

R-2

ASSIGNED

Name Edward L. Garrett
By _____
Address HC 60, Box 4310
Lakeview, OR 97630
Date filed April 14, 1989
Priority April 14, 1989
Action suspended until 2015

Return to applicant _____
Date of approval APR 30 1990

CONSTRUCTION

Date for beginning APR 30 1991
Date for completion OCT 01 1992
Extended to 10-1-93
Date for application of water OCT 01 1993
Extended to 10-30-2015

PROSECUTION OF WORK

Form "A" filed Started
Form "B" filed _____
Form "C" filed _____

FINAL PROOF

Blank mailed _____
Proof received C.O.B.U. 8/12/1994
Date certificate issued _____

Application No. R-69872^E
Permit No. R11221
Certificate No. _____
SEE FILE 69868
Stream Index, Page No. 13-22 B
See Dam File S-121
13-5042-550-0410

FEES PAID

Date	Amount	Receipt No.
<u>4-14-89</u>	<u>260</u>	<u>57702</u>
<u>4-9-90</u>	<u>291.50</u>	<u>62318</u>
<u>7-13-94</u>	<u>10.00</u>	<u>114243</u>
<u>4/4/14</u>	<u>85.00</u>	<u>111628</u>
<u>7/18/14</u>	<u>85.00</u>	<u>112790</u>
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>7-13-94</u>	<u>NW Farm Credit Svcs, Aca</u>	<u>P.O. Box 148, K-Falls, OR 97601</u>	<u>7</u>	<u>2925</u>
	<u>and</u>	<u>ph. 447-2940</u>		
	<u>Garrett 1992 Living Trust</u>	<u>HC 60, Box 4310, Lakeview, OR 97630</u>		

CARD FOR B

OCT 16 1997

REMARKS

CCWIRE 12-15-93
4/4/2014 MILDRED GARRETT 1992 LIVING TRUST
16025 GARRETT ROAD
LAKEVIEW OR 97630
7/18/2014 RICHARD E MORGAN
19230 HOOKER CREEK RD
COTTONWOOD CA 96022

ASSIGNED

Date	Amount	Receipt #
<u>11/3/14</u>	<u>575.00</u>	<u>113873</u>

NOTICE OF BEGINNING OF CONSTRUCTION

Mildred Garrett

the holder of Permit No. R-11221

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 3 day of September, 1993

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3 day of September, 1993.

Mildred Garrett
(Signature of Applicant)

HC 60 Box 4310 Lakeview, OR 97630
(Address)

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

BP-35567-690

RECEIVED

SEP 13 1993

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CONSTRUCTION

Mildred Garrett

the holder of Permit No. R-11221

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 3 day of September, 1993

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3 day of September, 1993.

Mildred Garrett
(Signature of Applicant)

HC 60 Box 4310 Lakeview, OR 97630
(Address)

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

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

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

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

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, *Mildred Garrett*

the holder of Permit No. R-11221

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 3 day of September, 1993.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 3 day of September, 1993.

Mildred Garrett
(Signature of Applicant)

HC 60 Box 4310 Lakeview, OR 97630
(Address)

LG 4066
JESWATER OK
JESOK
JES

WUP

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EDWARD L. GARRETT
HC 60, BOX 4310
LAKEVIEW, OREGON 97630

503-947-2940

to construct SOUTH ARM RESERVOIR and store the waters of HAY CREEK, a tributary of DREWS CREEK, to be appropriated under Application 69868, Permit 50968, for IRRIGATION.

This Permit to store waters is issued approving Reservoir Application R-69872. The date of priority is APRIL 14, 1989 FOR 560.0 ACRE-FEET AND AUGUST 24, 1989 FOR 255.8 ACRE-FEET. The amount of water entitled to be stored each year is not more than 815.8 ACRE-FEET.

The dam will be located as follows:

NE 1/4 SE 1/4, SECTION 22, T 40 S, R 16 E, W.M.

The area submerged by the reservoir, when full, will be 128.6 acres and the maximum depth of water will be 14.0 feet.

The area to be submerged by the reservoir is located within

E 1/2 SE 1/4
SW 1/4 SE 1/4
SECTION 22

SW 1/4 SW 1/4
SECTION 23

NE 1/4
SECTION 27
TOWNSHIP 40 SOUTH, RANGE 16 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

The permit is subject to the following conditions:

1. The structure shall be constructed, operated and maintained in accordance with the approved plans and specifications and with the design intent.
2. The repairs to the structure shall be constructed under the supervision of a registered engineer licensed in Oregon. No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department.
3. The outlet gate shall be cycled at least once each year in order to assure smooth operation.
4. The embankment and spillway channel shall be kept clear of trees and brush and other debris.
5. The embankment shall be kept free of burrowing animals.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. The reservoir shall be filled, and complete application of the stored water to the use shall be made on or before October 1, 1993.

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.

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

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

The storage of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued this date, APRIL 30, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

Oregon Water Resources Department

Water Right Services Division

Water Rights Application
Number R-69872

FINAL ORDER

Extension of Time for Permit Number R-11221
Permit Holder: Richard Morgan

Permit Information	
Application:	R-69872
Permit:	R-11221
Basin:	13 – Goose and Summer Lakes / Watermaster District 12
Date of Priority:	April 14, 1989 for 560.0 acre-feet (AF) and August 24, 1989 for 255.8 (AF)
Source of Water:	Hay Creek, a tributary of Drews Creek
Purpose of Use:	Stored water in South Arm Reservoir, to be appropriated under Permit S-50968, for irrigation
Maximum Volume:	815.80 (AF)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

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

Application History

Permit R-11221 was issued by the Department on April 30, 1990. The permit called for actual construction to begin by April 30, 1991, completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. On November 3, 2014,

Richard Morgan submitted to the Department an Application for Extension of Time for Permit R-11221. In accordance with OAR 690-315-0050(2), on December 16, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1993 to October 30, 2015 and the time to apply water to full beneficial use from October 1, 1993 to October 30, 2015. The protest period closed January 30, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated December 16, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Last Extension Condition

This is to be the last extension of time granted for Permit R-11221. Any future extensions of time requests will be denied.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

Continued on the following page

ORDER

The extension of time for Application R-69872, Permit R-11221, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1993 to October 30, 2015. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1993 to October 30, 2015.

DATED: February 6, 2015



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

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- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: February 6, 2015

Copies Mailed

Application: R-69872

By: BW

Permit: R-11221

On: 2/6/15

Original mailed to permit holder

Richard Morgan
19230 Hooker Creek Road
Cottonwood, CA 96022

Copies sent to:

1. WRD - App. File R-69872/ Permit R-11221
2. Anderson Engineering & Surveying, Inc.
P.O. Box 28
Lakeview, OR 97630
3. WRD - Keith Mills, Dam Safety

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. WRD - Watermaster District 12, Brian Mayer

CASEWORKER: MAB

Oregon Water Resources Department
Water Right Services Division

PROPOSED FINAL ORDER

In the Matter of the Application for an Extension of Time for Permit R-11221, Water Right Application R-69872, in the name of Richard Morgan.

	Permit Information
Application:	R-69872
Permit:	R-11221
Basin:	13 – Goose and Summer Lakes / Watermaster District 12
Date of Priority:	April 14, 1989 for 560.0 acre-feet (AF) and August 24, 1989 for 255.8 (AF)
Source of Water:	Hay Creek, a tributary of Drews Creek
Purpose of Use:	Stored water in South Arm Reservoir, to be appropriated under Permit S-50968, for irrigation
Maximum Volume:	815.80 (AF)

*****Please read this Proposed Final Order in its entirety as it may contain additional conditions not included in the original permit*****

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 1993 to October 30, 2015.
- Grant an extension of time to apply water to full beneficial use from October 1, 1993 to October 30, 2015.¹
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

¹ 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.

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department

PFO – Proposed Final Order

cfs – cubic feet per second

gpm – gallons per minute

AF – acre-feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(3) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order 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) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

FINDINGS OF FACT

Background

1. Permit R-11221 was granted by the Department on April 30, 1990. The permit authorizes the storage up to 815.80 AF of water in South Arm Reservoir from Hay Creek, a tributary of Drews Creek, to be appropriated under Permit S-50968 for irrigation. The permit specified actual construction was to begin by April 30, 1991, construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

2. One prior permit extension has been granted for Permit R-11221. The most recent extension resulted in the completion dates for construction being extended to October 1, 1993.
3. The permit holder submitted an "Application for Extension of Time" to the Department on November 3, 2014, requesting the time to complete construction of the water system extended from October 1, 1993 to October 30, 2015 and the time to apply water to full beneficial use under the terms of Permit R-11221 be extended from October 1, 1993 to October 30, 2015.
4. Notification of the Application for Extension of Time for Permit R-11221 was published in the Department's Public Notice dated November 11, 2014. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³ and/or 539.010(5)⁴.

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

5. On November 3, 2014, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Actual construction of the water system began prior to the April 30, 1991 deadline specified in the permit.

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

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

7. As of November 3, 2014, the remaining work to be completed consists of obtaining written certification from the engineer that construction has been completed in accordance with the approved plans and specification, and written authorization for storage of water from the Department; completing construction of the water system and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 30, 2015, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit R-11221 is both reasonable and necessary.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

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

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

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

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

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

9. Work was accomplished within the time allowed in the permit or previous extension as follows:

- a. Construction of the water system began prior to the April 30, 1991 deadline specified in the permit. Dam spillway improvements were completed to the existing dam and spillway April 30, 1990.
- b. No work was completed during the original development time frame under Permit R-11221, as most work was completed before Permit issuance.

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

10. The following beneficial use was made of the water during the permit or previous extension time limits:

- a. Since the issuance of Permit R-11221 on April 30, 1990, the permit holder has stored 815.8 AF of water diverted from the Hay Creek, a tributary of Drews Creek for irrigation on 197 acres.
- b. Delay of full beneficial use of water under Permit R-11221 was due, in part, to the permit holder failing to obtain written certification from an engineer that construction has been completed in accordance with the approved plans and specification, and written authorization for storage from the Department.

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

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

- a. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the permit holder has not yet obtained written certification from an engineer that construction has been completed in accordance with the approved plans and specification, and (2) the permit holder has not yet obtained written authorization for storage from the Department.

- b. Failure to comply with permit conditions constitutes illegal storage of water. In order to legally perfect the storage of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

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

12. As of November 3, 2014, the permit holder has invested approximately \$15,000, which is about 88 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$2,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit R-11221.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

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

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)]
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-11221; 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. The point of diversion is located on Hay Creek, a tributary of Drews Creek, and is not located within a Withdrawn Area. Hay Creek, a tributary of Drews Creek is not located within or above a state or federal scenic waterway, however, it is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of diversion is not in a location listed by the Department of Environmental Quality as a water quality limited stream.

15. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
17. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary due to no additional work having been accomplished since October 1, 1993

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

18. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

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

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

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

20. None have been identified.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 30, 2015⁵, as required by OAR 690-315-0040(1)(c).

⁵ Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the

5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As authorized in OAR 690-315-0050(5) and as described in Finding 17, above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), a "Last Extension Condition" in order to ensure future diligence is exercised in the development and perfection of Permit R-11221.

Continued on the following page

complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit R-11221 from October 1, 1993 to October 30, 2015.

Extend the time to apply water to beneficial use under Permit R-11221 from October 1, 1993 to October 30, 2015.

Subject to the following conditions:

CONDITIONS

1. Last Extension Condition

This is to be the last extension of time granted for Permit R-11221. Any future extensions of time requests will be denied.

DATED: December 16, 2014


Dwight W. French, Administrator
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than January 30, 2015, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:

- a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Machel Bamberger 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 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
-
- Fax: 503-986-0901

Mailing List for Extension PFO Copies

PFO Date: December 16, 2014

Copies Mailed

Application: R-69872

Permit: R-11221

By: PKJ
On: 12/16/14

Original mailed to Applicant:

Richard Morgan
19230 Hooker Creek Road
Cottonwood, CA 96022

Copies sent to:

1. WRD - App. File R-69872/ Permit R-11221
2. Anderson Engineering & Surveying, Inc.
P.O. Box 28
Lakeview, OR 97630

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 12, Brian Mayer

CASEWORKER: MAB

Application # R-69872 Permit # R-11221

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

♦ **WRIG...**

Money Receipted on: 11-4-14

♦ **Extension Specialist...**

☒ Added to tracking spreadsheet

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

♦ **Codi Holmes...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 11/11/14

☒ 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 Machelle

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **113873**

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

INVOICE #

R-69872

RECEIVED FROM: Holiday Ranches, Inc.
BY: _____

APPLICATION

R-69868

PERMIT

TRANSFER

CASH ☐ CHECK # X 30839 OTHER (IDENTIFY) _____

TOTAL REC'D \$ **1152.00**

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

0202

0204

RECORD FEE

\$

\$

LICENSE FEE

\$

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

0210 MONITORING WELLS

\$

CARD #

CARD #

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT **113873**

DATED: 11/3/14

BY: [Signature]

HOLIDAY RANCHES, INC.

30839

OREGON WATER RESOURCES DEPARTMENT

Date	Type	Reference	Original Amt.	Balance Due	10/27/2014 Discount	Payment
10/27/2014	Bill	APPLICATION	1,150.00	1,150 00		1,150.00
					Check Amount	1,150.00

RECEIVED BY OWRD

NOV 03 2014

SALEM, OR

REDDING BANK OF APPLICATION OF EXTENSION WATER RIGH

1,150.00

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 113873

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

INVOICE #

R-69872

RECEIVED FROM: Holiday Ranches, Inc.

APPLICATION

R-69868

BY:

PERMIT

TRANSFER

CASH. ☐ CHECK # X 30839 OTHER (IDENTIFY) ☐

TOTAL REC'D \$ 1150.00

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

\$ 1150.00

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

RECORD FEE

0203 GROUND WATER

\$

0202

\$

0205 TRANSFER

\$

0204

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND TITLE

OBJ CODE VENDOR #

DESCRIPTION

\$

RECEIPT: 113873

DATED

11/3/14

BY

[Signature]

Qualitative Water Data Customer Value Data Final Data Data File Data Data Final

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- ☒ 1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- ☒ 2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____
If the permit has been cancelled, the Extension Application cannot be accepted.
- ☒ 3. Is the extension applicant's name and mailing address supplied? _____

If yes, is the applicant a permit holder of record (i.e., permit issued or assigned to them)? _____

If the extension applicant is NOT a permit holder of record, a "Request for Assignment" must be accepted and processed before the Extension Application can be processed.

If an Assignment has not yet occurred, and is not submitted with the Extension of Time Application, the application cannot be accepted.

* **NOTE:** The applicant may submit a complete "Request for Assignment," at the same time, which must include the statutory fee of \$85 for the assignment, required proof of ownership, or signature of previous permit holder, in addition to all necessary items required for the Extension of Time Application so that **both** applications can be accepted.

- ☒ 4. Is the appropriate Extension of Time Application used? _____
If the wrong application form is used, the Extension Application cannot be accepted.
- If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."

- ☒ 5. Are the requested date(s) for extension identified (Page 1)? _____
- Check the permit to see if it includes a "B-Date" and/or a "C-Date."
 - "B-Date" = date by which construction of the water delivery system for the permit is to be completed.
 - "C-Date" = date by which full beneficial use of water under the permit is to be accomplished.

NOTE: For permits with both a "B-Date" and a "C-Date," the applicant will likely request an extension of both dates (i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use). Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" (i.e., to apply water to full beneficial use).

For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.

- ☒ 6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____
(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)

If not signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.

NOTE: If the permit covers land that has been subdivided and assigned to different, individual parties... we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

- ☒ 7. Are all questions on the application answered? _____
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

The tables below are informational only. No need to check off.

■ **NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:**

• Ques. #1 - Information provided on beginning of construction ("A" Date) under the permit.	• Ques. #5-C - Well location information provided <u>and</u> whether a permit amendment is necessary.
• Ques. #2 - Information provided on compliance with permit conditions.	• Ques. #6 - Information provided on number of acres irrigated, if applicable.
• Ques. #3 - Description provided of progress made in developing the permit.	• Ques. #7 - Description provided of remaining work left to be accomplished to perfect the permit.
• Ques. #4 - Monetary investment made in the project to date provided.	• Ques. #8 - Description provided of estimated cost to complete the project associated with the permit.
• Ques. #5-A - Max amount of water beneficially used to date for a SW permit indicated.	• Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
• Ques. #5-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	• Ques. #10 - Justification provided of why the requested time is necessary to complete project.

■ **Municipal/Quasi-Municipal Permit Extension Applications:**

• Ques. #2 - For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	• Ques. #8 - Estimate provided of current peak water demand of the population served <u>and</u> the methodology used to make the estimate.
• Ques. #3 - For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	• Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
• Ques. #4 - Description provided of progress made in developing the permit <u>and</u> financial expenditures made in the project to date.	• Ques. #10-A - Estimate provided of demand projection for the permit, the methodology used to make the estimate <u>and</u> anticipated date for full beneficial use of the permit.
• Ques. #5-A & #5-B - Information provided on compliance (or non-compliance) with permit conditions.	• Ques. #10-B - For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
• Ques. #6-A - Max amount of water beneficially used to date for a SW permit indicated.	• Ques. #11 - Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
• Ques. #6-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	• Ques. #12 - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
• Ques. #6-C - Well location information provided <u>and</u> whether a permit amendment is necessary.	• Ques. #14 - A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.
• Ques. #7 - Estimate provided of current population served under the permit <u>and</u> the methodology used to make the estimate.	• Attachment A - A tabular inventory of the water supplier's water rights and any other water use authorizations.

- ☒ 8. Has the \$575 fee been paid? _____
 *If applicable, has the \$85 fee for the Assignment been paid? _____
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)

If the fee has NOT been paid, the application cannot be accepted.

****NOTE:** If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks).

- ☐ 9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to Extension Specialist, or Anne Reece for municipal and quasi-municipal applications. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Machelle Bamberg Date: 11-4-14



Oregon

John Kitzhaber, 11th Governor

Water Resources Department

North Mall Office Building
723 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-1000
FAX (503) 986-1111

November 4, 2014

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 #: S-69868 and R-69872 (Permit S-50968 and R-11221)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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

If you have questions concerning your extension of time application, please contact Machel Bamberger 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.

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EDWARD L. GARRETT
HC 60, BOX 4310
LAKEVIEW, OREGON 97630

503-947-2940

to construct SOUTH ARM RESERVOIR and store the waters of HAY CREEK, a tributary of DREWS CREEK, to be appropriated under Application 69868, Permit 50968, for IRRIGATION.

This Permit to store waters is issued approving Reservoir Application R-69872. The date of priority is APRIL 14, 1989 FOR 560.0 ACRE-FEET AND AUGUST 24, 1989 FOR 255.8 ACRE-FEET. The amount of water entitled to be stored each year is not more than 815.8 ACRE-FEET.

The dam will be located as follows:

NE 1/4 SE 1/4, SECTION 22, T 40 S, R 16 E, W.M.

The area submerged by the reservoir, when full, will be 128.6 acres and the maximum depth of water will be 14.0 feet.

The area to be submerged by the reservoir is located within

E 1/2 SE 1/4
SW 1/4 SE 1/4
SECTION 22

SW 1/4 SW 1/4
SECTION 23

NE 1/4
SECTION 27
TOWNSHIP 40 SOUTH, RANGE 16 EAST, W.M.

This project was considered and approved by the Water Resources Commission on March 30, 1990.

The permit is subject to the following conditions:

1. The structure shall be constructed, operated and maintained in accordance with the approved plans and specifications and with the design intent.
2. The repairs to the structure shall be constructed under the supervision of a registered engineer licensed in Oregon. No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department.
3. The outlet gate shall be cycled at least once each year in order to assure smooth operation.
4. The embankment and spillway channel shall be kept clear of trees and brush and other debris.
5. The embankment shall be kept free of burrowing animals.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Actual construction work shall begin on or before APRIL 30, 1991, and shall be completed on or before October 1, 1992. The reservoir shall be filled, and complete application of the stored water to the use shall be made on or before October 1, 1993.

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.

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

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

The storage of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued this date, APRIL 30, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

Ext 11-193

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: R- 69872 Permit: R- 69868 Permit Amendment? No ☐ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Richard Morgan

Permit Holder's Mailing Address: 19230 Hooker Creek Road email

Phone Number: 530-347-0488

POD Location: Township Range Section 1/4

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: Brain Mayer

Date Permit was issued: 4/30/1990 Priority Date: 4/14/1989 Date of PN: 11-11-14

Source: Hay Creek, a tributary of Drew Creek *for 500 AF*
8-24-1989 for 255.5 AF

Use: store water to be appropriated under Permit S-50968

"Q": 815.8 AF

Orig "A" Date: 4/30/1991 Orig "B" Date: 10/1/1992 Orig "C" Date: 10/1/1993

Extension request rec'd: 11-3-2014 Last Authorized "B" Date: 10/1/93 Last Authorized "C" Date: 10/1/13 *new Permit Hold*
7-18-2014

Request Number (1, 2, 3...): 2 Proposed "B" Date: 10/1/2015 Proposed C Date: 10/1/2015

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☐	☒	written certification from engineer that construction has been completed/written authorization for storage
☒	☐	outlet gate shall be cycled at least once a year <i>stored water</i>
☒	☐	embankment and spillway channel shall be kept clear of trees and brush <i>by 4-30-91</i>
☒	☐	embankment shall be kept free of burrowing animals
☒	☐	outlet pipe

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

Yes No

- ☐ ☒ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$17,000 Estimated Remaining Cost: \$2,000
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 815.8 ☐ cfs ☐ gpm ☒ af of the total permitted quantity of water on acres

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 ☐

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

Identify the closest surface water or localized water basin. Hay Creek

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- ☐ ☒ above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- ☒ ☐ within a sensitive, threatened or endangered species area Source: "/>



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

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SALEM, OR

Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, **Richard E. Morgan**

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

the holder of: Application Number R-69872 Permit Number R-11221 [OAR 690-315-0020(3)(b)]

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

19230 Hooker Creek Road
MAILING ADDRESS

Cottonwood, CA, 96022
CITY, STATE, ZIP

530-347-0488
PHONE

E-MAIL ADDRESS

X do hereby request that the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month 10 Day 1 Year 1993, be extended to October 30, Year 2015.

Please Note. If the permit does specify a date when construction must be completed, you should request to extend both the time to apply water to full beneficial use and to complete construction. These dates are typically found on the permit above the signature of the Director.

and

☒ do hereby request that the time to complete construction of the water system, which now expires on Month 10 Day 1 Year 1993, be extended to October 30, Year 2015

Sign after completing the entire application, questions 1-11.

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

Signature

Date

Printed Name/Title

RICHARD E. MORGAN PRES

MAIL COMPLETED and SIGNED APPLICATION with the \$575 STATUTORY FEE TO:

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

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SALEM, OR

Submit the following items with your Application for Extension of Time:

- The signed and completed Application for Extension of Time.
- **\$575 check to OWRD or Oregon Water Resources Department**
- All supporting documentation and/or evidence referenced in the application.

Reference materials needed to complete this Application:

- **Water right permit.** A copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (using the link to the Water Rights Information System (WRIS)). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (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.).

Helpful information for completing this Application:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form.** The form *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits* is at the following link: <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to **fully** complete construction of the water project and/or to fully use the permitted quantity of water under the permit terms & conditions.
- The attached *Instructions for Completing an Application for Extension of Time for a Water Right Permit* will help you answer each question on the application. If, after reading the instructions, you need assistance, please call the Extensions Specialist at 503-986-0900.
- Permit extensions are evaluated under OAR Chapter 690, Division 315, which may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>. Please note that OWRD may require additional information, if necessary, to evaluate the application per OAR 315-0020(3)(n).
- OWRD will review applications received for completeness and will return incomplete or deficient applications per OAR 690-315-0040(1)(a) to the applicant.

Questions to Complete this Application for Extension of Time

Please see the instruction sheet to help you answers these questions.

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

1. Did the "actual construction" of the water system/well drilling begin within the time specified in the permit? ☐ Yes ☒ No ☐ N/A, if not specified in this permit

Date "actual construction" began is: June 1989

Describe details of construction: Existing dam and spillway was surveyed to determine any improvements that may be required for proper working outlets and safety of the structures.

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

- 2-A. Please Describe how you have complied with each standard and special condition in the original permit [and, if applicable, conditions contained in any order approving a permit amendment and/or order approving a prior extension of time].

TIP: The instruction sheet explains which typical conditions must be addressed here.

Condition Number: Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit.

CHART-A

Condition Number	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	4/30/1990	The dam spillway improvements were completed per engineer drawings.
2	4/30/1990	No repairs have been done.
3	4/30/1990	Outlet gate is used annually.
4	4/30/1990	Embanment has been kept clear of trees and brush.
5	4/30/1990	No borrowing animals are present.

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

CHART-B

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

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Revised April 11, 2014

Application for Extension of Time for a Water Right Permit

Page 3

SALEM, OR

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

- 3-A. Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the original permitted time period.

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

CHART-C

DATE	LIST & DESCRIBE WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST*
6/16/1989	Survey work and structure improvement work started	\$5,000.00
4/30/1990	Improvement work to spill way and outlet works completed.	\$10,000.00
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE FOR COMPLETE APPLICATION OF WATER	COST*
	Date the permit was signed - find date above signature on last page of permit.	
4/30/1990		
4/30/1991	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
4/30/1991	Stored water complete	N/A
10/1/1993		
	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER DATE FOR COMPLETE APPLICATION OF WATER UP TO NOW Complete if this is your first request for extension of time.	COST*
7/29/1994	Final Proof Inspection	\$2,000.00
*Total Cost for Chart-C		\$17,000.00

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

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NOV 03 2014

Revised April 11, 2014

SALEM, OR

Application for Extension of Time for a Water Right Permit

Page 4

IF this is your first Application for an Extension of Time, write NA in Chart D below and proceed to question 4 at the bottom of this page.

- 3-B) Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the most recent extension period.**

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

CHART-D

DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD	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	LIST AND DESCRIBE WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXPIRED EXTENSION PERIOD UP TO NOW	COST*
Total Cost of Chart-D		

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

4. [OAR 690-315-0020(3)(f)]
Cost of project to date: \$17,000.00
(The total combined cost from CHART-C and CHART-D)

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NOV 03 2014

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

TIP: Report the rate used to date in the same units of measurement as specified in the permit. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

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

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

or

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

or

Acre-feet stored to date = 815.8 AF

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

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

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum measured rate used from this well - - under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
.8		Yes ☐			Yes ☐		Yes ☐	-
		No ☐			No ☐		No ☐	-
		Yes ☐			Yes ☐		Yes ☐	-
		No ☐			No ☐		No ☐	-
		Yes ☐			Yes ☐		Yes ☐	-
		No ☐			No ☐		No ☐	-
		Yes ☐			Yes ☐		Yes ☐	-
		No ☐			No ☐		No ☐	-
Total measured rate from all wells utilized under this permit								

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

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

Well # _____: Actual location: _____

Well # _____: Actual location: _____

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

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

Surface Water Permits: I have applied water to _____ acres for irrigation to date.

Ground Water Permits: I have applied water to _____ acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
10/2014-10/2015	Engineer certification of construction	\$2,000.00
Year: 2015	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
8.	Estimated remaining total cost to complete the water development: [OAR 690-315-0020(3)(g)]	\$2,000.00

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

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

9-A) Is the project of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit? If yes, describe.

NO

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Revised April 11, 2014
SALEM, OR

Application for Extension of Time for a Water Right Permit

Page 7

- 9-B) Did the financial resources needed to develop the project preclude completion of the project within authorized time frames? If yes, describe.

NO

- 9-C) Did good faith attempts to comply with other agency permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delay completion of the project? If yes, describe.

NO

- 9-D) Have other unforeseen events delayed full development of the water system and use of water within the authorized time frames? If yes, describe.

NO

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

10. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time. 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.

This extension will provide adequate time to submit proper documentation

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

Thank you for submitting a complete and accurate application. Remember to sign the front page. If you have questions or need assistance, please ask to speak with the Department's Extension Specialist by calling 503-986-0900 during business hours.

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NOV 03 2014

Revised April 11, 2014

SALEM, OR

Application for Extension of Time for a Water Right Permit

Page 8

ANDERSON
ENGINEERING & SURVEYING

HC 64 Box 24 539 SW 7th Street
P.O. Box 28 P.O. Box 419
LAKEVIEW, OR 97630 REDMOND, OR 97756
(503) 947-4407 (503) 923-4307
FAX (503) 947-2321 FAX (503) 923-4308

LETTER OF TRANSMITTAL

TO Water Resources Department

3850 Portland Road NE

Salem, OR 97310

DATE	08/10/94	JOB NO.	94054
ATTENTION			
RE			

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Original Mylar - Final Proof Survey with Report

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

RECEIVED

AUG 12 1994

WATER RESOURCES DEPT
SALEM, OREGON

COPY TO _____

RECYCLED PAPER
Contents: 40% Pre-Consumer • 10% Post-Consumer

SIGNED: Darryl Anderson, P.E., P.L.S.

If enclosures are not as noted, kindly notify us at once.

FINAL PROOF SURVEY
CLAIM OF BENEFICIAL USE AND SITE REPORT

GENERAL INFORMATION

Permit/Certificate Holder: Mildred Garrett
HC 60 Box 4310
Lakeview, OR 97630
Permit No. 50968 and No. R11221

WATER SOURCE

The source of water is South Arm Reservoir located on a tributary of Hay Creek within the Goose Lake Basin.

LOCATION OF AREA INVOLVED

The area involved is 197 acres of irrigated land located in Sections 14, 15, 22, and 23 of Township 40 South, Range 16 East, Willamette Meridian, Lake County, Oregon.

DIVERSION POINT

The reservoir outlet is located 230.1 feet north and 233.9 feet west of the south 1/16 corner common to Sections 22 and 23.

USE OF WATER

Use of water is for irrigation of pasture land.

DESCRIPTION

PERMIT 50968 AND R-11221 - Final proof inspection date was July 29, 1994.

Permit R-11221 - This permit allowed storage of water in South Arm Reservoir. Storage is behind a dam constructed sometime in the early 1950's or late 1940's. Plans and specifications for the dam and spillway were submitted and approved by the Dam Safety Section of the Water Resources Department. Please refer to letter dated May 24, 1990, from Barry Norris, Dam Safety Engineer.

At the time of our inspection, the reservoir was approximately half full. The spillway had been constructed as per the plans and had run water during the last winter. All elements of the dam were as specified in the approved plans and as outlined in the permit.

RECEIVED

AUG 12 1994

WATER RESOURCES DIV.
SALEM, OREGON

PAGE 2

Permit 50968 - This permit allowed use of water out of South Arm Reservoir for irrigation of lands as shown on the attached map. A field inspection indicated ditches as shown on the map with pasture grass in the irrigated areas.

Water had released from the outlet pipe of the reservoir and diverted into the ditches to irrigate the area shown.

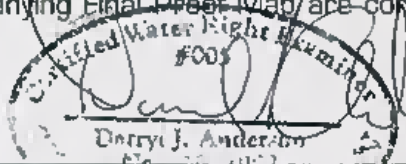
SURVEY TIE

The outlet pipe was located from the 1/16 corner as shown on the attached map.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of the Permit Nos. 50968 and R-11221 was completed on July 29, 1994, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.

August 10, 1994

Date


Darryl J. Anderson
Certified Water Right Examiner

I, Mildred Garrett, agree to the findings of the CWRE and do submit this site report and map as my claim of beneficial use of the water as provided under the terms and conditions of Permit Nos. 50968 and R-11221.

August 10, 1994

Date


Mildred Garrett

RECEIVED

AUG 12 1994

WATER R.
SA E.A. ON G. 1

MAP TO ACCOMPANY APPLICATION FOR SUPPLEMENTAL & PRIMARY WATER RIGHTS

RECEIVED

APR 10 1989

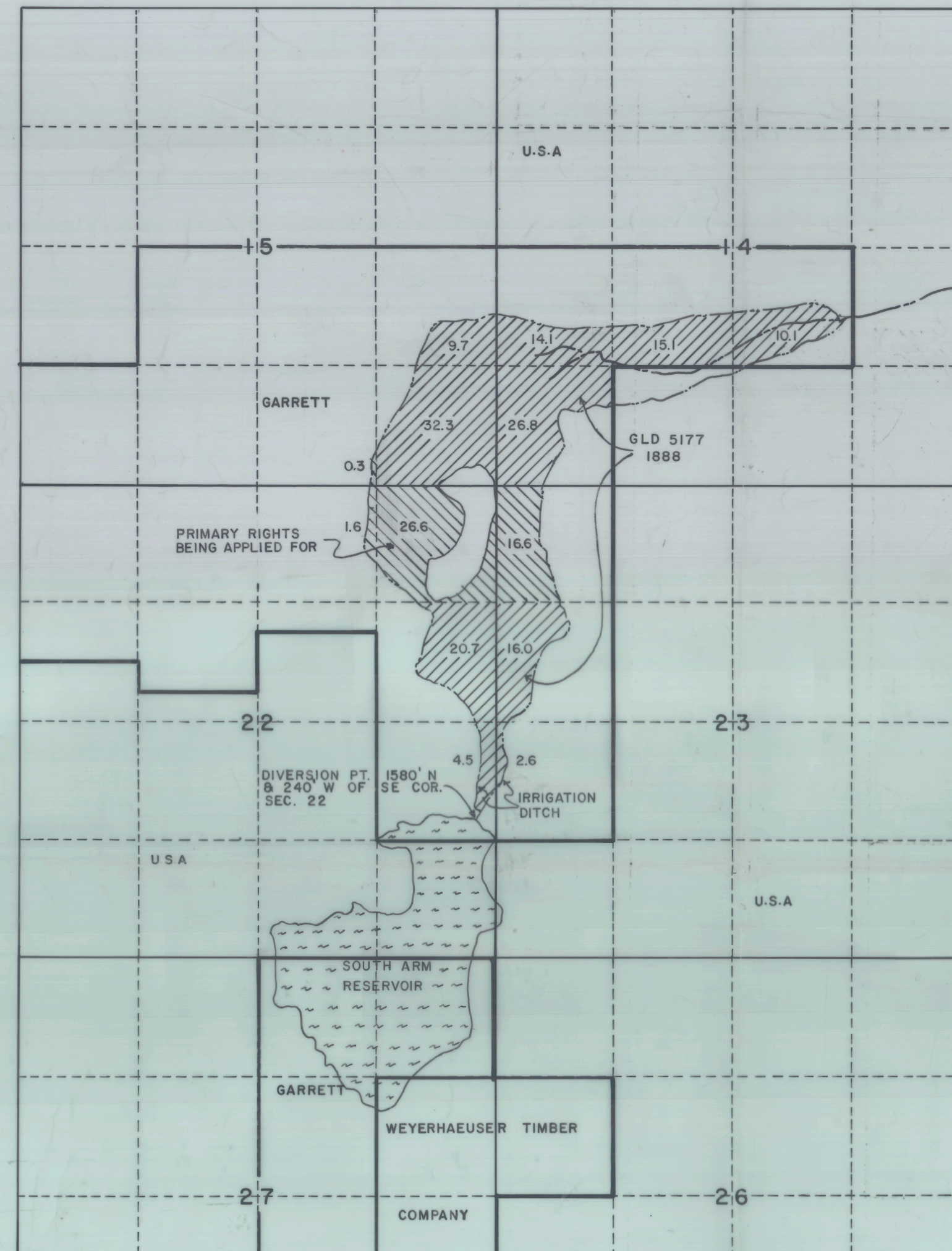
WATER RESOURCES DEPT.
SALEM, OREGON

R 16 E

APPLICATION NO. 69868, R. 69872
PERMIT NO. 50968, R. 11221



SCALE 1"=1320'

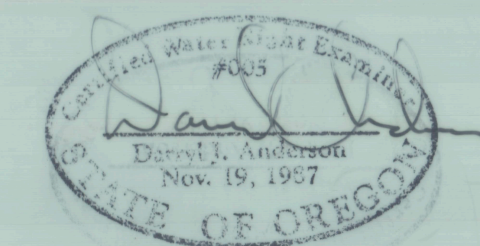


LEGEND

- IRRIGATION AREAS
- EXISTING STREAMS & DITCHES
- APPROX. OWNERSHIP LINE AS NOTED

GENERAL NOTES

1. PREPARATION OF THIS MAP IS FOR IDENTIFYING THE LOCATIONS OF PROPOSED SUPPLEMENTAL WATER RIGHTS AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY LINES.
2. USE OF WATER IS FOR IRRIGATION. SOURCE OF WATER IS SOUTH ARM RESERVOIR.



PREPARED FOR:

ED GARRETT
HC 60 BOX 4310
LAKEVIEW, OR 97630

PREPARED BY:

ANDERSON ENGINEERING & SURVEYING
P.O. BOX 28
LAKEVIEW, OR 97630
(503) 947-4407
FEBRUARY, 1989

CLARK Gerry E

From: CLARK Gerry E
Sent: Monday, June 30, 2014 9:38 AM
To: 'holidayranches@sbcglobal.net'
Subject: Water Right Information

Maxine,

Here is the information that we discussed:

Link to permit R-11221 documents

http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=32100

Link to permit S-50968 documents

http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=49631

Assignment Form – each permit must be covered by a separate assignment request and fee (To be signed by Mildred as trustee)

http://www.oregon.gov/owrd/pubs/docs/forms/Assign_7_19_13.pdf

Extension of Time application – each permit must be covered by a separate assignment request and fee

http://www.oregon.gov/owrd/PUBS/docs/forms/fitlable_non_muni_ext_app_form_041114.doc

As we discussed, the Assignment and request to request reconsideration of the proposed order are the most important items at this time. In your letter requesting reconsideration, please provide a timeline for the submittal of the application for the Extension of time.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R-69872
MILDRED GARRETT 1992 LIVING TRUST
16025 GARRETT ROAD
LAKEVIEW OR 97630

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Beth Ann Alpertson☐ Agent☐ Addressee

B. Received by (Printed Name)

Beth Ann Alpertson

C. Date of Delivery

4/25/14

D. Is delivery address different from item 1?

☐ Yes

If Yes, enter delivery address below.

☐ No**RECEIVED****JUN 27 2014****OWRD**

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes*7012 2210 0000 1304 8443**W/N*

Domestic Return Receipt

CV /mfr

102595-02-M-1540

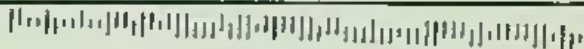
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

OREGON WATER RESOURCES
725 SUMMER STREET NE SUITE A
SALEM, OR 97301-1266





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

Request for Assignment

RECEIVED BY OWRD

JUL 18 2014

SALEM, OR

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

1. Mildred Danett 1992 Living Trust - Trustee *Louise E. Moulton*

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

1117 TAMARA DR. - KIAMATH FALLS OR - 541-882-5722

(Mailing Address)

(City) (State) (Zip)

(Phone #)

97603

☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;

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

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # R64872 ; Permit # R11221 ; Transfer # _____

-OR-

License # _____ ; GR Statement # _____ ; GR Certificate of Registration # _____

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

Richard E Morgan
(Name of New Owner)

19230 HODGER CREEK RD COTTONWOOD CA 96022 530-347-0488
(Mailing Address) (City) (State) (Zip) (Phone #)

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

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

Witness my hand this 15 day of July, 20 14.

Applicant/Permit Holder Mildred Danett 1992 Living Trust

Applicant/Permit Holder By Louise E. Moulton
Trustee

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 112760
- For Director by Jerry Sauter, Program Analyst in

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

ASSIGN
7/21/14



Oregon

John A. Kitzhaber, MD, Governor

July 22, 2014

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

Louise E. Moulton
1117 Tamera Dr.
Klamath Falls, Oregon 97603

Reference: Application S-69868, Permit S-50968 – Application R-69872, Permit R-11221

The assignment from the Mildred Garrett 1992 Living Trust to Richard E. Morgan has been recorded in the records of the Water Resources Department.

The Departments records will now show Richard E. Morgan as the permit holder of record.

Our records have been changed accordingly and the original requests are enclosed. Receipt numbers 112789 and 112790 covering the recording fees are 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 permits to be familiar with the conditions and timelines contained in the permits.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipts 112789 and 112790

cc: Watermaster 12
Richard E. Morgan
Data Center, OWRD (cover letter & request)
Hydrographics
File



Mailing List for Certificate

Scheduled Mailing Date:

Application: R-69872

Permit: R-11221

Permit Holder:

Mildred Garrett 1992 Living Trust
16025 Garrett Rd
Lakeview, OR 97630 ✓

Copies Mailed

by:

Connie Vance
(STAFF)

on:

JUN 19 2014

(DATE)

Copies of Order to be sent to:

1. Watermaster (Proposed Cert): 12 ✓
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File ✓

Other persons to receive copies: (include map):

1. Darryl Anderson, CWRE, Anderson Engineering and Surveying Inc., PO Box 28,
Lakeview, OR 97630 ✓
2. Richard Morgan, 19230 Hooker Creek Rd, Cottonwood, CA 96022 ✓

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

Order of Certification in the Matter of
Cancellation of Permit R-11221

)
)
)

FINAL ORDER

Findings of Fact

1. Application R-69872, in the name of Edward L. Garrett, was received April 14, 1989. Permit R-11221 was issued April 30, 1990, approving the application. The permit was subsequently assigned to Mildred Garrett 1992 Living Trust.
2. Permit R-11221 allowed the storage of water from Hay Creek in South Arm Reservoir. The extended date for the complete application of water was set for October 1, 1993.
3. The Department received a Claim of Beneficial Use on August 12, 1994.
4. The permit contains a condition which reads, "No water shall be stored until this department receives written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, and written authorization for storage is received from this department."
5. The Department's records do not contain either written certification from the engineer that construction has been completed in accordance with the approved plans and specifications, or any written authorization for storage by the department.

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Permit R-11221 is lost. The permit should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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.

letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

Now, therefore, it is ORDERED:

Permit R-11221 is cancelled and is of no further force or effect.

Issued _____.

PROPOSED

Dwight French
Water Right Services Division Administrator, for
Director
Oregon Water Resources Department



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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified # 7012 2210 0000 1304 8443

DATE MAILED: JUN 19 2014

NOTICE

Reference: Permit R-11221 Application R-69872
Permit S-50968 Application S-69868

Enclosed is a proposed order of certification. The order proposes to cancel the permit.

If you do not agree with the proposed order, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed order.

If the permit is cancelled and you request reinstatement of the permit, you will be required to pay a fee of \$450.00 to have the permit reinstated.

If you agree with the proposed order, no response to this notice is required. Sometime after comment period, the recorded order will be mailed to the permit holder of record.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Division Administrator, for
Director
Oregon Water Resources Department

Cc: Watermaster #12
Darryl Anderson, CWRE
Mildred Garrett 1992 Living Trust
Richard Morgan

MEMO

TO: FILE R-69872

FROM: Mary Rohling DATE: 6-9-14, 2014

RE: DETERMINATION OF PROOF

I've determined that a ~~PROPOSED~~ / FINAL certificate should be prepared and mailed to the permit holder consistent with:

The Permit Transfer

The FPS/COBU

As described in the permit/transfer but as clarified by the FPS or COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

written cert. fr. engineer on construction NOT on file

☒ Conflict check

☒ Check area of interest. Irrigation District identified? Y ☒ N

Draft certificate(s) are available in the transfer directory.

☒ Check ownership prior to mailing the ~~proposed~~ and/or final cert. If there is a new owner list or attach list from assessor office. Update mailing list with new owner address information. emailed Lake Co. Assessor

☒ Prepare a mailing list.

Assigned to Mildred Garrett 1992 Living Trust
16025 Garrett Rd Lakeview, OR 97630

CWRE to Darryl Anderson, Anderson Engineering &
Surveying Inc, PO Box 28 Lakeview OR 97630

Current owner TL 800 to Morgan, Richard
19230 Hooker Cr Rd Cottonwood, CA 96022

Completion Checklist for Claims of Beneficial Use

Application # R-69872 Transfer # _____
Date Received 8-12-94
CWRE Name Darryl Anderson Claim Logged _____
File Marked _____
Oversized Map # _____
Reviewer mfr

Map Review:

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

Report Review:

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

- N/A {
- ☐ Time limits
 - ☐ Initial water level measurements
 - ☐ Annual static water level measurements
 - ☐ Measurement, recording, and reporting
 - ☐ Meter/measuring device
 - ☐ Water use reporting
 - ☐ Fish screening and/or by-pass
 - ☐ Pump test (ground water)

☒ Other conditions related to Res → plans & spec. eng. cert, outlet, emb of spillway.

- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee or transfer holder (OAR 690-014-0100)

* Not on file

DEF = deficient

N/A = Not Applicable

S:\groups\wrcerts\Resource Center\Forms_Checklists_Mailing Instructions\COBU Checklist 11-20-2012.rtf

Certificate Issuance Processing Checklist

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

Check Area of Interest ☐ YES ☐ NO

Identified Party _____

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

_____ **Proposed Actions:**
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

Water Right Information Query Results																																																																																																														
Contact Information				Documents View all scanned documents																																																																																																										
▼ Current contact information OWNER: MILDRED GARRETT 1992 LIVING TRUST MILDRED GARRETT 16025 GARRETT RD LAKEVIEW, OR 97630 ▼ Prior contact information OWNER: NORTHWEST FARM CREDIT SERVICES ACA PO BOX 148 KLAMATH FALLS, OR 97601				▶ Application: R 69872 ▼ Permit: R 11221 document, paper map ▶ Signature: 4/30/1990 <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th colspan="4" style="text-align: center;">Permit Workflow</th> </tr> <tr> <th>Action</th> <th>Date</th> <th>Result</th> <th>Completed By</th> </tr> </thead> <tbody> <tr> <td>Permit Issued</td> <td>4/30/1990</td> <td></td> <td></td> </tr> <tr> <td>CBU Received</td> <td>8/12/1994</td> <td></td> <td>DARRYL ANDERSON</td> </tr> </tbody> </table> ▼ Order(s) <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th>Order Origin</th> <th>Volume-Page</th> <th>Signature</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Special</td> <td>47-383</td> <td>12/2/1993</td> <td>EXTENDS TIME LIMITS ON PERMITS</td> </tr> </tbody> </table> ▶ View right with Web Mapping ▶ View Places of Use from Water Rights in the Same Area							Permit Workflow				Action	Date	Result	Completed By	Permit Issued	4/30/1990			CBU Received	8/12/1994		DARRYL ANDERSON	Order Origin	Volume-Page	Signature	Description	Special	47-383	12/2/1993	EXTENDS TIME LIMITS ON PERMITS																																																																												
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[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](#)

ROHLING Mary F

From: Lawrence Reeder <lreeder@co.lake.or.us>
Sent: Monday, June 09, 2014 3:49 PM
To: ROHLING Mary F
Subject: RE: current ownership

This is the owner info for 40s16e000080000:

MORGAN RICHARD E 1998 PROPERTY TR
19230 HOOKER CREEK ROAD, COTTONWOOD, CA 96022

Larry Reeder

Lake County Assessor/Tax Collector

lbreeder@co.lake.or.us

(541) 947-6920

From: ROHLING Mary F [<mailto:mary.f.rohling@state.or.us>]
Sent: Monday, June 09, 2014 3:14 PM
To: Lawrence Reeder
Cc: ROHLING Mary F
Subject: current ownership

Hi Larry,

Please provide me with the current owner for Map Taxlot 40S16E000080000.

Thanks for your assistance,

Mary

Mary Rohling | Certificate Specialist, Water Rights Services Division
Water Resources Department | 725 Summer St NE, Suite A | Salem, Oregon 97301
Ph. 503 986 0804 | Fax 503 986.0901
Email mary.f.rohling@state.or.us | Web. <http://www.wrd.state.or.us>

Associated: [Maxine B Morgan](#), [Richard Morgan](#), [Richard L Morgan](#)

[Click for Phone Number...](#)

Richard L Morgan Jr

Hooker Creek Rd
Cottonwood, CA

Age: 65+

Associated: [Maxine B Morgan](#), [Morgan Maxine](#), [Richard Morgan](#)

[Click for Phone Number...](#)

Richard Morgan

Hooker Creek Rd
Cottonwood, CA

Associated: [Maxine B Morgan](#), [Morgan Maxine](#), [Richard L Morgan](#)

[Click for Phone Number...](#)

Maxine B Morgan

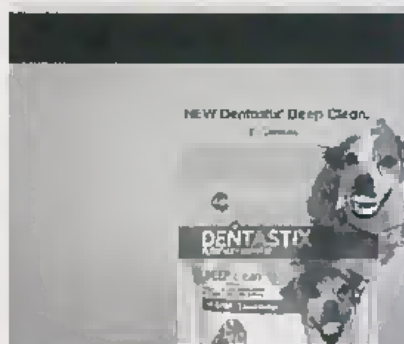
Hooker Creek Rd
Cottonwood, CA

Age: 60-64

Associated: [Morgan Maxine](#), [Richard Morgan](#), [Richard L Morgan](#)

[Click for Phone Number...](#)

[Sponsored by Peoplefinders.com](#)



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We'll Make You Breakfast

BOOK NOW

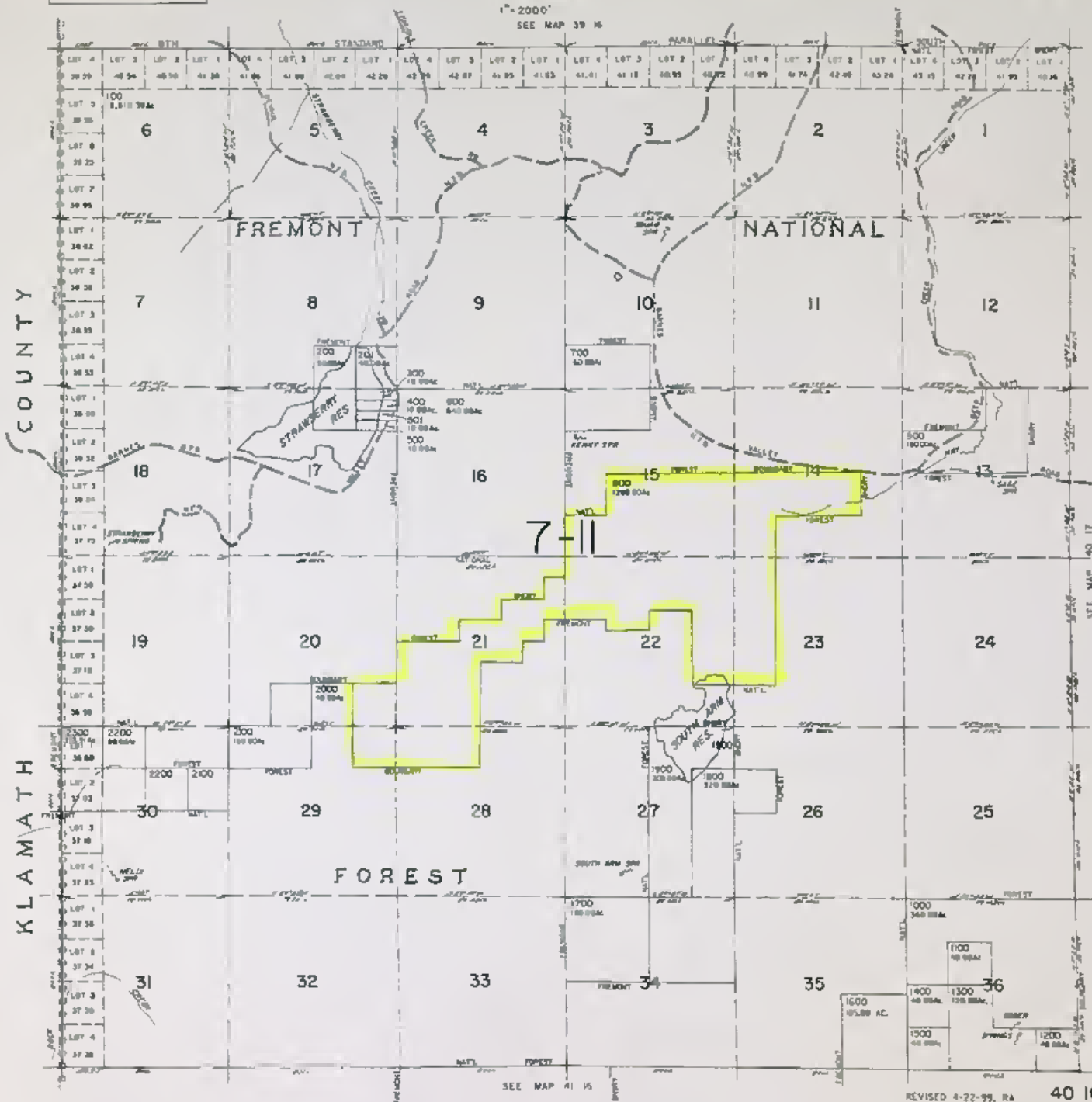


THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T40S R16E WM
LAKE COUNTY

40 16

1"=2000'
SEE MAP 39 16



REVISED 4-22-99, RA

40 16



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8455

May 24, 1990

DARRYL ANDERSON PE
ANDERSON ENGINEERING & SURVEYING
PO BOX 28
LAKEVIEW OR 97630

RE: File R-69872

Dear Mr. Anderson:

The plans and specifications for the Southarm Reservoir have been reviewed and approved and permits issued. Copies of the approved plans and specifications have been forwarded to Edward Garrett. Because this structure exceeds the size limits for exempt structures, construction must be supervised by an engineer licensed to practice in Oregon. Since your office prepared the plans and specifications, I will assume that you will provide the required supervision and inspection. If this is incorrect, please advise me immediately.

Any deviations from the approved plans and specifications will require prior approval from this office. In the event that any deviations become necessary during construction due to unforeseen circumstances, engineers are available from this office to work with you and are authorized to grant immediate approval in the field.

On completion please issue this Department certification that all construction was performed in accordance with the approved plans and specifications.

Please advise this office when construction starts so that we may schedule periodic field inspections.

Sincerely,

BARRY F. NORRIS
Engineer
Dam Safety/Hydrographics Section

BFN:wpc

cc: Dennis Glender, Watermaster, District 12
Edward Garrett

0170W



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

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cc: Dennis Glender, Watermaster, District 12
Edward Garrett

0170W

**ANDERSON
ENGINEERING & SURVEYING**

HC 64, Box 24 539 SW 7th Street
P.O. Box 28 P.O. Box 419
LAKEVIEW, OR 97630 REDMOND, OR 97756
(503) 947-4407 (503) 923-4307
FAX (503) 947-2321 FAX (503) 923-4308

LETTER OF TRANSMITTAL

TO Water Resources Department

3850 Portland Road NE

Salem, OR 97310

DATE	08/10/94	JOB NO	94054
ATTENTION			
RE:			

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Original Mylar - Final Proof Survey with Report

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

RECEIVED

AUG 12 1994

WATER RESOURCES DEPT.
SALEM, OREGON

COPY TO _____

SIGNED: Darryl Anderson, P.E., P.L.S.

FINAL PROOF SURVEY
CLAIM OF BENEFICIAL USE AND SITE REPORT

GENERAL INFORMATION

Permit/Certificate Holder: Mildred Garrett
HC 60 Box 4310
Lakeview, OR 97630
Permit No. 50968 and No. R11221

WATER SOURCE

The source of water is South Arm Reservoir located on a tributary of Hay Creek within the Goose Lake Basin.

LOCATION OF AREA INVOLVED

The area involved is 197 acres of irrigated land located in Sections 14, 15, 22, and 23 of Township 40 South, Range 16 East, Willamette Meridian, Lake County, Oregon.

DIVERSION POINT

The reservoir outlet is located 230.1 feet north and 233.9 feet west of the south 1/16 corner common to Sections 22 and 23.

USE OF WATER

Use of water is for irrigation of pasture land.

DESCRIPTION

PERMIT 50968 AND R-11221 - Final proof inspection date was July 29, 1994.

Permit R-11221 - This permit allowed storage of water in South Arm Reservoir. Storage is behind a dam constructed sometime in the early 1950's or late 1940's. Plans and specifications for the dam and spillway were submitted and approved by the Dam Safety Section of the Water Resources Department. Please refer to letter dated May 24, 1990, from Barry Norris, Dam Safety Engineer.

At the time of our inspection, the reservoir was approximately half full. The spillway had been constructed as per the plans and had run water during the last winter. All elements of the dam were as specified in the approved plans and as outlined in the permit.

RECEIVED

AUG 18 1994

WATER RESOURCES DIV.
SALEM, OREGON

PAGE 2

Permit 50968 - This permit allowed use of water out of South Arm Reservoir for irrigation of lands as shown on the attached map. A field inspection indicated ditches as shown on the map with pasture grass in the irrigated areas.

Water had released from the outlet pipe of the reservoir and diverted into the ditches to irrigate the area shown.

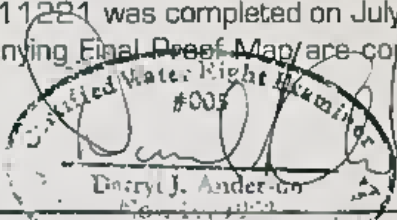
SURVEY TIE

The outlet pipe was located from the 1/16 corner as shown on the attached map.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of the Permit Nos. 50968 and R-11221 was completed on July 29, 1994, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.

August 10, 1994

Date


Darryl J. Anderson
Certified Water Right Examiner

I, Mildred Garrett, agree to the findings of the CWRE and do submit this site report and map as my claim of beneficial use of the water as provided under the terms and conditions of Permit Nos. 50968 and R-11221.

August 10, 1994

Date


Mildred Garrett

RECEIVED

AUG 12 1994

WATER R
SA E. J. ON 10.1



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

Request for Assignment

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

I, Northwest Farm Credit Services, ACA

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

1700 S Asseby St Spokane WA 99220-2515 866-552-9172

(Mailing Address)

(City)

(State) (Zip)

(Phone #)

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

Application # R69872; Permit # R11221; Transfer # _____
-OR-

License # _____; GR Statement # _____; GR Certificate of Registration # _____

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

Mildred Garrett 1992 Living Trust

(Name of New Owner)

16026 Garrett Road Lakeview 97630 541-882-6722

(Mailing Address)

(City)

(State) (Zip)

(Phone #)

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

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

Witness my hand this 2 day of April, 20 14

Applicant/Permit Holder Northwest Farm Credit Services (ACA)

Applicant/Permit Holder _____

ASIGN
JL
4/7/2014

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon
Fee receipt # 111679
For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

RECEIVED BY OWR

APR 04 2014

SALEM, OR



Oregon

John A. Kitzhaber, MD, Governor

April 7, 2014

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

Northwest Farm Credit Services
1700 S. Assembly St.
Spokane, Washington 99220-2515

Reference: Application R-69872, Permit R-11221

The assignment from Northwest Farm Credit Services, ACA, and the Mildred Garrett 1992 Living Trust to the Mildred Garrett 1992 Living Trust has been recorded in the records of the Water Resources Department.

The Departments records will now show the Mildred Garrett 1992 Living Trust as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 111628 covering the recording fee is also enclosed.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 111628

cc: Watermaster 12
Mildred Garrett 1992 Living Trust
Data Center, OWRD (cover letter & request)
Hydrographics
File