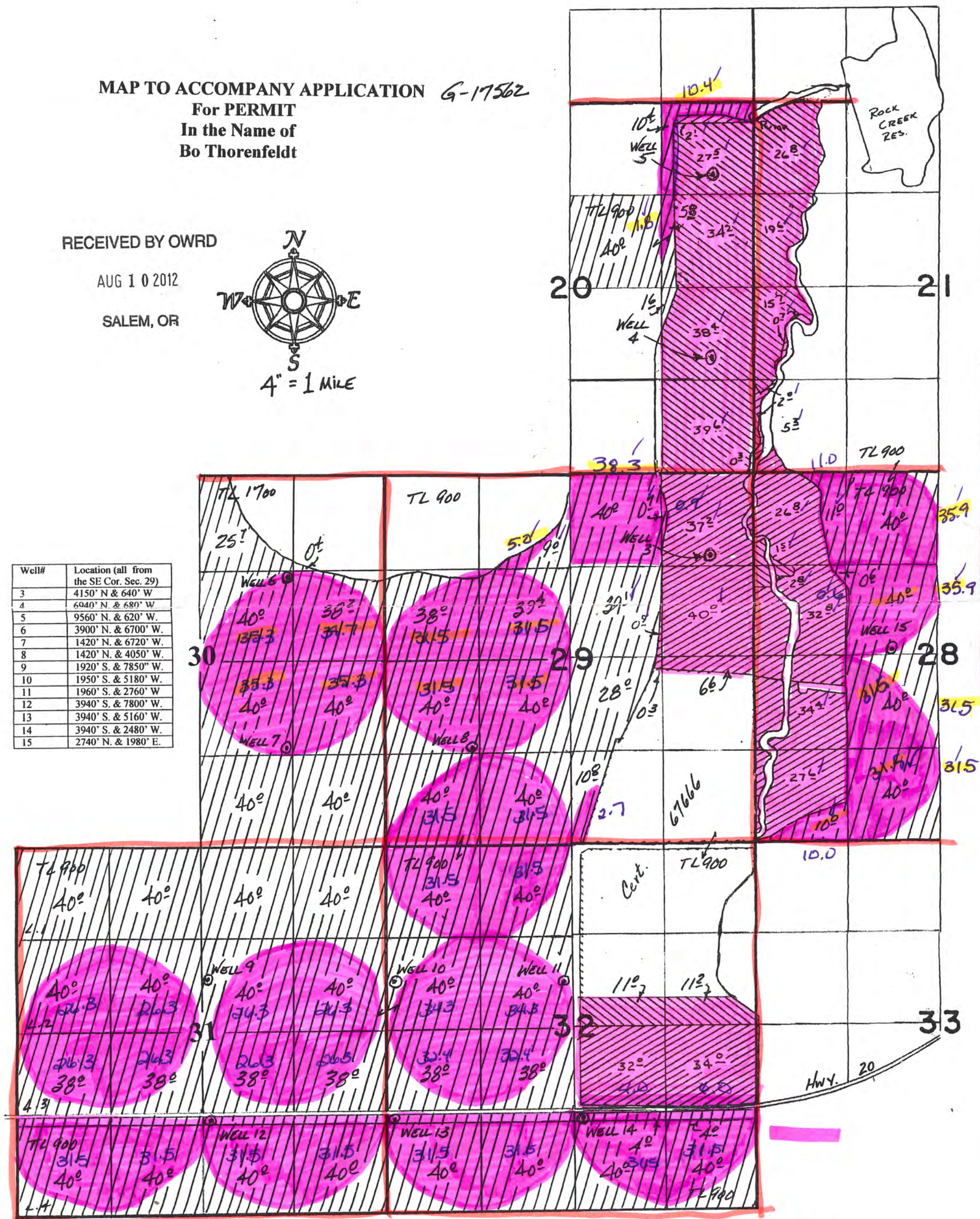
RECEIVED BY OWRD

AUG 10 2012

SALEM, OR



Well#	Location (all from the SE Cor. Sec. 29)
3	4150' N. & 640' W.
4	6940' N. & 680' W.
5	9560' N. & 620' W.
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PRIMARY - 1723.0

SUPPLEMENTAL - 481.7

May 2012 *Ala*
AMENDED Aug 2012

T.22 S., R. 33 E., W.M.

MAP TO ACCOMPANY APPLICATION *G-17562*
For PERMIT
In the Name of
Bo Thorenfeldt

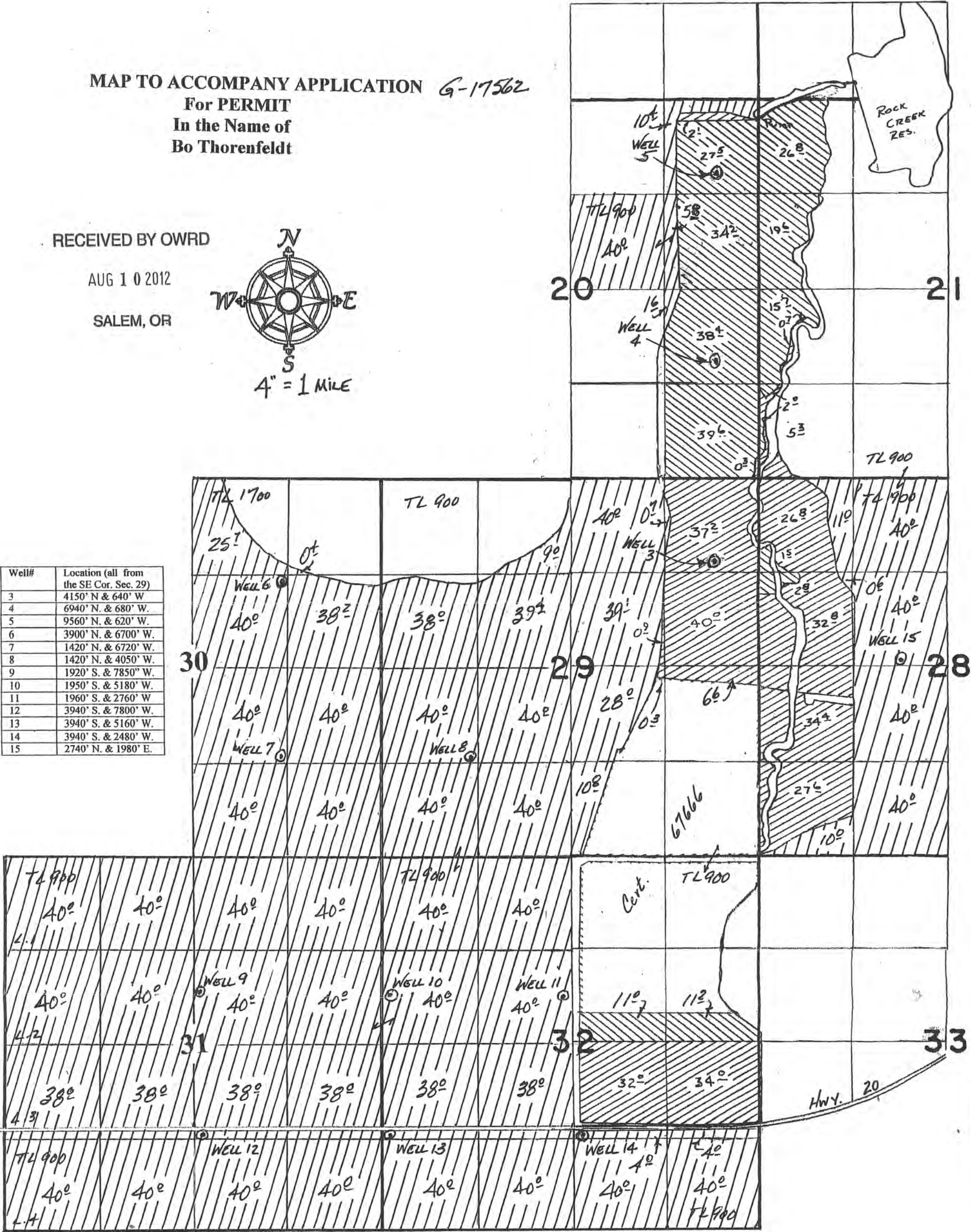
RECEIVED BY OWRD

AUG 10 2012

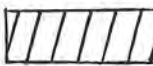
SALEM, OR



Well#	Location (all from the SE Cor. Sec. 29)
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This map is for the purpose of identifying the location of water rights only, and is not intended to provide legal dimensions or locations of property lines.

 PRIMARY
 SUPPLEMENTAL

May 2012 *Ala*
Amended Aug 2012


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 # **129713** INVOICE # _____

RECEIVED FROM: ACW Inc. dba Andy's APPLICATION 6-17562
BY: Custom Work PERMIT _____
TRANSFER _____

CASH: ☐ CHECK # 30612 OTHER: (IDENTIFY) _____ TOTAL REC'D \$ 670.00

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) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 670.00

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: **129713** DATED: 5-7-19 BY: Bilal
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

ACW, INC. DBA ANDY'S CUSTOM WORK
Oregon Water Resources Department
5530 - License & Dues Permit S-54843

3/26/19

30612
670.00

Business Banking - Ba Permit S-54843

670.00

RECEIVED
MAY 07 2019
OWRD

RECEIPT # 124718

INVOICE # _____

APPLICATION	G-17562
PERMIT	
TRANSFER	

TOTAL REC'D	\$ 100.00
-------------	-----------

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

RECEIPT: 124718

DATED: 12-17 BY: adhesma

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

30016

6/5/2012

9,650.00

RECEIVED

JUN 11 2012

WATER RESOURCES DEPT
SALEM, OREGON

THORENFELDT CONSTRUCTION, INC.

Wells Fargo

9,650.00

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 105970

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

INVOICE #

RECEIVED FROM:
BY:Thorenfeldt
Construction, Inc.APPLICATION
PERMIT
TRANSFER

617562

CASH:
☐CHECK:#
☒ 130016

OTHER: (IDENTIFY)

TOTAL REC'D \$ 9,650.00

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

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

EXAM FEE

\$

\$ 9250.00

\$

EXAM FEE

\$

\$

RECORD FEE

\$

\$ 400.00

LICENSE FEE

\$

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

0210 MONITORING WELLS

\$

OTHER (IDENTIFY)

CARD #

CARD #

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

\$

RECEIVED
OVER THE COUNTER

RECEIPT: 105970

DATED: 6-11-12 BY: 22

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

Water Right Conditions
Tracking Slip

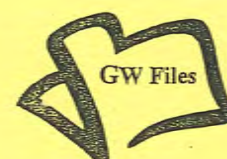
Groundwater/Hydrology Section

FILE ## G-17562
ROUTED TO: Water Rights - Kerry
TOWNSHIP/
RANGE-SECTION: 22S/33E - 20, 28, 29
30, 31, 32

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart



RECEIPTING ☒
POST CARD SENT ☒

WATER RIGHTS SUPPORT ☒

ATTN: WATER RIGHTS SUPPORT....

>>>>> Mark contents of file with application number; Update WRIS, and route file to caseworker.

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

Caseworker:

Jeana Eastman 503-986-0859 ☐

Kerry Kavanagh 503-986-0816 ☒

