

Application No. G15198
 Permit No. G13962-G17360
 Certificate No. _____

Name _____
 By _____
 Address _____

Stream Index, Page No. _____

Date filed _____
 Priority _____
 Action suspended until C - 2017

Return to applicant _____
 Date of approval _____

CONSTRUCTION

Date for beginning 4/7/02
 Date for completion _____
 Extended to _____

Date for application of water 10/1/05
 Extended to 10-1-2017

PROSECUTION OF WORK

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

FINAL PROOF

Blank mailed _____
 Proof received _____
 Date certificate issued _____

FEES PAID

Date	Amount	Receipt No.
8-2-00	\$650.00	39373
10-11-11	\$75.00	104213
11-19-12	500.00	107394
1-14-13	125.00	107775
1-27-2021	670.00	134404
7-28-2021	480.00	135967

FEES REFUNDED

Date	Amount	Check No.
4-10-24	\$120.00	142668

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
10/13/2011	John & Janna Vanden Brink, Trustees John & Janna Vanden Brink Family Trust Box 165 Ione OR 97843	Northwest Farm Credit Services, FLCA Box 878 Pendleton OR 97801		
	Northwest Farm Credit Services, PCA Box 878 Pendleton OR 97801			

REMARKS

T-11689 Δ APOA MS p 152-154
 4-11-2024 Partial Assignment: AgWest Farm Credit, FLCA Box 878, Pendleton, OR 97801
 AgWest Farm Credit, PCA Box 878, Pendleton, OR 97801

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # 135967

INVOICE # _____

RECEIVED FROM: JVB Dairy
BY: _____

APPLICATION	<u>6-15198</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3321 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 480.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
	OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
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	\$
0223	OTHER (IDENTIFY) <u>Protest</u>	\$

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	RECEIVED
OBJ. CODE	VENDOR #	OVER THE COUNTER
DESCRIPTION		

RECEIPT: 135967

DATED: 7-28-2001

BY: BZ

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **108151**

INVOICE # _____

RECEIVED FROM: <u>JVB Dairy</u>	APPLICATION <u>G-15198</u>
BY: _____	PERMIT <u>G-13962</u>
CASH: ☐ CHECK:# <u>2571</u> OTHER: (IDENTIFY) ☐	TRANSFER _____
TOTAL REC'D \$ <u>840.00</u>	

1083 TREASURY	4170 WRD MISC CASH ACCT
0407 COPIES <u>47124</u> <u>R. 1202611</u>	\$ _____
<u>0408</u> OTHER: (IDENTIFY) <u>Reimbursement Auth.</u>	\$ <u>840.00</u>
0243 I/S Lease _____	0244 Muni Water Mgmt. Plan _____
0245 Cons. Water _____	

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

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

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

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

RECEIPT: **108151** DATED: 2-21-13 BY: BWilliamson

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **107775**

INVOICE # _____

RECEIVED FROM: JVB Dairy
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

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

☐ ☒ 2560 ☐ TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES KA 47126 R 12026-11 \$ _____
0402 OTHER: (IDENTIFY) Reimbursement Authority \$ 125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **107775**

DATED: 1-14-13 BY: RB

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **104213**

INVOICE # _____

RECEIVED FROM: Northwest Farm
BY: Credit Services

APPLICATION	G15198
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 5901 OTHER: (IDENTIFY) 555

TOTAL REC'D \$ 75.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>Assignment</u>	\$ <u>75.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **104213**

DATED: 10-11-11

BY: [Signature]

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

**REIMBURSEMENT AUTHORITY PERMIT
APPLICATION G-15198 PERMIT G-17360**

CONTRACT NEVER EXECUTED.



Oregon

Tina Kotek, Governor

August 4, 2023

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

John Vanden Brink
PO Box 165
Ione OR 97843

RE: Certificate Reimbursement Authority Estimate Application for Application G-15198 and pending Extension of Time

On June 9, 2023, the Water Resources Department (Department) received a Certificate Reimbursement Authority (RA) Estimate Application (Application) for Application G-15198, along with Application fee in the amount of \$125. As indicated on the Certificate RA Application, a claim of beneficial use (Claim) was previously submitted to the Department on February 14, 2022.

In beginning to prepare the estimate, it was discovered that a pending extension of time application was protested. Due to the Court of Appeals of Oregon decision in then WaterWatch vs Oregon Water Resources Department, and City of Cottage Grove, the Department does not believe that it can move forward with the issuance of orders of certification on a permit when there is a pending extension of time. For this reason, in order to move forward with a review of the Claim, the Application for Extension of Time and subsequent protest will need to be withdrawn.

If you would like the Department to move forward with the preparation of an estimate to review the Claim through Reimbursement Authority, and issue an order of certification for Permit G-17360, please withdraw the Application for Extension of Time and the protest to the proposed final order. If you choose to maintain the Application for Extension of Time, the Department will return the RA Application fee of \$125.

Please be aware that based on a cursory review of the Claim submitted February 14, 2022, it is unlikely that a certificate would be issued because the point of appropriation being claimed is not authorized under this permit, and compliance with all permit conditions has not been demonstrated.

Please contact me at kerry.l.kavanagh@water.oregon.gov or 503-979-3208 if you have any questions.

Sincerely,

Kerry Kavanagh
Reimbursement Authority, Certificates, Water Right Services Division

cc: File G-15198
William Porfily, PO Box 643, Stanfield OR 97838



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **140900**

INVOICE # _____

RECEIVED FROM: JVB Dairy
BY: _____

APPLICATION	G-15198
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3359 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES PCA 47126 R12965-23 \$
0413 OTHER: (IDENTIFY) Certificate Reimbursement Authority \$ 125.00
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **140900**

DATED: 6/19/2013 BY: mcalg

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



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

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

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

REQUEST	TYPE	FILE NUMBER
☒	Certificate Request	Application Number <u>6-15198</u> Permit Number <u>G-17360</u> Transfer Number/Permit Amendment (if applicable) _____

	Applicant Information	Applicant's Representative/Contact
Name:	<u>John Vanden Brink</u>	<u>William Porfily</u>
Address:	<u>P.O. Box 165</u> <u>Ione, OR 97843</u>	<u>P.O. Box 643</u> <u>Stanfield, OR 97838</u>
Phone:	<u>541.561.5624</u>	<u>541.561.7259</u>
Fax:	_____	_____
E-Mail Address:	<u>jvbdairyoffice@gmail.com</u>	<u>wporfily@gmail.com</u>

I certify that I (check one):

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

I understand the following:

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

I certify that I am the (check one):

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

Name: John Vanden Brink

Signature: 

RECEIVED
JUN 09 2023
OWRD
SALEM, OREGON

OWRD USE ONLY: Reimbursement Authority Number: R12965-23



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov / OWRD

April 11, 2024

AgWest Farm Credit
12 SW Nye Ave
Pendleton, OR 97801

Reference: Application G-15198, Permit G-17360

The assignment from John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA to John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust, AgWest Farm Credit, FLCA, and AgWest Farm Credit, PCA has been recorded in the records of the Water Resources Department.

The Departments records will now show John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust, AgWest Farm Credit, FLCA, and AgWest Farm Credit, PCA as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 142668 covering the recording fee is also enclosed.

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

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt 142668

cc: John & Janna Vanden Brink – PO Box 165, Ione, OR 97843
Data Center, OWRD (cover letter & request)
File

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # 142668

INVOICE # _____

RECEIVED FROM: AgWest
BY: 0 Farm Credit

APPLICATION	<u>G-15198</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 59018642 OTHER: (IDENTIFY) 54-1512

TOTAL REC'D \$ 120.00

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:

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

WELL CONSTRUCTION

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

0250 OTHER (IDENTIFY) Assignment \$ 120.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 142668

DATED: 4-8-24 BY: mymillb

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

Request for Assignment



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

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

John and Janna Vanden Brink, Trustees of the John & Janna Vanden Brink Family Trust, Northwest Farm Credit I, Services, FLCA, and Northwest Farm Credit Services, PCA

(Name of Current Holder of Record)

PO Box 165	Ione	OR	97843	(541)422-7035
(Mailing Address)	(City)	(State)	(Zip)	(Phone #)

- ☒ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # _____; Permit #G17360; Transfer order # _____;

Limited License # _____; Groundwater Statement # _____;

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

AgWest Farm Credit, FLCA

(Name of New Owner)

12 SW NYE Ave	Pendleton	OR	97801-4103	(541)278-3300
(Mailing Address)	(City)	(State)	(Zip)	(Phone #)

And

John and Janna Vanden Brink, Trustees of the John & Janna Vanden Brink Family Trust

(Name of New Owner)

PO Box 165	Ione	OR	97843	(541)422-7035
(Mailing Address)	(City)	(State)	(Zip)	(Phone #)

And

AgWest Farm Credit, PCA

(Name of New Owner)

12 SW NYE Ave	Pendleton	OR	97801-4103	(541)278-3300
(Mailing Address)	(City)	(State)	(Zip)	(Phone #)

Note: If there are other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

SW I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request for Assignment

Witness my hand this 2 day of April, 2024.
(Day) (Month) (Year)

Signature of Current Holder of Record _____

Failure to provide any of the required information will result in the return of your application.

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 # 142668

For Director by Mary Bjork, Program Analyst in Water Rights Division. MJB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Assign - Approve
MJB
4-11-2024

Note: If there are other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

DS I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request for Assignment

Witness my hand this 2nd day of April, 2024.
(Day) (Month) (Year)

Endorsed without recourse by
AgWest Farm Credit

Signature of Current Holder of Record _____

By: _____

Failure to provide any of the required information will result in the return of your application.

Note: If there are other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

DS I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request for Assignment

Witness my hand this 2nd day of April, 2024.
(Day) (Month) (Year)

Endorsed without recourse by
AgWest Farm Credit

Signature of Current Holder of Record _____

By: _____

Failure to provide any of the required information will result in the return of your application.



Received by OWRD

APR 08 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: John & Sanna Vanden Brink Family Trust
PO box 165, Lone OR 97843

Transaction Type: Assignment

Fees Received: \$ 120.00

☐ Cash

☒ Check:

Check No. 59018642

Name(s) on Check: Ag West

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

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

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

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

Sincerely,

OWRD Customer Service Staff

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

Instructions for OWRD staff:

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



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 5, 2024

AgWest Farm Credit
12 SW Nye Ave
Pendleton, OR 97801

Reference: Request for Assignment on Application G-15198, Permit G-17360

The Water Resources Department has received your Request for Assignment. At this time, however, we are unable to accept your request because requirements have not been met according to the Oregon Administrative Rules 690-310-0280, 690-320-0060 or 690-380-5130.

We are therefore returning the request and fee. You may resubmit the request and fee along with the additional required information noted on the reverse side of this letter.

Should you have any questions, please contact Mary Bjork at 503-979-9895 or mary.f.bjork@water.oregon.gov.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division
Oregon Water Resources Department

Enclosures: Original Request and Fee

cc: File

Request for Assignment Checklist | Summary of Needed Items:

Form:

☒ **Name of Current Holder of Record – This information is required and must reflect the current water right holders of record as available in Department records.**

☒ This information is blank or **does not reflect the current water right holders of record.**

The current water right holder(s) of record may be located on our website through Wris Query at: <https://apps.wrd.state.or.us/apps/wr/wrinfo/>

→ The current permit holders of record per the attached assignment dated October 12, 2011, and listed on the attached March 5, 2020, letter are as follows:

- John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust
- Northwest Farm Credit Services, FLCA
- Northwest Farm Credit Services, PCA

☒ **Signature Box – This information is required.**

☒ **Initial(s) next to the statement**, I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

☒ **Sign the form (a notary is not required). Signatures must be provided for each current water right holder(s) of record. If for multiple holders of record, a signature must be provided for each.** If the current water right holder(s) of record is a company, a representative for the company must sign the form.

→ Because there are multiple permit holders of record, if the intent of the assignment is to be from John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA to JVB Properties, LLC and AgWest Farm Credit, FLCA, signatures will be required from both John and Janna, and a representative of Northwest Farm Credit.

Request for Assignment



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

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

I, JVB Properties, LLC

(Name of Current Holder of Record)

PO Box 165	Ione	OR	97843	(541)422-7035
(Mailing Address)	(City)	(State)	(Zip)	(Phone #)

- ☒ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # _____; Permit #G17360; Transfer order # _____;

Limited License # _____; Groundwater Statement # _____;

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

AgWest Farm Credit, FLCA

(Name of New Owner)

12 SW NYE Ave	Pendleton	OR	97801-4103	(541)278-3300
(Mailing Address)	(City)	(State)	(Zip)	(Phone #)

And

JVB Properties, LLC

(Name of New Owner)

PO Box 165	Ione	OR	97843	(541)422-7035
(Mailing Address)	(City)	(State)	(Zip)	(Phone #)

RECEIVED

FEB 23 2024

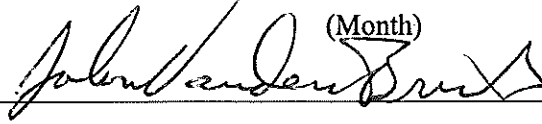
OWRD

Note: If there are other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

_____ I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request for Assignment

Witness my hand this 10 day of October, 2023.
(Day) (Month) (Year)

Signature of Current Holder of Record _____



Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

RECEIVED
FEB 23 2024
OWRD



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

March 5, 2020

Northwest Farm Credit Services

Attn: Haylee Wiley

2735 Allen Rd

Sunnyside, WA 98944

Reference: Application G-15198, Permit G-17360

The requested assignment from JVB Properties, LLC, a Limited Liability Company to JVB Properties, LLC, a Limited Liability Company, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA cannot be performed at this time.

The Request for Assignment was not signed and dated. Also, it references a permit number that has been superseded. Permit G-13962, was superseded via permit amendment T-11689 to Permit G-17360. The current permit number is G-17360.

The Request for Assignment can also not be performed as it references the current permit holder of record as JVB Properties, LLC, a Limited Liability Company. A Request for Assignment must be signed by the permit holder(s) of record or proof of ownership must be provided. **The current permit holders of record are John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA.**

Please note that Permit G-17360 inadvertently failed to identify the appropriate permit holders of record. Instead, it incorrectly identified the former permit holder, Marvin Padberg. Department records have been reviewed and confirmed as to the current permit holders of record as John and Janna Vanden Brink Family Trust, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA.

Please return the Request with the required items so that the Department may process your request in a timely manner.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Mary F. Bjork

Water Rights Program Analyst

Water Right Services Division

Enclosures: Original Request and Fee

cc: File



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 the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.
If for multiple rights, a separate form and fee for each right will be required.

RECEIVED

MAR 02 2020

OWRD

I, JVB Properties, LLC, a Limited Liability Company
(Name of Current Holder of Record)

PO BOX 165 Ione, OR 97843 (541) 422-7035
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement;
(example, sold all the land authorized under the right)
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # _____; Permit # G-13962; Transfer # _____;

Limited License # _____; Groundwater Statement # _____;

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

Northwest Farm Credit Services, FLCA and Northwest Farm Credit Services, PCA 2735 Allen Rd, Sunnyside, WA 98944-8923
(Name of New Owner) (Mailing Address) (City) (State) (Zip)

JVB Properties, LLC, a Limited Liability Company
(Name of New Owner)

PO BOX 165 Ione, OR 97843 (541) 422-7035
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request for Assignment

Witness my hand this _____ day of _____, 20_____.
(Day) (Month) (Year)

Signature of Current Holder of Record _____

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

Last updated: September 18, 2017

Request for Assignment

WR





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

October 12, 2011

Northwest Farm Credit Services
P.O. Box 878
Pendleton, Oregon 97801

Reference: Application G-15198, Permit G-13962

The assignment from Marvin Padberg to John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 104213 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 104213

cc: Watermaster 5
Marvin Padberg
John and Janna Vanden Brink
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File





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

OCT 11 2011

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

WATER RESOURCES DEPT
SALEM, OREGON

I, Marvin Padberg

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

64746 Rhea Creek Rd

ione OR 97843

(Mailing Address)

(City) (State) (Zip) (Phone #)

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

Application # G-15198; Permit # G-13962; Transfer # _____

-OR-

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

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

See attached Exhibit "A" for names of new owners

(Name of New Owner)

Box 878

Pendleton OR 97801

541-278-3302

(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 3RD day of October, 2011.

Applicant/Permit Holder

Marvin Padberg

Applicant/Permit Holder

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 104213
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

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

ASSGWN

10/12/2011

56
RECEIVED

OCT 11 2011

WATER RESOURCES DEPT
SALEM, OREGON

Exhibit "A" for Request for Assignment

Names of New Owners

1. John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust dated February 2, 2000.

Box 165

Ione, OR 97843

2. Northwest Farm Credit Services, FLCA

Box 878

Pendleton, OR 97801

3. Northwest Farm Credit Services, PCA

Box 878

Pendleton, OR 97801

Mailing List for Extension Withdraw Copies

Date: November 10, 2023

Copies Mailed

Application: <Pre>-<APP>

Permit: <Pre>-<Permit>

By: KMWF
On: NOV 10 2023

Original mailed to Applicant:

John Vanden Brink and Janna Vanden Brink
P.O. Box 165
Ione, OR 97843

Copies sent to:

1. WRD - App. File G-15198/ Permit G-17360
2. Shonee Langford – attorney – via email
3. William Porfily
PO Box 643
Stanfield, OR 97875

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. WRD - Watermaster District 21, Ken Thiemann
6. WRD – NCR Regional Manager, Chris Kowitz

CASEWORKER: JDP

CASEWORKER: JDP

Oregon Water Resources Department

Water Right Services Division

ORDER WITHDRAWING APPLICATION FOR EXTENSION OF TIME FOR PERMIT G-17360, WATER RIGHT APPLICATION G-15198, IN THE NAME OF JOHN AND JANNA VANDEN BRINK, TRUSTEES OF THE JOHN AND JANNA VANDEN BRINK FAMILY TRUST, NORTHWEST FARM CREDIT SERVICES, FLCA, AND NORTHWEST FARM CREDIT SERVICES, PCA

Permit Information

Application: G-15198
Permit: G-17360
Basin: 7 – Umatilla / Watermaster District 21
Date of Priority: August 16, 2000
Source of Water: a well within Willow Creek Basin
Purpose or Use: Irrigation use on 119.2 Acres
Maximum Rate: 1.49 cubic feet per second (cfs)

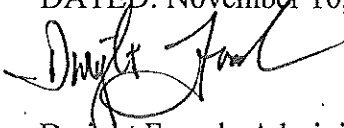
1. On January 27, 2021, the permit holder submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-17360 be extended from October 1, 2017 to October 1, 2023.
2. In accordance with OAR 690-315-0050(2), on June 15, 2021, the Department issued a Proposed Final Order proposing to deny the time to apply water to beneficial use to October 1, 2023. The protest period closed July 30, 2021, in accordance with OAR 690-315-0060(1).
3. On October 23, 2023, the attorney for the permit holder requested that the Application for Extension of Time be withdrawn.

Order

The Proposed Final Order on Extension of Time issued June 15, 2021, is withdrawn.

The Application for Extension of Time submitted January 27, 2021, is withdrawn.

DATED: November 10, 2023



Dwight French, Administrator of
Water Rights and Adjudications for
Douglas Woodcock, Acting Director



Oregon

Tina Kotek, Governor

August 4, 2023

Water Resources Department

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

John Vanden Brink
PO Box 165
Ione OR 97843

RE: Certificate Reimbursement Authority Estimate Application for Application G-15198 and pending Extension of Time

On June 9, 2023, the Water Resources Department (Department) received a Certificate Reimbursement Authority (RA) Estimate Application (Application) for Application G-15198, along with Application fee in the amount of \$125. As indicated on the Certificate RA Application, a claim of beneficial use (Claim) was previously submitted to the Department on February 14, 2022.

In beginning to prepare the estimate, it was discovered that a pending extension of time application was protested. Due to the Court of Appeals of Oregon decision in then WaterWatch vs Oregon Water Resources Department, and City of Cottage Grove, the Department does not believe that it can move forward with the issuance of orders of certification on a permit when there is a pending extension of time. For this reason, in order to move forward with a review of the Claim, the Application for Extension of Time and subsequent protest will need to be withdrawn.

If you would like the Department to move forward with the preparation of an estimate to review the Claim through Reimbursement Authority, and issue an order of certification for Permit G-17360, please withdraw the Application for Extension of Time and the protest to the proposed final order. If you choose to maintain the Application for Extension of Time, the Department will return the RA Application fee of \$125.

Please be aware that based on a cursory review of the Claim submitted February 14, 2022, it is **unlikely that a certificate would be issued** because the point of appropriation being claimed is not authorized under this permit, and compliance with all permit conditions has not been demonstrated.

Please contact me at kerry.l.kavanagh@water.oregon.gov or 503-979-3208 if you have any questions.

Sincerely,

Kerry Kavanagh
Reimbursement Authority, Certificates, Water Right Services Division

cc: File G-15198
William Porfily, PO Box 643, Stanfield OR 97838



G-15198

CLARK Gerald E * WRD

From: Dale VanSchoiack <dalevconsulting@gmail.com>
Sent: Monday, May 16, 2022 10:38 AM
To: CLARK Gerald E * WRD
Subject: Re: COBU for Permit G-17360 in the Name of John Vanden Brink

Thank you.

On Mon, May 16, 2022, 10:20 AM CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov> wrote:

Dale,

Sorry for not responding sooner. I was out sick for several days last week.

I will print these pages and append them to your Claim.

Have a great day!

Gerry

[Gerry Clark](#)

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

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

From: dalevconsulting@gmail.com <dalevconsulting@gmail.com>
Sent: Tuesday, May 10, 2022 8:23 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Cc: 'William Porfily' <wporfily@gmail.com>
Subject: COBU for Permit G-17360 in the Name of John Vanden Brink

Good morning Gerry,

While reviewing my file on the COBU for Permit G-17360 in the name of John Vanden Brink I discovered I made typos on Page 6 of 21 and Page 8 of 21 on the COBU report. I referred to a Certificate 42245 when I should have referred to Certificate 42254. This occurred three times in the first paragraph under GENERAL FOREWORD under 5. Variations on Page 6 of 21 and again two times in the last paragraph on Page 8 of 21. Attached are updated/corrected pages, Page 6 of 21 and Page 8 of 21, of the report showing the corrected certificate number 42254.

Please put a copy of this email and the attached pdf files of the updated pages 6 of 21, and 8 of 21 in the department's file for the COBU for Permit G-17360 in the name of John Vanden Brink.

Thank you.

Dale

DGV Consulting, PLLC

Dale VanSchoiack, PE, CWRE

2141 S. Lyle, Kennewick, WA 99337

509 627 8717

dalevconsulting@gmail.com



Oregon
Kate Brown, Governor

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

February 16, 2022

John & Janna Vanden Brink
PO Box 165
Ione OR 97843

On February 14, 2022, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following Transfer(s):

T-11689

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

For all other questions please call our Customer Service phone: (503) 986-0900.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

cc: file T-11689
Dale Van Schoiack, CWRE.

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Judy
Transfer #: T-11689	
Date Received: 02/14/2022	
CWRE Name: Dale Van Schoiack	
Priority Date (s): 08/16/2000	

Fees Required:

- ☒ YES ☐ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☐ NO ☐ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App
or Transfer
Number

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))

Report Review:

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

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION PERMIT FILING #:
CASH ☐ CHECK ☐ OTHER (IDENTIFY):	TOTAL RECEIVED \$:
USD TREASURY 41% MISC CASH ACCT	
4427 CASHES	
4428 OTHER (IDENTIFY):	
4433 Interest (Identify)	4444 Misc Other (Identify)
4445 TREASURY 41% MISC CASH ACCT	
4446 MISCELLANEOUS	
4447 COPY & TAP FEES	
4448 RESEARCH FEES	
4449 MISC REVENUE (IDENTIFY)	
4450 EXPENSE (IDENTIFY)	
4451 EXTENSION OF TIME	
4452 WATER RIGHTS	
4453 SURFACE WATER	
4454 GROUND WATER	
4455 TRANSFER	
4456 WELL CONSTRUCTION	
4457 WELL DRILL CONSTRUCTOR	
4458 LANDOWNER'S PERMIT	
4459 OTHER (IDENTIFY):	
4460 TREASURY 41% MISC CASH ACCT	
4461 POWER LICENSE FEE (FNUWPL)	
4462 HYDRO LICENSE FEE (FNUWPL)	
4463 HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	

☐ RETURN TO APPLICANT - LETTER ATTACHED

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted

CBU for G-15198

COPY

STATE OF OREGON WATER RESOURCES DEPARTMENT			
RECEIPT # 137465		725 Summer St. N.E. Ste. A SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-0904 (fax)	
INVOICE # _____			
RECEIVED FROM: <u>JVB Dairy</u>		APPLICATION: <u>7-11689</u>	
BY: _____		PERMIT _____	
		TRANSFER _____	
CASH: ☐	CHECK: # <u>3268</u>	OTHER: (IDENTIFY) ☐	TOTAL REC'D: <u>\$230.00</u>
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 <u>4611</u>			
0407	COPY & TAPE FEES		\$ _____
0410	RESEARCH FEES		\$ _____
0408	MISC REVENUE: (IDENTIFY) _____		\$ _____
TC162	DEPOSIT LIAB. (IDENTIFY) _____		\$ _____
0240	EXTENSION OF TIME		\$ _____
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____ 0202	\$ _____
0203	GROUND WATER	\$ _____ 0204	\$ _____
0205	TRANSFER	\$ _____	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____ 0219	\$ _____
	LANDOWNER'S PERMIT	0220	\$ _____
<u>0200</u>	OTHER (IDENTIFY) <u>COBU</u>		<u>\$230.00</u>
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: 137465 DATED: <u>2-14-2022</u> BY: <u>Mindy Carlson</u>			
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal			

RECEIVED

JUL 28 2021

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: JVB Dairy

PO Box 165 ONE, OR 97843

Transaction Type: Protest

Fees Received: \$ 410.⁰⁰

☐ Cash

☒ Check:

Check No. 3221

Name(s) on Check: SAME

Address on Check: SAME

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: C. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

**CLAIM OF
BENEFICIAL USE
for Groundwater Permits
claiming more than 0.1 cfs**



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

**A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

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A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

1. File Information:

APPLICATION # G-15198	PERMIT # (IF APPLICABLE) G-17360	PERMIT AMENDMENT # (IF APPLICABLE) T-11689
---------------------------------	--	--

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME John and Janna Vanden Brink		PHONE NO. 1 541 422 7035 or 1 541 561 5624	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 165			
CITY Ione	STATE OR	ZIP 97843	E-MAIL

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

3. Permit holder of record (this may, or may not, be the current property owner):

PERMIT HOLDER OF RECORD John and Janna Vanden Brink Trust			
ADDRESS P.O. Box 165			
CITY Ione	STATE OR	ZIP 97843	RECEIVED FEB 14 2022

ADDITIONAL PERMIT HOLDER OF RECORD Northwest Farm Credit Services, FLCA			
ADDRESS 12 SW NYE Ave			
CITY Pendleton	STATE OR	ZIP 97801	OWRD

ADDITIONAL PERMIT HOLDER OF RECORD Northwest Farm Credit Services, PCA			
ADDRESS P.O. Box 878			
CITY Pendleton	STATE OR	ZIP 97801	

4. Date of Site Inspection:

August 10, 2021, Sept 14, 2021, & Jan 19 2022
--

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Bill Porfily	August 10, 2021, and Sept 14, 2021	Representative of John Vanden Brink
John Vanden Brink	Sept 14, 2021	Owner

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6. County:

Morrow

7. If any property described in the place of use of the permit is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD Not Applicable		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

SECTION 2

SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature

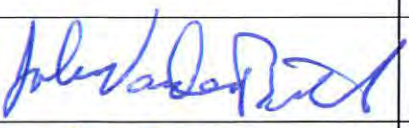
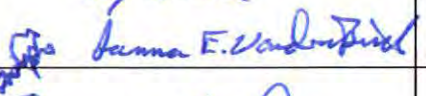
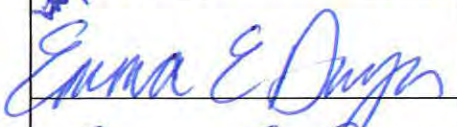


CWRE NAME Dale VanSchoiack		PHONE No. 509 627 8717	ADDITIONAL CONTACT No.
ADDRESS 2141 South Lyle			
CITY Kennewick	STATE WA	ZIP 99337	E-MAIL dalevconsulting@gmail.com

Permit Holder of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	John Vanden Brink	Owner	
By John 	Janna Vanden Brink	Owner	
		NW Farm Credit Services, FLCA	
		NW Farm Credit Services, PCA	

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SECTION 3

CLAIM DESCRIPTION

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1. Point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Well #2	MORR 36	NA

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of appropriation source, if indicated on permit:

POA NAME OR NUMBER	SOURCE BASIN LOCATED WITHIN	TRIBUTARY
Well #2	Rhea Creek (Willow Creek Basin)	Columbia River

3. Developed use(s), period of use, and rate for each use:

POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Well #2	Irrig	Beans and wheat	Irrigation Season	1.70 cfs (well pump) 1.51 cfs (circle flow)
Total Quantity of Water Used				1.51 cfs

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of appropriation to the place of use:

Water was pumped from the well with a 100 hp turbine pump a short distance to a small regulating reservoir. From the reservoir, water was pumped to the irrigation circle irrigating the land authorized under this permit. There were two short coupled canned turbine booster pumps, 1- 150 hp and 1-200 hp at the reservoir.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

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YES

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below.

(e.g. "The permit allowed three points of appropriation. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

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GENERAL FOREWORD:

The 119.2 acres authorized for irrigation under this permit, Superseding Permit G-17360, was first authorized to be irrigated some 50 years ago under Permit G-4592 which issued on Oct 1, 1970. Permit G-4592 resulted in Certificate 42245 which issued on May 23, 1975. On April 17, 2001, transfer T-8573 transferred the Use, the Place of Use, and the POA for the water right associated with the 119.2 acres of irrigation under Certificate 42245 to Agricultural Water Use Associated with a Dairy. Just a couple months later, on June 7, 2001, Permit G-13962 was issued authorizing irrigation of 119.2 acres which was the same POU that previously had water rights under Certificate 42245. Permit G-13962 had a completion date of October 1, 2005. Permit G-13962 underwent an extension of time which extended the completion date to October 1, 2017, and a Permit Amendment (T-11689) which added three additional POAs. Superseding Permit G-17360, (the permit this Claim of Beneficial Use is for) was issued to describe the extension of time and permit amendment.

As noted above, prior to the issuance of Permit G-13962 which was superseded by Permit G-17360 the 119.2 acres were being irrigated. At the time Permit G-13962 was issued the irrigation system and pumping equipment existed, therefore, no construction was necessary. The farmland continued to be irrigated after the issuance of Permit G-13962.

The period for beneficial use under Permit G-13962 was June 7, 2001, through October 1, 2005. An extension to the completion date and an amendment to the permit resulted in the Superseding Permit G-17360. The period for beneficial use for Permit G-17360 is June 7, 2001, through October 1, 2017.

Available Google images of the ground during the 2001, and 2005 irrigation seasons provide evidence that the 119.2 acres were irrigated during these years. This claim is prepared based on the beneficial use occurring by September 1, 2005, which is prior to the October 1, 2005, completion date specified in the permit.

Site visits were made to the project during August and September of this year (2021). At that time all the irrigation infrastructure and irrigation equipment were in place except for the well pump and flow meter. Apparently, sometime during the 2010-2011 period the well pump and flow meter were removed. John Vanden Brink acquired the land in 2011 and had the permit assigned to him. The well pump and flow meter had been removed prior to John Vanden Brink acquiring the property. The original permit holder and landowner was Marvin Padberg.

This claim is based on beneficial use being made by September 1, 2005, some 16 years prior to now. In preparation of the claim the original permit holder, Marvin Padberg, was contacted and interviewed to obtain information regarding irrigation under the permit. The owner's representative, Bill Porfily, interviewed Marvin Padberg to acquire information associated with the irrigation equipment and irrigation of the land during the 2001 – 2005 irrigation seasons. Marvin Padberg was not very cooperative, and the discussion was unproductive. Due to the time lag and change in ownership since the 2001-2005 period historical information was used in preparing this claim of beneficial use (COBU).

The historical information consists of existing OWRD Final Proof maps and notes associated with other water rights for the subject and adjacent property. These records were useful in providing information relative to the source (well), pumping equipment and associated irrigation equipment for this report.

VARIATIONS:

The permit authorizes four points of appropriation, the original existing well and three additional proposed wells. The water user only developed one well. It is referred to as Well # 2. The location of Well # 2 (1180' S and 620' E from the NE corner of Section 35) was found to be approximately 30' North and 410' West of the stated well location on Superseding Permit G 17360 (1050' S and 210' E from the NE corner of Section 35).

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SUPPORTING INFORMATION:

OWRD has guidance regarding the department allowing permit holders to claim wells that are not in the precise location described in the permit. The well should not be significantly closer to a surface water source or other well. In this case, the source well is 411'± away from the location of the well stated on the permit. Rhea Creek is the closest natural surface water to the well sites. The well location noted on the permit is 150'± from Rhea Creek. The location of the well claimed as the source under this claim is 330'± from Rhea Creek. The closest other well is 1330'± from the well claimed in this claim. It is 1660'± from the location of the well stated on the permit. The closest other well and the land it serves is owned by the water user making this claim. These items support that the claimed source well is consistent with the guidance.

Research and review of OWRD documents suggest the location of the authorized well stated in original Permit 13962 (1050' S and 210' E from the NE corner of Section 35) was not being used as an irrigation well at the time the permit application was made. The designation of this well as Authorized Well #2 on Superseding Permit 17360 adds to the confusion when discussing the well designation with parties familiar with the well and reviewing OWRD documents on wells in the area. There are several items that support this.

During a site visit in August of 2021, two wells were identified in the general area of the stated permit well location. As previously stated, the wells are within 411' of each other. Neither of the wells had an irrigation pump installed at the time of the site visit. It did not appear either of the wells are being used for irrigation at this time.

The location of the easterly most well identified during the site visit is consistent with the location of the well referred to as Authorized Well #2 noted for this permit, Permit G-17360 priority August 16, 2000. That location is 1050' S & 210' W from the NE corner of Section 35. This well location is the well location shown on the Final Proof Survey conducted in May of 1974 for Permit G-4369 and Permit G-4592 which resulted in Certificate 42254 priority September 19, 1969. It is believed this well was constructed in February of 1969 (Well Log MORR 1735), reconditioned in December of 1975 (Well Log MORR 38), and deepened in March of 1977 (Well Log MORR 37). This well site is also noted on the application for Permit G-8701, priority April 19, 1978. On this application this well is referred to as Well #1. While meeting with another water user on another project we were told they lived in the house close to the wells and the easterly well was used as their domestic house well. At that same meeting we were able to talk to a person that worked with for Columbia Basin Electric Coop. (the power company) during the

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1991 -2007. He was familiar with the electric service for the well told us this well was not used for irrigation during the period he work for the power company (1991-2007). His understanding was it was used for domestic water for a nearby house. There was a second well site (Well #2) noted on the application for Permit G-8701. Its location is the same as the westerly most well site discussed in the following paragraph.

The location of the westerly most well identified during the site visit is consistent with the location of the well claimed as being the source well for this COBU for Permit G-17360. The location is 1180' S and 620' W from the NE corner of Section 35. It is noted as Well #2, the second well site noted on the application for Permit G-8701 which resulted in Certificate 66074 priority April 19, 1978. It is believed this well was constructed in September of 1977 (Well Log MORR 36).

The above narrative provides information that supports the belief that the location of the source well for Superseding Permit G-17360 (Original Permit G-13962) was not being used for irrigation at the time of the application (Application G-15198). The application is noted as having been received by the department on August 2, 2000. Prior to that, on April 19, 1978, an application resulting in Permit G-8701 was received by the department. Permit G-8701 authorized two wells which happen to be the same two wells observed during the site visit for this COBU. Both wells had been constructed at the time Permit G-8701 was issued. During the final proof for Permit G-8701 which led to Certificate 66074 only one of the wells was claimed to have been used. The location of that well is the same as the westerly most well identified during the site visit for this COBU. A 'Description of Works' by OWRD (Vernon Church) associated with the final proof for Permit G-8701 includes a statement under 'Remarks by Examiner:' that indicates Well 1 (which is the easterly most well) is plugged at 300' and at that time there was no pump or motor. The statement suggest after the well was drilled down to 1500' the water level went down to 800' so they plugged it off at 300'. The 'Descriptions of Works' is dated 3-16-82. A copy of the 'Description of Works' is attached to this report. The resulting certificate associated with Permit G-8701, Certificate 66074, issued on June 21, 1991. No evidence was found that any corrective measures were made to bring the well back in production as an irrigation well.

The Columbia Basin Electric Coop. supplies electrical power for the area. They were contacted in hopes of getting power records for the electrical meters for the wells. The thought was the electrical use would provide and indication of the use of the well(s) for irrigation. The power company was only able to provide billing records back to 2005, therefore, no additional information was available through reviewing power records.

There is another point believed to be worth noting. It was mentioned in the General Foreword: of this narrative that the land involved in this claim was at one time covered by water right Certificate 42245. Transfer, T-8573 was initiated to change the use, place of use, and POA of the water right authorized by Certificate 42245 which in turn lead to Superseding Permit G-17360. While conducting a review of T-8573, Michael J. Zwart noted a discrepancy in the well log provided with the application, MORR 36, and indicated it may not be tied to the water right involved in the transfer. He believed the well tied to the water right being transferred was MORR 37. The fact that the well log MORR 36 was submitted as the well involved in the transfer supports that the well being used at that time to irrigate the ground was MORR 36. MORR 36 is the well being claimed as the source well for this COBU. Michael Zwart went on in his review to say that since MORR 36 and the well he believed was tied to the right being transferred, MORR 37, were close to each other his review would be the same regardless. A copy of the Interoffice

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below.

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Memo from Michael J. Zwart to File T-8573 & Bernadette Williams covering the above is attached.

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6. Claim Summary:

POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Well #2	1.49 cfs	1.70 cfs (well pump) 1.51 cfs (circle flow)	Not Applicable	Irrig	119.2	119.2

SECTION 4 SYSTEM DESCRIPTION

Are there multiple POAs?

NO

If "YES" you will need to copy and complete a separate Section 4 for each POA.

POA Name or Number this section describes (only needed if there is more than one):

Well #2

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A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
1S	24E	W.M	26	NESW			Irrigation	26.4	
1S	24E	W.M	26	SESW			Irrigation	26.2	
1S	24E	W.M	26	NESE			Irrigation	0.6	
1S	24E	W.M	26	NWSE			Irrigation	33.2	
1S	24E	W.M	26	SWSE			Irrigation	32.3	
1S	24E	W.M	26	SESE			Irrigation	0.5	
Total Acres Irrigated								119.2	

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Groundwater Source Information (Well)

1. Is the appropriation from a well?

YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

The well was equipped with an airline.*

* At the time of the site visit there was no pump or associated airline installed in the well. The above information was derived from the SWL measurements made in connection with MORR 36 and recorded on the OWRD WRIS website.

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
Refer to MORR 36						

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

Refer to MORR 36

C. Groundwater Source Information (Sump)

1. Is the appropriation from a dug well (sump)?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

Items 2 through 4 relating to this section were deleted.

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D. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information: (WELL PUMP)

At the time of the site visit there was not a pump installed in the well. This claim is being made for beneficial use made during the 2001 – 2003 irrigation seasons. The pump information below comes from the notes made by Vernon Church for the Final Proof associated with Permit G-8701.

Note, this pump was also being used for other water rights.

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Peerless	Unknown	Unknown	Turbine		8"

3. Motor Information:

MANUFACTURER	HORSEPOWER
Westinghouse	100

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Pump Information: (POND BOOSTER PUMP 1)

The pump information below comes from the notes made by Vernon Church for the Final Proof associated with Permit G-8701. During the site visit made on August 10, 2021 the motor hp for this pump was confirmed. Note, this pump was also being used for other water rights. **OWRD**

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Valley	Unknown	Unknown	Turbine (8x8)		8"

Motor Information:

MANUFACTURER	HORSEPOWER
NIDEC Motor Corp. US Motors	150

Pump Information: (POND BOOSTER PUMP 2)

The pump information pump information below comes from the notes made by Vernon Church for the Final Proof associated with Permit G-8701. During the site visit made on August 10, 2021, the motor on this pump appeared to be a newer motor and was noted to be 150 hp. Based on Vernon Church's notes for the Final Proof associated with Permit G-8701, it is believed this pump was equipped with a 200 hp motor during the 2001 – 2005 irrigation season and that is what is being reported here. Note, this pump was also being used for other water rights.

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Peerless	Unknown	Unknown	Turbine (14x12)		12"

Motor Information:

MANUFACTURER	HORSEPOWER
NIDEC Motor Corp. US Motors	200

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
100 Well Pump	0 psi	380 ft (SWL of 180 ft + 200 ft assumed drawdown)	-5 ft	1.70 cfs

5. Provide pump calculations:

WELL PUMP

Estimated Pumping head (TDH ft)

Pressure 0 psi at well head x 2.31 ft/psi =	0 ft
180 ft SWL (WRIS info) plus assumed 200 ft drawdown.	380 ft
Misc. 15 ft friction loss valves, fittings, and column	35 ft
Total TDH	415 ft

$$Hp = \frac{TDH \times gpm}{3960 \times \text{eff.}} \text{ or } gpm = \frac{3960 \times \text{eff} \times hp}{TDH} = \frac{3960 \times 80\% \times 100 \text{ hp}}{415 \text{ ft}} = 763 \text{ gpm or } 1.70 \text{ cfs}$$

POND BOOSTER PUMP 1 (150 hp)

Estimated Pumping head (TDH ft)

Lift from pond to farmland (elev 1620 - elev 1375)	245 ft
Circle Pivot pressure (40 psi x 2.31 ft/psi)	92.4 ft
Misc. loss pipe friction, valves, fittings	25 ft
Total TDH	362.4 ft

$$Hp = \frac{TDH \times gpm}{3960 \times \text{eff.}} \text{ or } gpm = \frac{3960 \times \text{eff} \times hp}{TDH} = \frac{3960 \times 80\% \times 150 \text{ hp}}{362.4 \text{ ft}} = 1311 \text{ gpm or } 2.92 \text{ cfs}$$

POND BOOSTER PUMP 2 (200 hp)

Estimated Pumping head (TDH ft)

Lift from pond to farmland (elev 1620 - elev 1375)	245 ft
Pivot pressure (40 psi x 2.31 ft/psi)	92.4 ft
Misc. loss pipe friction, valves, fittings	25 ft
Total TDH	362.4 ft

$$Hp = \frac{TDH \times gpm}{3960 \times \text{eff.}} \text{ or } gpm = \frac{3960 \times \text{eff} \times hp}{TDH} = \frac{3960 \times 80\% \times 200 \text{ hp}}{362.4 \text{ ft}} = 1748.3 \text{ gpm or } 3.89 \text{ cfs}$$

6. Measured Pump Capacity (using meter if meter was present and system was operating):

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not Applicable			

Reminder: For pump calculations use the reference information at the end of this document.

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7. Is the distribution system piped?

YES FEB 14 2022

If "NO" items 8 through item 13 may be deleted.

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8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
10"	3350 ft	Steel	Buried

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
Not Applicable			

10. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
NA					

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA					

12. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
NA					

13. Pivot Information:

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Valley		40 psi	681 gpm	1.51 cfs

E. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank
 Bulge in System / Reservoir

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NO

YES

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Complete appropriate table(s), unused table may be deleted.

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Not Applicable		

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Regulating Pond	10 ft Embankment	3.1 ac ft±

F. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

Items 2 through 4 relating to this section were deleted.

G. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

Items 2 through 4 relating to this section were deleted.

H. Additional notes or comments related to the system:

None

SECTION 5 CONDITIONS

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All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	Permit G-13962 June 7, 2001 Superseding Permit G-17360 Feb 26, 2015		
BEGIN CONSTRUCTION (A)	Not Stated		
COMPLETE CONSTRUCTION (B)	Not Stated	June 7, 2001 (Construction was complete at the time the permit was issued.)	Construction was complete at the time the permit was issued. The water user irrigated the ground.
COMPLETE APPLICATION OF WATER (C)	Original October 1, 2005. Extended to October 1, 2017	September 1, 2005 (Based on August 2005 Google image)	The water user irrigated the land and completed beneficial use of the water.

* MUST BE WITHIN PERIOD BETWEEN PERMIT, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES

If "NO", items a and b relating to this section may be deleted.

a. Did the Extension Final Order require the submittal of Progress Reports?

NO

If "NO", item b relating to this section may be deleted.

b. Were the Progress Reports submitted?

Not Applicable

If the reports have not been submitted, attach a copy of the reports if available.

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3. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

YES

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If "NO", items b through d relating to this section may be deleted.

b. What month was the initial measurement to be taken in?

March

The actual measurement was made by OWRD in the later part of February. Even though the measurement was made in the later part of February it was within 7 days of the 1st of March and most likely would provide the same information that an early March measurement would have provided. Regarding this item, in OWRD files there are messages from Vernon Church and Mike Zwart to Ken Dowden suggesting the measurement period for this permit be February 15 -March 15 to allow synoptic measurements to be used by the permittee for the permit requirement. If that recommendation had been incorporated in the actual permit the SWL measurement period would have been February 15-March 15. A copy of the message is attached to this claim.

c. Was the measurement submitted to the Department?

YES

SWL measurements for this well (MORR 36) were made by the department. The measurement for the period this claim is being made February 19, 2003, prior to the irrigation season 2003.

d. If the initial measurement was not submitted, provide that measurement now, if available:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT
Not Applicable			

4. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

YES

If "NO", items b through e relating to this section may be deleted.

b. Provide the month, or months, the static water level measurement(s) were to be made:

March

c. Were the static water level measurements taken in the month(s) required?

NO

The actual measurements were made by OWRD in the later part of February. Even though the measurements were made in the later part of February they were within 9 days of the 1st of March and most likely would provide the same information that an early March measurement would have provided. Regarding this item, in OWRD files there are messages from Vernon Church and Mike Zwart to Ken Dowden suggesting the measurement period for this permit be February 15 -March 15 to allow synoptic measurements to be used by the permittee for the permit requirement. If that

recommendation had been incorporated in the actual permit the SWL measurement period would have been February 15-March 15. A copy of the message is attached to this claim.

d. If "YES", were those measurements submitted to the Department? YES

e. If the annual measurements were not submitted, provide the measurements now:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT
Not Applicable			

5. Pump Test:

a. Did the permit require the submittal of a pump test? YES

Ground water permits with priority dates on or after **December 20, 1988**, require the submittal of a pump test prior to issuance of a certificate. In some cases, the permit holder may qualify for a multiple well exemption or an unreasonable burden exemption.

For additional information regarding pump tests see:

<https://www.oregon.gov/OWRD/programs/GWWL/GW/Pages/PumpTestProgram.aspx>

If "NO", items b through e relating to this section may be deleted.

b. Has the pump test been previously submitted to the Department? NO

c. Is the pump test attached to this claim? NO

d. Has the pump test been approved by the Department? NO

e. Has a pump test exemption been approved by the Department? NO

**** Claims will not be reviewed until a pump test or exemption has been approved by the Department**

The water user has been made aware of the requirement for a pump test.

6. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? YES

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? YES

There is evidence in the discharge piping at the well head that a flow meter was installed when the well was being used. Notes by Vernon Church associated with the Final Proof for Permit G-8701 indicate there was a flow meter installed on this well. Also, the power company, Columbia Basin Electric Coop. had an electrical meter installed for the well pump that could be used to determine flow and or water use.

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c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well #2	Unknown	Unknown		Unknown	Prior to issuance of the permit.

If a meter has been installed, items d through f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **NA**

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
Not Applicable		

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Not Applicable		

7. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department? **NO**

During the period for which beneficial use is being claimed the water user was not required to report water use.

If "NO", item b relating to this section may be deleted.

Item b relating to this section was deleted.

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8. Other conditions required by permit, permit amendment final order, or extension final order:

a. Were there special well construction standards? **NO**

b. Was submittal of a ground water monitoring plan required? **NO**

c. Was submittal of a water management and conservation plan required? **NO**

d. Was a Well Identification Number (Well ID tag) assigned and attached to the well? **NO**

WELL ID #	DATE ATTACHED TO WELL
NA	

e. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

Not Applicable

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SECTION 6
ATTACHMENTS

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Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
COBU Map	COBU Map
Well Log	Well Log for MORR 36
Attachment 1	Description of Works associated with Permit G-8701 prepared by Vernon Church, 3-16-82.
Attachment 2	Interoffice Memo from Michael Zwart to File T-8573 and Bernadette Williams. Notes well MORR 36 as possibly not being the well tied to water right involved in T-8573.
Attachment 3	Messages from Vernon Church & Mike Zwart re G-15198 Initial Review and the recommended period of SWL measurements.
Attachment 4	Static Water Level Measurements

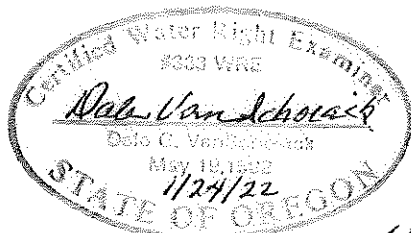
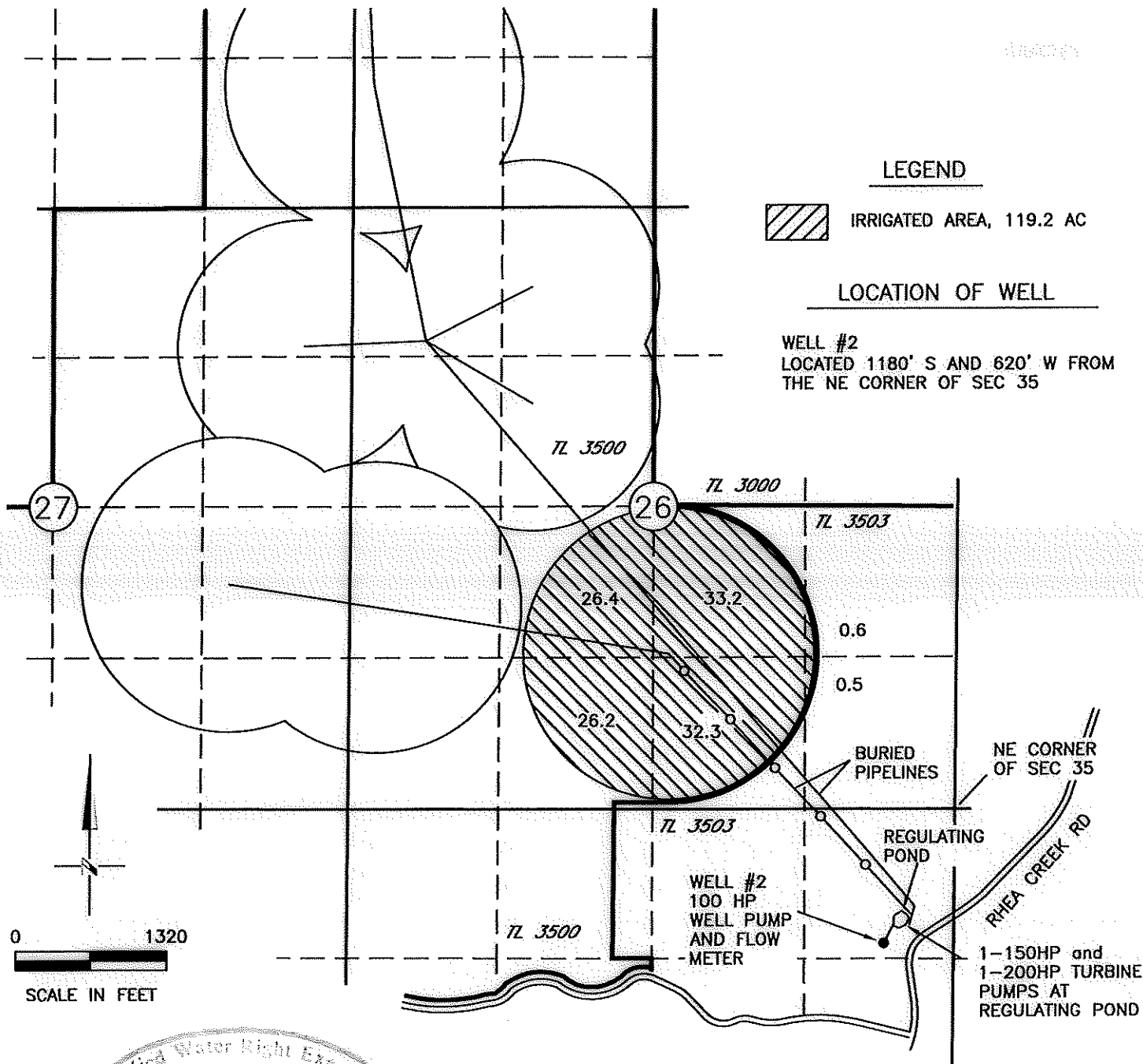
SECTION 7
CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The COBU map was prepared using information obtained during the site visit, the permit application map, the permit amendment map, Morrow County tax lot maps, and a 2005 Google image.

CLAIM OF BENEFICIAL USE MAP FOR PERMIT G-17360
(APPLICATION G-15198, TRANSFER T-11689)
IN THE NAME OF JOHN VANDEN BRINK
T1S, R24E, W.M. MORROW COUNTY



NOTE: THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES. PIPELINE LOCATIONS AND SIZES WERE PROVIDED BY THE WATER USER AND HAVE NOT BEEN VERIFIED.

DGV Consulting, PLLC
PHONE (509) 627-8717
dalevconsulting@gmail.com
Date: October 10, 2021

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- NA Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- NA Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

are to be filed with the
WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

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State Well No. 15/24E-3502
DEC 2 1977

State Permit No.
WATER RESOURCES DEPT.

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(1) OWNER:

Name MARVIN PEDBERG 45.44026863
Address 709C ORE -119.78270699

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

(4) PROPOSED USE (check):

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒

12" Diam. from 2 ft. to 18 ft. Gage 1250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

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

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: 1800 gal./min. with 20 ft. drawdown after 1 hrs.

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

Artesian flow g.p.m.

Temperature of water 57.8 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used PORTLAND CEMENT

Well sealed from land surface to 18 ft.

Diameter of well bore to bottom of seal 16 in.

Diameter of well bore below seal 12 1/4 in.

Number of sacks of cement used in well seal 12 sacks

How was cement grout placed?

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

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

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County MORROW Driller's well number

NE 1/4 NE 1/4 Section 25 T. 15 R. 24 SWRD W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 195 ft.

Static level 172 ft. below land surface. Date 9-21-77

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12 1/4"

Depth drilled 400 ft. Depth of completed well 400 ft.

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

MATERIAL	From	To	SWL
SOIL	0	3	
GRAVEL	3	12	
BASALT Black	12	41	
" BROWN /SS	41	47	
" Black	47	55	
" BRN + BLK w/SS	55	67	
" Black	67	98	
" Black + BROWN /SS	98	142	
" Black	142	170	
" BROWN /SS	170	195	
RED SCORIA H2O	195	215	
BASALT Black	215	378	
" Black + BROWN /SS	378	390	
" Black	390	400	

Work started 9-18 19 77 Completed 9-21-77 19

Date well drilling machine moved off of well 9-21-77 19

Drilling Machine Operator's Certification:

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

[Signed] Jerry Burch Date 9-21, 19 77
(Drilling Machine Operator)

Drilling Machine Operator's License No. 933

Water Well Contractor's Certification:

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

Name Jerry Burch Well Drilling
(Person, firm or corporation) (Type or print)

Address Portland Ore

[Signed] Jerry Burch
(Water Well Contractor)

Contractor's License No. 544 Date 9-21, 19 77

H H O C H M A N T 1

A G 8752 P G 8701

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pg 21

Weckel 98752.pdf Description of works

Info: (Name, address, special remarks from the appl.) MEDUNAI PADREPI

POUND A 10' HIGH EARTH EMBANKMENT WITH A KREST, 3:1 DOWN STREAM SLOPES
 & 2:1 UPSTREAM SLOPES IMPROVING A PARTIALLY EXCAVATED PLASTIC LINED
 STILLING POND TO REDUCE TURBIDITY OF RIVER WATER (WELL WATER TO
 BE PUMPED TO CENTED INVERTS)

Use: _____ If the use is supp'l does he use the primary? _____ If not,
 Has it gone for five or more years without being used? _____

Well: D: 400 C: 12 SWL: 160 DD: 15 GPM MAX: 1600 WELL 300 HP
 HAS NO PUMP
 AT THIS TIME

Art. Flow: _____ Measurement port _____ airline or other _____

Flow meter: YES _____ reading _____

Electric _____ reading _____

Pump and motor: Make WESTINGHOUSE Hp 100 Rpm 1750 Booster Pump US 150 HP @ 1775
 VALLEY 8x8
 US 200 HP @ 1775
 PERLESS 17x12

Rating: GPM _____ Head _____ Pressure at pump: _____

Pipe: Main line-Size _____ Length _____ Kind of pipe _____

Lateral lines: Size _____ Length _____ Kind of pipe _____

Remarks: 1 1/2 12" 3 1/2 10" 1 10" 1 6" 3 MACHINE 900 gpm
 THESE 3 MACHINES ARE MOVED TO COVER ALL 8 CIRCLES 700 gpm

Sprinkler Heads: Make _____ Size of Nozzles _____

Number of heads used _____ Discharge capacity of each _____ gpm

Operating pressure _____ Max at one time _____

Crop: BEANS, WHEAT Lift: 175 TIE: 175-1978-P-P
 AS-3FF-265Remarks by appl. THE WATER IS PUMPED INTO A POND THEN REPUMPED
 TO THE C.P.

Applicant's Signature _____

Remarks by Examiner: WELL 1 IS PLUGGED AT 300' THERE IS NO
 PUMP & MOTOR IN THE WELL WELL 1 WAS DRILLED DOWN
 TO 1500' BUT THEY WENT DOWN TO 800' SO THEY PLUGGED IT
 OFF AT 300'

3-16-82

Date

WELL 1 WAS
 DRILL 1600
 AT 2 500'
 467

Water Right Examiner

PRE "C"
 NO PUMP IN

WELL 2 (1000+200) 7
 1000 150+177+100 = 522 GFS
 900 + 600 + 100 GPM = 522 GFS
 NO PUMP WELL 2 SUP. SEE G-4877 & G-6784
 H.H.O.C.H.M.A.N.T. 1
 H.H.O.C.H.M.A.N.T. 1
 H.H.O.C.H.M.A.N.T. 1

OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

To: File T-8573 & Bernadette Williams Date: October 13, 2000
From: Michael J. Zwart
Subject: Transfer Review: T-8573, John Vanden Brink

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Another nearby domestic well owner, Paul Tews, has raised concerns about the proximity of the proposed new well and its possible impact on his irrigation well. He is coming to the office today at 10:00 to meet with me about this.

In reviewing well logs and other data in this area, I noted two slight discrepancies with the transfer application previously reviewed. The well log provided with the application, MORR 36, may not be tied to the water right involved in the transfer. Another deeper well, MORR 37, is the well log I believe is tied to this right. The two wells are close to each other and my review would be the same regardless. Also, the proposed well location on the transfer map does not agree with the legal description for the well.

There are very few well logs in this area to review. Therefore, in the absence of such subsurface information, it is probably reasonable to presume that the proposed new well will develop water-bearing zones in the basalt that are in hydraulic connection with those developed by Mr. Tews' well. Then, predictions can be made as to the potential interference effects (drawdown) at the Tews well caused by pumping the proposed well. Using conservatively low values for the hydraulic characteristics (transmissivity and storage coefficient) of the basalt aquifer and a continuous pumping rate of 225 gallons per minute, drawdown was predicted at a distance of 10,000 feet.

After one year of pumping, drawdown of about 3.6 feet is estimated.
After ten years of pumping, drawdown of about 4.8 feet is estimated.

Using higher values for aquifer characteristics results in less predicted drawdown. However, other factors, such as unmapped ground water flow boundaries, could result in increased drawdown on one side of such boundaries and little or no drawdown on the other.

Department staff presently measure water levels at the Tews well and one of the Padberg wells annually in late February or early March. It is possible that the proposed new well will be measured at this same time when it is completed. This will allow tracking of any potential impacts to the resource and nearby users.

PFO CHECKLIST

Application #: G-1519BBasin: UNMATELLA

WID: _____

County MORROWTownship 1SRange 24ESection 26

1/4 1/4

1. Is the file complete by the Minimum Requirements Checklist? (Y) N
2. Shortcomings (items needed before a permit and/or FO can be issued) Y (N)
Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other)
3. Groundwater Review A B (C) River/Stream Name _____ Conditions 7B, 7C
✓ a. Groundwater Availability A B (C)
✓ b. Is second groundwater review necessary? (comments) Y (N)
✓ c. Is HB 1033 review complete? (Y) N
✓ d. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y (N)
4. Is use from a B.O.R. or Douglas County project? Y (N) Contract in file? Y (N) Contract # _____
5. Is the use allowed by the Basin Program? Y (N) Limited? Y (N) 690-507-0090 (G) (B) UNMATELLA
6. Water Availability Data OK / REDONE (NA) (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
7. Is the source withdrawn or limited by statute or Department withdrawal order? Y (N)
8. Is the Proposed Use located in or above a Scenic Waterway? Y (N)
9. Division 33: Above Bonn (after July 17, 1992) Y (N) (NA)
Below Bonn (after April 8, 1994; June 3, 1994) Y (N) (NA)
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y (N) (NA)
10. Per the IR, is the Proposed Source on the DEQ 303d List? Y (N) If so, any comments received? Y (N)
Is the Proposed Use in an existing or draft Dept of Ag. Water Quality Management Plan Area? Y (N)
11. Have conflicts been addressed? (Y) N UNDERLYING RIGHTS TO BE TRANSFERRED OFF PER
12. Rate 400 Duty 3.0 Irrigation Season MAR 1 - OCT. 31
13. Period of Allowed Use MAR. 1 - OCT 31
14. Allowed Rate of Use 1.49 CUBIC FEET PER SECOND
15. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)?
If the use is Municipal and ≤ 0.1 CFS, use Large condition.
16. Conditions 5 mi. LANGUAGE 7B 7C
Is the proposed use within the New River Basin? Y (N) If yes, include New River Agreement Conditions.
17. IR Public Notice Date 12/19/00 Comments Received (Y) N CITY OF HERMISTON
18. Was the application filed on or after October 23, 1999? (Y) N If yes, then no A date.
19. Final Report Checklist
 + Documents used in determination are attached to this checklist and highlighted
 + Fill out PFO CC List (don't forget to check for other property owners)
 a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y (N)
 b. Check Watermaster Dist. on the CC list and draft permit.
 + Spell Check and Accuracy Check
 + Final PFO report hard copy check (format, margins, etc.)
 + Final PFO has been saved to m:\groups\w\p\oldone\week#\Application #

Name: JOHN J. SOWDENDate: 3/13/01

12/6/00

MED.

Measurement, recording and reporting conditions:

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

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TO PERSON GENERATING

DFO:

ALSO, SEE
ATTACHED MEMOS
→

MACRO → MEDIUM SHOULD HAVE BEEN
APPLIED TO THE APPLICATION
SINCE 1.49 CUBIC FEET PER SECOND TRIGGERS

"METER SHALL BE INSTALLED." WORDING.

VERN COWRCH CALLED ON THIS AND
BROUGHT TO MY ATTENTION. KEN DOWDEN

X-Sender: zwartmj@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Thu, 07 Dec 2000 07:57:58 -0800
To: Kenneth.D.DOWDEN@wrdd.state.or.us
From: Mike Zwart <Mike.J.ZWART@wrdd.state.or.us>
Subject: Fwd: file G-15198 initial review

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Ken,

I agree with Vern. I usually specify condition 7D, rather than 7C in the Umatilla Basin, so that the measurement period can be specified as Feb. 15 to Mar 15. This would allow synoptic measurements, if we make them, to be used by the permittee for the permit requirement.

Mike

Reply-To: <Vernon.L.CHURCH@wrdd.state.or.us>
From: "Vern Church" <Vernon.L.CHURCH@wrdd.state.or.us>
To: "Ken Dowden" <Kenneth.D.DOWDEN@wrdd.state.or.us>
Cc: "Mike Zwart" <Mike.J.ZWART@wrdd.state.or.us>, "Mike Ladd" <Michael.F.LADD@wrdd.state.or.us>
Subject: file G-15198 initial review
Date: Wed, 6 Dec 2000 16:33:12 -0800
X-Mailer: Microsoft Outlook IMO, Build 9.0.2416 (9.0.2910.0)
Importance: Normal

Hi Ken, after our conversation this morning, I talked to Mike Zwart concerning the conditions on the initial review. I would like to see a couple of changes, if possible, to this review.

1. Under 1A. I would like the word "shall" instead of "may". Mr. Padberg already has a flowmeter on this well I don't want him to think he can pull it or that the flowmeter is not required.

2. Under 1B. I would like the word "shall" instead of "may".

3. Under 3. I would like "The static water level shall be measured from Feb. 15 to March 15."

If you have any questions, please call.

Michael J. Zwart
Hydrogeologist

Reply-To: <Vernon.L.CHURCH@wrd.state.or.us>
From: "Vern Church" <Vernon.L.CHURCH@wrd.state.or.us>
To: "Ken Dowden" <Kenneth.D.DOWDEN@wrd.state.or.us>
Cc: "Mike Zwart" <Mike.J.ZWART@wrd.state.or.us>,
"Mike Ladd" <Michael.F.LADD@wrd.state.or.us>
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3. Under 3. I would like "The static water level shall be measured from Feb. 15 to March 15.

If you have any questions, please call.

Site Identification (Click to Collapse...)

GW LogID: MORR 36 [Well Log Database](#)
GW Well Tag Number:
Tag Verified on Well: No
Site Type: WELL
Primary Use: IRRIGATION
Unused Status:
Site Source Organization:
Site Source OWRD:
Established By: MIKE ZWART
Established Date: 07/25/2001
Bonded Company:
Stage: COMPLETE

Location (Click to Collapse...)

Latitude/Longitude
Latitude: 45.44026863 Horiz. Error: 13.00
Longitude: -119.78270699 Datum: WGS1984
Lat/Long Source: GPS
Location
TRSQQ: WM 1.00S24.00E35NENE
Tax Map:
Taxlot:
24 Quad: IONE SOUTH
Basin: 7 - Umatilla
County: Morrow
WM District: 21
WM Region: NC
LSD Elev: 1420.00 Accy: 10.00 Datum: NGVD1929
Elev Source: 7.5-MINUTE MAP
[Groundwater Mapping Tool](#)

ft.



Maxar | Oregon Water Resources Department

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Water Rights (Click to Expand...)

Well Construction History (Click to Collapse...)

Well Construction History

Well Log Id	Well Log	Work Type	Startcard	Well Tag	Owner Name	First Water	Max Case Diam.	Max Case Depth	Max Seal Depth	Max Depth	Completed
MORR 36	Log	NEW			MARVIN PADBERG	195.00	12			400.00	

Well Log	Aquifer	Aq at Max Depth	System Aquifer	Regional USGS Aquifer	Lo
MORR 36	Columbia River Basalt	Late Tertiary Basalt Aq	Late Tertiary Basalt Aquifers		Columbia River B

Well Test

No data matches search criteria.

Measured Water Level (Click to Collapse...)

Records/Page: 20

Find

Measured Water Level

Date	Time	Water Level (BLSD)	WL Elev (ft AMSL)	Organization	OWRD	Method	Status	MP Height
2/19/2020	12:48:00	212.14	1207.86	OWRD	GWATER	ETAPE CALIBRATED	STATIC	0.40
2/21/2019	13:44:00	211.86	1208.14	OWRD	GWATER	ETAPE CALIBRATED	STATIC	0.40
2/21/2018	10:29:00	210.36	1209.64	OWRD	GWATER	ETAPE CALIBRATED	STATIC	0.40
2/23/2017	14:50:00	209.40	1210.60	OWRD	GWATER	ETAPE	STATIC	0.40
2/24/2016	12:52:00	207.26	1212.74	OWRD	GWATER	ETAPE CALIBRATED	STATIC	0.40
2/18/2015	09:41:00	204.66	1215.34	OWRD	GWATER	ETAPE CALIBRATED	STATIC	0.40
2/27/2014	08:01:00	201.47	1218.53	OWRD	GWATER	ETAPE CALIBRATED	STATIC	0.40
2/27/2013	13:20:00	198.59	1221.41	OWRD	GWATER	ETAPE	STATIC	0.40
2/22/2012	11:35:00	198.30	1221.70	OWRD	GWATER	ETAPE CALIBRATED	STATIC	0.40
2/25/2011	13:30:00			OWRD	GWATER	NOT MEASURED	UNKNOWN	
2/23/2010	13:40:00	197.99	1222.01	OWRD	GWATER	AIRLINE	STATIC	
2/25/2009	13:34:00	196.83	1223.17	OWRD	GWATER	AIRLINE	STATIC	
2/20/2008	11:33:00	192.68	1227.32	OWRD	GWATER	AIRLINE	STATIC	
2/21/2007	12:10:00	189.21	1230.79	OWRD	GWATER	AIRLINE	STATIC	
2/23/2006	15:12:00	188.75	1231.25	OWRD	GWATER	AIRLINE	STATIC	
2/23/2005	12:23:00	185.75	1234.25	OWRD	GWATER	AIRLINE	STATIC	
2/20/2004	12:45:00	184.59	1235.41	OWRD	GWATER	AIRLINE	STATIC	
2/19/2003	11:25:00	177.66	1242.34	OWRD	GWATER	AIRLINE	STATIC	
2/21/2002	11:30:00	178.82	1241.18	OWRD	GWATER	AIRLINE	STATIC	
2/24/2000	11:50:00	179.97	1240.03	OWRD	GWATER	AIRLINE	STATIC	

2

Flow Meter/Power Meter (Click to Expand...)

Available Data (Click to Expand...)

JUL 28 2021

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

OWRD

In the Matter of Application for Extension of Time for Permit G-17360, Water Right Application G-15198, in the name of John and Janna Vanden Brink Family Trust, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA	PROTEST OF PROPOSED FINAL ORDER TO DENY APPLICATION FOR EXTENSION OF PERMIT G-17360
--	---

INTRODUCTION

This protest is filed on behalf of permit holders and applicants John and Janna Vanden Brink (hereafter "Protestants"), pursuant to OAR 690-002-0030, OAR 690-315-0010, OAR 690-315-0060 and ORS 537.630.

On January 27, 2021, Protestants applied for an extension of time to develop Permit G-17360. The permit authorizes use of up to 1.49 cubic feet per second of groundwater from four wells for irrigation of 119.2 acres. On June 15, 2021, the Oregon Water Resources Department ("OWRD" or "Department") issued a Proposed Final Order ("PFO") proposing to deny the requested extension. For reasons described below, the PFO is in error and deficient. Protestants hereby requests a contested case hearing.

The elements of a protest, as required by OAR 690-315-0060(2) and 690-002-0030(1), are addressed as follows:

1. Name, Address and Telephone Number (OAR 690-315-0060(2)(a); OAR 690-002-0030(1)(c))

John and Janna Vanden Brink
P.O. Box 165
Ione, OR 97843
541-422-7035

2. Protestants' Interest in the PFO (OAR 690-315-0060(2)(b))

Protestants are the applicants and are therefore directly and adversely affected by the PFO. The PFO proposes to deny Protestants' application for an extension of time to develop Permit G-17630.

3. Detailed Description of How the Action Proposed in the PFO Would Adversely Affect or Aggrieve Protestants' Interest (OAR 690-315-0060(2)(c))

Protestants intend to make economic use of the real property in question through the use of water for irrigation of crops. Denial of Protestants' application for extension of Permit G-17630 would adversely affect and aggrieve Protestants in their planned economic use of the property to grow crops.

1 – PROTEST OF PROPOSED FINAL ORDER TO DENY APPLICATION FOR
EXTENSION OF PERMIT G-17360

PDX\138116\265517\ASDL\31287510.1

Protestants and the former landowner/permit holder have invested \$490,000 towards developing Permit G-17630. This is a major investment, and to lose it would be a terrible hardship. OWRD not only denied the requested extension, but also made findings alleging that no beneficial use has occurred under the permit. Such allegations ignore beneficial use that occurred prior to Protestants' application for an extension, raising concerns that OWRD may be setting the stage for future cancellation proceedings. Protestants need the animal feed produced from lands under this permit to maintain their dairy at a profitable size.

4. Detailed Description of How the PFO is in Error or Deficient and How to Correct the Alleged Error or Deficiency (OAR 690-315-0060(2)(d)); Statement of Facts Sufficient to Show that the Protestant is Entitled to the Relief or Action Requested and Statement of Specific Relief or Action Requested (OAR 690-002-0030(1)(a) & (b))

For reasons described below, the PFO is in error and deficient. OWRD should correct the errors and deficiencies by issuing a final order approving the proposed extension.

A. FOF #13 incorrectly describes the completion date, is self-contradictory and fails to apply the proper legal standard. The correct completion date is October 1, 2017 (not October 1, 2020). More importantly, the finding that construction of Well 1 was completed between August and December of 2012 contradicts the finding that "[t]he Application does not provide evidence of work accomplished during the period since the Final Order authorizing an Extension of Time...was issued." The referenced Final Order was issued on July 19, 2012. It follows that construction of Well 1 does provide evidence of work accomplished during the period since the Final Order was issued. The Department also applied the wrong standard and therefore looked at the wrong time period for purposes of determining whether Protestants demonstrated reasonable diligence with respect to construction. The Department must consider "[t]he amount of construction completed within the time allowed in the permit or previous extension" (emphasis added). OAR 690-315-0040(3)(a). The time allowed in the previous extension was October 1, 2005 to October 1, 2017. But the Department only considered the time period since issuance of the Final Order approving the previous extension, being July 19, 2012 through October 1, 2017. These errors contributed to OWRD's erroneous conclusion that "[t]he Application does not provide evidence of work has [sic] been accomplished towards completion of the water system during the most recent extension of time period[.]" which the Department relied upon to incorrectly conclude that "the applicant has not demonstrated reasonable diligence in previous performance under Permit G-17360." (PFO, p. 6.)

B. FOF #14 incorrectly implies that "each well" must be equipped with "an instantaneous flow meter with totalizer." The original authorized well is only required to have a "meter" (see original Permit G-13692), not a totalizing flow meter. The fact that it does not have a totalizing flow meter does not demonstrate non-compliance with the meter condition. Department guidance states: "If the condition is not specific about what type of meter needs to be installed, any meter that can be used, in whole or in part, to measure water use will suffice." (Internal Guidance Memorandum to Water Resources Department Staff, dated October 15, 2002, RE: Non-Compliance of Time Sensitive Permit Conditions when reviewing Claims of Beneficial Use and Extensions of Time, p. 4) (hereafter "2002 Guidance Memo"). That same guidance states that "permit condition(s) must be read with both a critical eye and the mind set of a

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permittee. For example, was a 'totalizing flow meter' required, or just a 'meter'?" 2002 Guidance Memo, p. 3. In other cases, OWRD has allowed a dedicated electrical meter to serve as the meter for this purpose.

C. FOF #14 also indicates that "the required March static water level measurements have not been received by the Department." This and other related findings (e.g. FOF #15) are deficient, because they do not give proper weight to the fact that OWRD staff took static water level measurements at the end of February in 2013, 2014, 2015, 2016 and 2017 – all prior to the permit completion date. Each of those measurements was taken a mere 2 to 11 days before the month of March and therefore most likely provided the same data as March 1 measurements would have provided. According to Protestants' extension application, OWRD's measurements were understood to satisfy the permit condition. Further, Department guidance indicates that the ability to establish a reference water level should be taken into account. When the ground water section can establish a reference level, the Department can approve an extension. 2002 Guidance Memo, p. 5. The PFO is in error and deficient to the extent that it completely dismisses the end-of-February measurements and fails to take into account Department guidance on this issue.

D. FOF #15 is in error and deficient for the following reasons:

i. For reasons described above in connection with FOF #14, OWRD's measurements at the end of February provide essentially the same information as a March 1 measurement would provide. The OWRD measurements therefore "serve the public interest purposes that the condition was intended to address and achieve an equivalent result." 2002 Guidance Memo, p. 2. Alternatively, OWRD should allow an extension for the purpose of submitting one or more additional measurements in the month of March.

ii. OWRD's finding that "[b]eneficial use of water under this permit, therefore, has not yet been demonstrated" is in error and deficient as applied to water use from the original authorized well. Regarding the original "meter" condition, Protestants assert that an electrical meter "serve[d] the public interest purposes that the condition was intended to address." 2002 Guidance Memo, p. 2. The same holds true for the OWRD static water level measurements that were taken before the permit completion date and a mere 2 to 11 days prior to the month of March.

iii. Protestants again note that the quoted totalizing flow meter condition applies only to "the proposed points of appropriation" (emphasis added) and not the original authorized well.

iv. OWRD's finding that "The Application does not provide evidence towards perfecting the water right under the terms and conditions of the permit" is in error and deficient to the extent that it fails to take into account evidence of permit compliance and beneficial use from the original authorized well.

E. The findings regarding beneficial use of water, as described in FOF #16 and 17, are in error and deficient. FOF #16 indicates that 2.23 cfs of water has been appropriated from Well 4 for irrigation of 120 acres under Permit G-17360. Authorized use from Well 4 under

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Certificate 89128 accounts for the additional rate in excess of the 1.49 cfs authorized under Permit G-17360. As for FOF #17, Well 2 is also authorized under Certificate 48296.

F. FOF #22 is in error and deficient, because it fails to apply the proper legal standards and, as a result, erroneously excludes the costs of rebuilding the pump in Well 4. OWRD improperly limits recognized costs to those incurred in connection with "actual construction." That is not the correct legal standard, but even if it were, rebuilding the pump in Well 4 would qualify as "actual construction" as defined in OAR 690-315-0020(3)(d). The correct legal standards are found in OAR 690-315-0040(2)(b), (3)(d) and (4)(d) – none of which limits costs to those incurred in connection with actual construction. Rather, the Department must consider "[t]he cost to appropriate and apply the water to a beneficial purpose;...[f]inancial investments made toward developing the beneficial water use...[and] [e]conomic investment in the project to date[.]" *Id.*; see also ORS 537.630 and ORS 539.010(5) (together requiring the Department to consider "the cost of the appropriation and application of the water to a beneficial purpose"). There is no requirement that costs and investments be linked to actual construction, and the Department therefore has no authority to ignore other project-related costs and investments. FOF #22 is inconsistent with the above-cited statutes and agency rules in violation of ORS 183.482(8).

G. For reasons described above in connection with FOF #22, FOF #23 is also in error and deficient. OWRD erroneously found that "[d]uring the most recent extension of time period, no investment has been made in applying water to full beneficial use." Protestants rebuilt the Well 4 pump during the most recent extension of time period at a cost of \$20,000. They also paid an additional \$100,000 for OWRD well testing, which qualifies as a financial/economic investment under OAR 690-315-0040(3)(d) and 4(d).

H. The findings and conclusions in the summary at the bottom of page 6 of the PFO, under the heading "Reasonable Diligence of the Appropriator," are in error and deficient for reasons already stated above.

I. FOF #29 is in error and deficient for reasons described above in connection with FOF #22 and 23.

J. FOF #36 is in error and deficient, because it is self-contradictory and because the cross-referenced findings are in error and deficient for reasons described elsewhere in this Protest. FOF #36 is self-contradictory, because the first sentence states that "[t]he Application provides evidence of good faith of the appropriator under Permit G-17360" whereas the second sentence finds that "the Applicant has not demonstrated good faith." FOF #36 is not supported by the cross-reference findings, because those findings are riddled with errors and deficiencies identified elsewhere in this Protest.

K. FOF #37 is in error and deficient for the following reasons:

i. It erroneously states that "all permit conditions" still need to be met. Protestants assert that the "meter" condition was satisfied by an electrical meter for the original authorized well. The static water level conditions were met for reasons described above in connection with FOF #14 and 15.

ii. Water was applied to beneficial use from the original authorized well for reasons described elsewhere in this Protest in connection with FOF #14 and 15.

iii. The Department's conclusion that it "cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction within the time allowed in the permit (5 years)" is in error and deficient, because it flatly contradicts FOF #8, 9, 10, 11 and 12. Each of those findings cites applicable construction, including a statement that "[w]ork was accomplished during the original development time frame under Permit G-17360[.] (FOF #12).

iv. Several of the cross-referenced findings do not support FOF #37 for reasons described elsewhere in this Protest.

L. The Department's ultimate findings and conclusions regarding good cause, as summarized on page 9 of the PFO, are in error and deficient to the extent that they rely upon other findings and conclusions that are in error and deficient for reasons described elsewhere in this Protest.

M. Conclusion of Law #2 is in error and deficient, because Protestants did in fact begin actual construction work within the time allowed under the permit as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5). See FOF #8, 9, 10, 11 and 12.

N. Conclusion of Law #3 is in error and deficient for reasons discussed elsewhere in this Protest.

O. Conclusion of Law #4 is in error and deficient for reasons discussed elsewhere in this Protest.

P. The "Proposed Order" on page 10 of the PFO is in error and deficient to the extent that it relies upon errors and deficiencies in other findings and conclusions, as discussed elsewhere in this Protest.

5. Citation of Legal Authority to Support the Protest, if Known (OAR 690-315-0060(2)(e); OAR 690-002-0030(1)(d))

Legal authority known to the Protestant at this time:

ORS 537.630 relating to permit extensions.

ORS 539.010(5) relating to permit extension considerations.

ORS Chapter 183 pertaining to agency orders.

OAR Chapter 690 Division 315 relating to permit extensions.

OAR Chapter 690 Division 002 relating to protests and contested case hearings.

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Case law relating to the above statutes and rules.

6. Protest Fee (OAR 690-002-0030(1))

Enclosed with this Protest is a check for the protest fee of \$480.00 (applicant's fee).

7. Request for Contested Case Hearing (OAR 690-315-0060(3)(b); OAR 690-002-0010(6))

Protestant hereby requests a contested case hearing.

CONCLUSION

The above-described facts and legal arguments demonstrate that the Protestants are entitled to relief. The specific action requested by Protestants is for OWRD to issue a Final Order approving the application for extension of time to develop Permit G-17360. A contested case hearing is requested. However, Protestants would be open to exploring the possibility of reaching an informal resolution of this Protest.

Protestants reserve the right to raise additional issues that were not readily identifiable or reasonably ascertainable during the time allowed for filing this Protest.

DATED: July 27, 2021.

SCHWABE, WILLIAMSON & WYATT, P.C.



By: _____

Shonee D. Langford

530 Center Street NE, Suite 730

Salem, OR 97301

Telephone: 503-540-4261

Facsimile: 503-796-2900

E-mail: slangford@schwabe.com

Of Attorneys for Protestant

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CERTIFICATE OF SERVICE

I certify that on July 27, 2021, I sent via UPS Overnight Delivery the original PROTEST OF PROPOSED FINAL ORDER TO DENY APPLICATION FOR EXTENSION OF PERMIT G-17360 to the Oregon Water Resources Department at 725 Summer St. NE, Suite A, Salem, Oregon 97301.

SCHWABE, WILLIAMSON & WYATT, P.C.



By: _____

Shonee D. Langford

530 Center Street NE, Suite 730

Salem, OR 97301

Telephone: 503-540-4261

Facsimile: 503-796-2900

E-mail: slangford@schwabe.com

Of Attorneys for Protestant

Mailing List for Extension PFO Copies

PFO Date: June 8, 2021

Copies Mailed

Application: G-15198

By: TM

Permit: G-17360

On: 6/15/2021

Original mailed to Applicant:

John Vanden Brink and Janna Vanden Brink
P.O. Box 165
Ione, OR 97843

Copies sent to:

1. WRD - App. File G-15198/ Permit G-17360
2. William Porfily
PO Box 643
Stanfield, OR 97875

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 21, Ken Thiemann
5. WRD – NCR Regional Manager, Chris Kowitz

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for Permit	)	PROPOSED
G-17360, Water Right Application G-15198, in the name of John and	)	FINAL ORDER
Janna Vanden Brink , Trustees of the John and Janna Vanden Brink	)	TO DENY
Family Trust, northwest Farm Credit Services, FLCA, and Northwest	)	
Farm Credit Services, PCA	)	

Permit Information

Application:	G-15198
Permit:	G-17360
Basin:	7 – Umatilla / Watermaster District 21
Date of Priority:	August 16, 2000
Source of Water:	a well within Willow Creek Basin
Purpose or Use:	Irrigation use on 119.2 Acres
Maximum Rate:	1.49 cubic feet per second (cfs)

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

In Summary, the Department proposes to:

- Deny an extension of time to apply water to full beneficial use from October 1, 2017, to October 1, 2023.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
Well 1 – MORR 52027
Well 2 – MORR 1735/36/37
Proposed Well 2 – not constructed
Well 4 – MORR 51114
cfs – cubic feet per second

AUTHORITY

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

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

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

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

FINDINGS OF FACT

1. On June 7, 2001, Permit G-13962 was issued by the Department. The permit authorizes the use of up to 1.49 cfs of water from a well within Willow Creek Basin for irrigation of 119.2 acres. The permit specified complete application of water was to be made on or before October 1, 2005.
2. On December 12, 2011 an assignment from Marvin Padberg to John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust, northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA, was recorded in the records of the Water Resources Department.
3. On January 27, 2021, the permit holder submitted an “Application for Extension of Time” (Application) to the Department, requesting the time to apply water to full

beneficial use under the terms and conditions of Permit G-17360 be extended from October 1, 2017 to October 1, 2023.

4. On February 23, 2021, notification of the Application for Extension of Time for G-17360 was published in the Department's Public Notice. No public comments were received regarding the extension application.
5. One prior permit extensions have been granted for Permit G-13962. The most recent extension request was approved on July 19, 2013¹, resulted in the completion dates for construction and full application of water being extended from October 1, 2005, to October 1, 2017.
6. On February 26, 2015, the Department approved Permit Amendment T-11689 (Special Order Volume 95, Page 152) authorizing additional points of appropriation. Superseding Permit G-17360 was issued by the Department on February 26, 2015, to reflect the changes.

Review Criteria [OAR 690-315-0040]

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

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

7. On January 27, 2021, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

8. Construction of the well began prior to permit issuance.
9. According to the well log received by the Department on March 3, 1969, construction of MORR 1735 (Well 2) began September 22, 1968. The well was subsequently altered under MORR 38 beginning December 16, 1975, and deepened under MORR 37 on March 15, 1977.

Based on Finding of Fact 8, and 9, the Department has determined that the prosecution of the construction of the well began prior to October 1, October 1, 2005.

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

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

¹ The Final Order approving the extension of time is incorrectly dated July 19, 2012. July 19, 2013, is the date this Final Order was issued.

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

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

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

The amount of construction completed within the time allowed in the previous extension.²

10. Construction of the well began prior to permit issuance.
11. Construction of wells authorized by Permit Amendment T-11689 began prior to permit issuance. According to well log received by the Department on February 8, 2003, construction of MORR 51114 (Well 4) began December 30, 2002.
12. Work was accomplished during the original development time frame under Permit G-17360 includes installation of a pump, electrical equipment, mainline and a pivot.
13. During the most recent extension period, being from October 1, 2005, to October 1, 2017, the following was accomplished, construction of MORR 52027 (Well 1) began August 24, 2012, and was completed on December 17, 2012. This work was accomplished prior to the July 19, 2013, issuance of the Final Order approving an Extension of Time from October 1, 2005, to October 1, 2017.

The Application does not provide evidence of work accomplished during the period since the Final Order authorizing an Extension of Time from October 1, 2005, to October 1, 2020, was issued.

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

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

14. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that an instantaneous flow meter with totalizer has been installed on each well, (2) Well 1 and Well 4 have not been reconstructed to meet construction standards and casing requirements, and (3) the required March static water level measurements have not been received by the Department.

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

15. The Application identifies that OWRD ground water staff have been taking measurements of the static water level in the well. The measurements taken by OWRD ground water staff have occurred in months other than March, and therefore do not satisfy the requirement of the permit holder to make and submit annual March static water level measurements.

Based on FOF 14, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-17360:

- “Prior to use from the proposed points of appropriation, the permittee shall install an instantaneous flow meter with totalizer on each well³.
- Both MORR 51114 (Well #4) and MORR 52027 (Well #1) shall be reconstructed to meet current well construction standards. MORR 51114 (Well #4) must be continuously cased and continuously sealed from land surface to a depth of 205 feet below land surface. MORR 52027 (Well #1) must be continuously cased and continuously sealed from land surface to a depth of 1055 feet below land surface. and
- To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.⁴

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

The Application does not provide evidence towards perfecting the water right under the terms and conditions of the permit. Therefore, the Department has determined the permit holder has not been diligent in developing or perfecting the water use permit, or has complied with all terms and conditions specified in Permit G-17360.

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

The amount of beneficial use made of the water during the permit time limits and previous extension.

16. A maximum rate of 1,000 gallons per minute (2.23 cfs) of water has been appropriated from the Well 4 for irrigation of 120.0 acres. This exceeds the amount of water for irrigation use authorized under this permit. The authorized amount of water for irrigation use is 1.49 cfs.
17. A maximum rate of 800 gallons per minute (1.78 cfs) of water has been appropriated from the Well 2 for irrigation of 120.0 acres. This exceeds the amount of water for irrigation use authorized under this permit. The authorized amount of water for irrigation use is 1.49 cfs. This well is no longer in use.

³ Annual water use reports submitted indicate water use is calculated based on power consumption and ratio of volume of water pumped.

⁴ The Department ground water staff have measured static water levels in the month of February.

18. No water has been appropriated from Well 1 under this permit.
19. Water use reports submitted to the Department under reporting identification number 67771 identifies water has continued to be appropriated each year since the issuance of Permit G-17360 from Well 4 (MORR 51114) for irrigation of 830.0 acres. Well 4 is identified as being a point of appropriation under Water Right Certificate 89128, which authorized irrigation on 522.6 acres. The combined total acres authorized for irrigation under Water Right Certificate 89128, and Permit G-17360 is 642.6 acres. This exceed the number of authorized irrigated acres allowed by the combination of both rights.
20. Use of water has occurred form Well 4 prior to reconstruction of the well as required by Permit G-17360.
21. In summation, application of water to full beneficial use was due primarily to lack of financial resources to reconstruct the wells to meet minimum well construction standards, and the specific conditions contained in Permit G-17360.

The Department has determined that beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2017, and water has been appropriated from multiple aquifers and applied to land not authorized for irrigation.

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

22. An approximate total of \$490,000 has been invested. The costs included items associated with repair and maintenance costs of the pump in Well 4, and cost of well testing done by OWRD Groundwater section, which are not “actual construction” under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for “actual construction” to date is approximately \$370,000 which is about 27 percent of the total projected cost for complete development of this project. An additional \$1,000,000 investment is needed to complete this project, which includes bringing the subject wells into compliance with minimum well construction standards and installing the required totalizing flowmeters at each point of appropriation.
23. During the most recent extension of time period, no investment has been made in applying water to full beneficial use.

The Department has determined that the permit holder had made an investment.

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

The Application does not provide evidence of work has been accomplished towards completion of the water system during the most recent extension of time period; the permit holder has not demonstrated noncompliance with permit conditions, and; beneficial use of water has not been demonstrated. The Application does provide evidence of illegal water use from MORR 51114 because multiple source aquifers are being appropriated from, and land not authorized for irrigation has been irrigated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit G-17360.

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

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

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

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

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

24. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-17360; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

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

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

25. The points of appropriation for Permit G-17360, located within the Rhea Creek Basin, are not located within a limited or critical groundwater area.
26. Rhea Creek is not located within or above any state or federal scenic waterway.
27. The points of appropriation is in an area listed by the Department of Environmental Quality as a water quality limited stream.

continued on following page

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

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

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

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

Economic interests dependent on completion of the project.

29. An approximate total of \$370,000 has been invested in the project.

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

Other economic interests dependent on completion of the project.

30. The Application identifies a contract with Dairy Gold to produce 302,000 gallons of milk.

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

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

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

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

32. The 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)]

33. The Application identifies the dairy lagoons needed to be reconstructed in 2019. The date for complete application of water under Permit G-17360 is October 1, 2017. The reconstruction of the lagoon occurred outside the development timeline authorized by the permit.

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

34. The Application identifies health issues which have occurred over the last two years. The date for complete application of water under Permit G-17360 is October 1, 2017.

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

35. The water user identifies an investment of approximately a half a million dollars to irrigate the acres authorized, which would be lost if the extension of time is denied.

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

36. The Application provides evidence of good faith of the appropriator under Permit G-17360.

Based on Findings of Fact 14, 16, 17, 18, 19, 20, and 23, above, the Department finds that the Applicant has not demonstrated good faith.

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

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

37. As of January 27, 2021, the remaining work to be completed consists of completing construction of the water system, meeting all permit conditions, which include X; and applying water to full beneficial use.

Based on FOF 14, 16, 17, 18, 19, 20, 23, and 36, the Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction within the time allowed in the permit (5 years).

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

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

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

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

3. The permit holder has not demonstrated reasonable diligence in coming into compliance with permit conditions, and has appropriated water at a rate greater than what is authorized and on lands not authorized. OAR 690-315-0040(3)(c).
4. The Application established that there has been no construction, no financial investment or reasonable diligence toward developing the project during the most recent extension of time period, being October 1, 2005, to October 1, 2017. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

PROPOSED ORDER

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

Deny the time to apply water to beneficial use under Permit G-17360 from October 1, 2017, to October 1, 2023.

DATED: June 15, 2021


Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **July 30, 2021**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;

- f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

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

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

MEMORANDUM

DATE: 10/15/2019
TO: Water Rights Services Division
FROM: Tom Byler, Director
SUBJECT: Compliance with permit groundwater level measurement and reporting conditions

Department staff collect groundwater level data from a large number of wells across the state between late January and early April each year. Some of these wells are also authorized POAs on groundwater rights with static groundwater level measurement and reporting conditions. At times, the owners of these wells ask staff whether Department-collected data meet their measurement and reporting condition requirements. The Department's policy regarding these questions is documented in section 12.04 of the Field Operations Manual.

Measurement and reporting conditions have been applied to groundwater rights since the 1990s, and the condition language has evolved over time. The current standard language requires that permit condition groundwater levels be collected by a "qualified individual", which is defined as a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board. This requirement facilitates the collection of groundwater level data that can be assumed to be of similar quality and reliability to that routinely collected by trained Department staff. Department staff collect groundwater level data according to the Department's field data-collection procedures, which parallel those outlined in the Groundwater Technical Procedures of the U.S. Geological Survey (Cunningham and Schalk, 2001¹).

Compliance with permit conditions is assessed by the Department when reviewing claims of beneficial use under OAR [690-330-0010](#)(1)(a) or applications for extension of time to perfect a permit under OAR [690-315-0040](#)(3)(c). Both rules reference ORS 537.630, which indicates that compliance with permit conditions (among other things) shall be shown "...to the satisfaction of the department...". With respect to assessing a groundwater right permit holder's compliance with groundwater level measurement and reporting conditions, Department staff shall be considered "qualified" to collect groundwater level data, and a groundwater level measurements collected by Department staff within the time period specified on the permit shall be considered satisfactory proof of compliance with this permit condition.

¹Cunningham, W.L., and Schalk, C.W., comps., 2011, Groundwater technical procedures of the U.S. Geological Survey: U.S. Geological Survey Techniques and Methods 1-A1, 151 p. (available online at <https://pubs.usgs.gov/tm/1a1/>)

Application: G-15198 Permit: G-17360
Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit
Holder(s) John and Janna Vanden Brink
P.O. Box 165
1001 012 97843

Proposed Completion Date: 2023

☐ WRIG...Money Received on: 1-27-21

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

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

☒ Tonya Miller...

☒ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice 2/23/2021

☒ 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 _____

NOTES:

SENT GW Review
4-20

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits
(OAR 690-315-0010 through OAR 690-315-0060)

Application G-15198 Permit G-17360 Permit Amendment? No ☐ Yes ☒ T- 11689 ☐ pending ☒ approved

Permit Holder's Name: Vanden Brink
Permit Holder's Mailing Address: P.O. Box 165 email _____

Phone Number: _____ long UP

POD Location: Township 15 Range 24 E Section 22
26 35 $\frac{1}{4}$ $\frac{1}{4}$

Drainage Basin: 7 County: Norwau Watermaster District: 21 Watermaster: Ken Theiman
Umat

Date Permit was issued: 6-7-2001 Priority Date: _____ Date of PN: _____

Source: _____ 2-26-2015

Use: _____

"Q": 1.49 cfs

Orig "A" Date: _____ Orig "B" Date: _____ Orig "C" Date: 10-1-2005

Extension request rec'd: _____ Last Authorized "B" Date: 10/1/ Last Authorized "C" Date: 10/1/ 2017

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

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☐	☐	meter
☐	☐	initial / annual / 7-cons March SWL
☐	☐	inst flow @ each P
☐	☐	AWUR 2015 →
☐	☐	Construction began well const

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: \$ _____ Estimated Remaining Cost: \$ _____

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

• Permit holder has beneficially used _____ ☐ 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. _____
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: "/gisdata/dev/projects/salmon/div33map.aml"
☐ ☐ within a critical or limited Ground Water Area? Name of area _____
☐ ☐ within a Withdrawn Area? Name of area _____
☐ ☐ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
☐ ☐ within an area ranking ☐ low / ☐ moderate / ☐ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

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

☐ Other: _____

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

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

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

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

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

☐ **COBU Requirement - Ground Water - post July 9, 1987**

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

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline
Date: _____

Reviewer's Name: _____ Date: _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **134404**

INVOICE # _____

RECEIVED FROM: <u>JVB Dairy</u>	APPLICATION <u>G-15198</u>
BY: _____	PERMIT _____
CASH: ☐ CHECK # <u>3158</u> OTHER: (IDENTIFY) _____	TRANSFER _____
TOTAL REC'D \$ <u>670.00</u>	

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	\$	<u>670.00</u>
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **134404** DATED: 1-27-2021 BY: Mindy Carr
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

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



OREGON
WATER
RESOURCES
DEPARTMENT

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

RECEIVED

JAN 27 2021

OWRD

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

RECEIVED

JAN 27 2021

OWRD



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

We, John and Janna Vanden Brink

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

P.O. Box 165

ADDRESS

lone

CITY

OR

STATE

97843

ZIP

(541) 422-7035

PHONE

JVB DAIRY <JVBDairyOffice@gmail.com>

E-MAIL ADDRESS

the permit holder of: Application Number G-15198

Permit Number G-17360

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

do hereby request that the date by which the water development will be completed and
water put to full beneficial use, which time now expires on Month:10 Day: 01 Year: 2017, be
extended to October 1, 2023, [OAR 690-315-0020(3)(i)]

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

<u>John Vanden Brink</u>	<u>1-23-2021</u>
Signature	Date
<u>John Vanden Brink</u>	<u>OWNB / operator</u>
Printed Name	Title
The agent below is authorized to represent the applicant in all matters relating to THIS application.	
<u>Bill Por Filly</u>	<u>1 (541) 561-7259</u>
Authorized Agent (Print Agent Name)	Agent contact
	<u>JVB</u> Permit Holder Initials

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

- This completed Application for Extension of Time.
- Statutory fee of \$670
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

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

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

GENERAL TIPS:

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

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

Reference Materials Needed to Complete this Application:

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

Questions to complete this application for an Extension of Time

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

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

For Groundwater Permits

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

☒ Yes ☐ No

Date construction began Month: 03 Day: 24 Year: 1977

Details of construction and attach documentation: Started the drilling of the well

For Surface/Reservoir Permit

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

Date construction began Month: Day: Year:

Details of construction and attach documentation:

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☒	Installation of a meter/totalizing flow meter	☐ Yes ☐ No	Previous owner had installed
☒	Submittal of annual water usage report	☒ Yes ☐ No	We have submitted Reports
☒	Submittal of initial static water level measurement	☒ Yes ☐ No	05-10-2005
☒	Submittal of annual static water level measurements in the month required	☒ Yes ☐ No	OWRD Staff has been Making them
☒	Submittal of Seven consecutive static water level measurements in the month required	☒ Yes ☐ No	OWRD Staff made them
☐	Special well construction standards	☐ Yes ☐ No	N/A
☐	Submittal of a monitoring plan	☐ Yes ☐ No	N/A
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
Surface Water or Reservoir			
☐	Installation of a meter/ totalizing flow meter	☐ Yes ☐ No	
☐	Submittal of annual water use report	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

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

Permit Amendment T-11689 required that the New Hill Well #1 & Well # 4 was not properly sealed at time of construction and both required before using them they must be reconstructed.

See item 15 & 16 below for why we were unable to complete conditions

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

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

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1977	Initial well was drilled	\$40,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
06-07-2001	Date the permit was signed - find date above signature on last page of permit.	
2001-2005	Pump, electrical equipment, 1500 ft of mainline and 120 acres center pivot was installed	\$300,000
	All this effort list above was accomplished by the previous owner	
10-01-2005	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2005-2012	Several attempts were made to try and get the authorized permitted well to produce enough water for the authorized use described in the permit	30,00

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Total Cost for Chart-B		\$370,000

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10-01-2005	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
2002	We purchased the site and built the dairy.	N/A
2010	We purchase the irrigated acres associated with the Dairy. The well authorized in Permit G-13962 was bad and would not come close to yielding enough water after 30 minute of pumping to Irrigate authorized acres in the permit. Previous owner had abandon the well and was using Well #4 to irrigate the acres.	N/A
2016	OWRD Ground Water Staff test Hill Well for commingling of water between different acquirers	100,000
2017	Rebuilt Well #4 pump	\$20,000
10-01-2017	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2017-2020	See Items 15 & 16 below, resources was required in other areas of the dairy to maintain it viability	
Total Cost of Chart-C		120,000

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

5. Cost of project to date: 490,000

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

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

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

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

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

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

Maximum rate used to date = 1.5 cfs (cubic feet per second) or,

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

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

Maximum volume stored annually to date = N/A AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well #2 Went Bad	#2	Yes ☒	Morr 36 & Morr 37	N/A	Yes ☒	800 gpm till well went bad	Yes ☐	-N/A
		No ☐			No ☒		-N/A	
Well #4	#4	Yes ☒	Morr 51114	62874	Yes ☒	1000 gpm Auth Permit Adm T-11689	Yes ☒	-
		No ☐			No ☐		Cert 89128	
Well #1	Hill Well	Yes ☒	Morr 52027	109714	Yes ☒	0 gph Auth Permit Adm T-11689	Yes ☐	-N/A
		No ☐			No ☒		-N/A	
		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 instantaneous rate from all wells utilized under this permit						1000 Gpm		

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

If yes, identify Transfer No. T-11689

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

9. For Irrigation and Nursery Use Permits Extensions

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

a) Total acres irrigated to date: 120b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
2001-2005	120				

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

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

(POD/POA)# Well #2 Acres 120.

(POD/POA) # _____ Acres _____

(POD/POA)# Well #4 Acres 120

(POD/POA) # _____ Acres _____

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2021-2023	We will need to ream the Hill Well to a larger diameter, seal and case the well to 820 ft per OWRD Ground Water Staff conditions, bring power to well, acquire and install pump, electrical equipment and equipment to connect the project to the existing irrigation system;	Estimated \$1,000,000
Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$1,000,000

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

11. Estimated remaining cost to complete the project: \$1,000,000

(The total cost from CHART-E)

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

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

We will ream the Hill Well to a larger diameter, seal and case the well to 820 ft per OWRD Ground Water Staff Conditions, bring power to well, acquire and install pump, electrical equipment and equipment to connect the project to the existing irrigation system;

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

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

We are guessing it will take a year and half to complete construction after extension is approved and deliver water from the Hill Well into the delivery system to irrigate the 120 acres described in permit

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* Close to half million \$ has been spent to irrigate the acres authorized in this permit. This investment will be lost if the extension is denied. Well #4 doesn't produce enough wter to irrigate the 522.6 acres authorized Certificate 89128 along with the 120 acres authorized in this permit. OWRD Ground Water Staff has conditioned that Well #4 must be reconstructed and sealed to 205 ft before using it to irrigate the 120 in this permit. At this time we do not have or fore see having in the near future the resources to reconstruct Well #4.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)* At this time there are no alternatives

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

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

In 2019 the dairy effluent lagoons required an environmental update and reconstruction. The new liner for the lagoons and reconstruction resulted in an expenditure of \$250,000.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events.)*

John has been diagnosed with bone cancer. The illness from the cancer and illness from the last two years of treatments for the cancer has made it difficult for him in managing the dairy and all the business associated with it. He was unable to take on the project involved in bring Hill Well into production

In 2019 the dairy effluent lagoons required an environmental update and reconstruction. The new liner for the lagoons and reconstruction resulted in an expenditure of \$250,000.

Three worn out pivot had to be replaced at an expenditure of \$300,000

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The economics of the Dairy business 2015 through 2018 was not great enough to finance the reconstruction of the dairy lagoons, replace three center pivots and take on the project of completing the Hill Well Project.

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

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

We have stated all the reasons above

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

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

N/A

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

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) To maintain the Dairy at the size to make it profitable, we need the animal feed produced from the 120 acres described in this permit

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

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)* We have a contract to deliver 302,000 # of milk to Dairy Gold.

We have attached the Well Logs and permit application map to this application, and the OWRD Staff finding concerning the commingling of water between aquifers .

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Attach permit, and documentation to the application

STATE OF OREGON

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COUNTY OF MORROW

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PERMIT TO APPROPRIATE THE PUBLIC WATERS

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THIS PERMIT IS HEREBY ISSUED TO

MARVIN PADBERG
64746 RHEA CREEK RD
IONE, OREGON 97843

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-11689 and approved by Special Order Vol. 95, Page ~~15A-154~~, entered February 26, 2015, and to describe an extension of time for complete application of water approved July 19, 2012, and an assignment to a new permittee approved October 12, 2011. This permit supersedes Permit G-13962.

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

APPLICATION FILE NUMBER: G-15198

SOURCE OF WATER: A WELL WITHIN THE WILLOW CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.2 ACRES

MAXIMUM RATE: 1.49 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 16, 2000

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	22	NE SE	PROPOSED WELL #1: 2200 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 22
1 S	24 E	WM	26	SW NW	PROPOSED WELL #2: 3900 FEET NORTH AND 445 FEET EAST FROM THE SW CORNER OF SECTION 26
1 S	24 E	WM	35	NE NE	AUTH. WELL #2: 1050 FEET SOUTH AND 210 FEET WEST FROM THE NE CORNER OF SECTION 35
1 S	24 E	WM	35	SE NE	PROPOSED WELL #4: 2435 FEET SOUTH AND 1015 FEET WEST FROM THE NE CORNER OF SECTION 35

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	24 E	WM	26	NE SW	26.4
1 S	24 E	WM	26	SE SW	26.2
1 S	24 E	WM	26	NE SE	0.6
1 S	24 E	WM	26	NW SE	33.2
1 S	24 E	WM	26	SW SE	32.3
1 S	24 E	WM	26	SE SE	0.5
Total:					119.2

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PERMIT REVIEW T-11689 CONDITIONS

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install an instantaneous flow meter with totalizer on each well. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645 (1) through (3). The permittee shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

3. Both MORR 51114 (Well #4) and MORR 52027 (Well #1) shall be reconstructed to meet current well construction standards. MORR 51114 (Well #4) must be continuously cased and continuously sealed from land surface to a depth of 205 feet below land surface. MORR 52027 (Well #1) must be continuously cased and continuously sealed from land surface to a depth of 1055 feet below land surface.
4. Any future well, ie proposed Well #2, drilled as a part of this water right must only appropriate water from a single aquifer in the Columbia River Basalt Group (CRBG) aquifer system. The applicant shall demonstrate, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are similar enough to prevent loss of artesian pressure from one zone to another.

5. Before any new wells are drilled, the applicant shall instruct the well constructor to contact the Groundwater Section of the Department to arrange for the collection of drill cuttings.
6. Water shall be acquired from the same aquifer as the original point of appropriation.

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EXISTING PERMIT CONDITIONS

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Measurement, recording and reporting conditions:

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

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

After Use of Water has BegunSeven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the

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

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

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

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

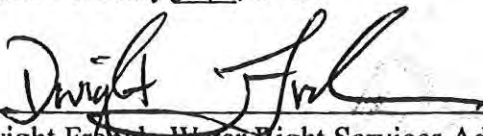
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Complete application of the water to the use shall be made on or before October 1, 2017. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 26, 2015



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

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

JOHN VANDEN BRINK PERMIT AMENDMENT APPLICATION MAP FOR PERMIT G-13962 MORROW CO T1S, R24E

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AUTHORIZED POINT OF APPROPRIATION
EXISTING WELL #2
LOCATED 1020' N AND 300' W FROM THE NE
CORNER OF SEC 35

PROPOSED POINTS OF APPROPRIATION
PROPOSED NEW WELL #1
LOCATED 2200' N AND 1000' W FROM THE
SE CORNER OF SEC 22
PROPOSED NEW WELL #2
LOCATED 3900' N AND 445' E FROM THE SW
CORNER OF SEC 26
PROPOSED EXISTING WELL #4
LOCATED 2435' S AND 1015' W FROM THE
NE CORNER OF SEC 35

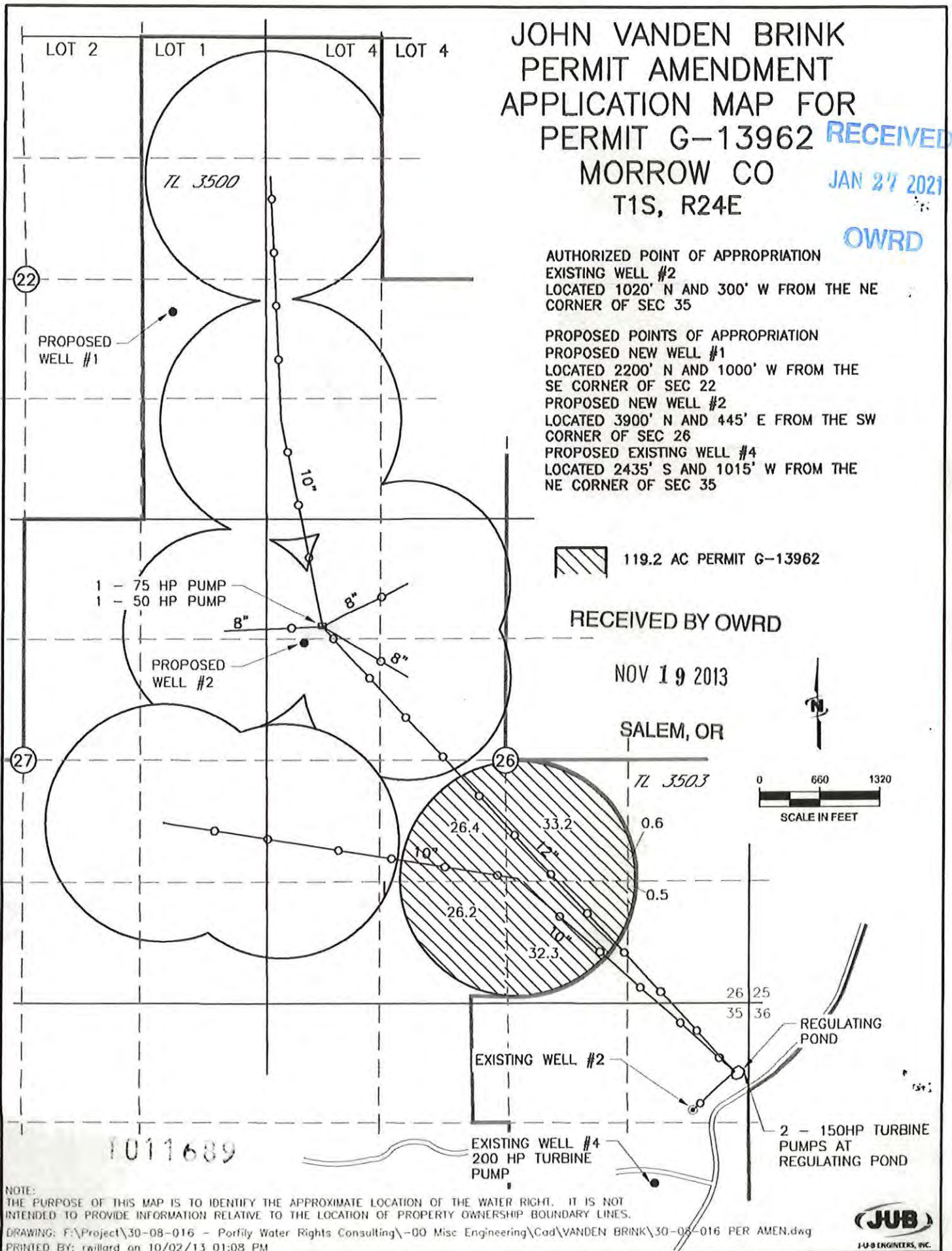
119.2 AC PERMIT G-13962

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NOV 19 2013

SALEM, OR

0 660 1320
SCALE IN FEET



NOTE:

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT
INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

DRAWING: F:\Project\30-08-016 - Porfily Water Rights Consulting\00 Misc Engineering\Cad\VANDEN BRINK\30-08-016 PER AMEN.dwg

PRINTED BY: railard on 10/02/13 01:08 PM

JUB
JUB ENGINEERS, INC.

OWRD - Erik Thomasson Delivered to Zollman's
First part of September 2016

State of Oregon

Water Resources Department

Memorandum

April 20, 2016

To: File T-11689 and G-15198 (Permit G-17360)
CC: Justin Iverson, Groundwater Section Manager
Joel Jeffery, Well Construction and Compliance Program Coordinator
From: Josh Hackett, Hydrogeologist, Groundwater Section
Subject: Borehole Flowmeter Review MORR 52027, John Vandenberg

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Background:

MORR 52027 was completed as a test hole for John Vandenberg by Zollman's Larry Burd Well Drilling on December 17, 2012. According to the drillers' well report, the well was drilled 8-inch open hole from 18 feet below land surface (bls) to a total depth of 1393 feet bls with 8-inch steel casing and cement and bentonite seal installed in a 12-inch borehole from land surface to a depth of 18 feet bls.

MORR 52027 was one of three wells listed as proposed additional points of appropriation on Groundwater Transfer Application T-11689 (received by the Department on November 19, 2013). Due to the large open interval in the well, Groundwater Section staff was concerned it may be drilled through multiple aquifers and allowing water to flow between aquifers. This mixing (or mingling) of waters from different aquifers is commonly referred to as commingling. To investigate the possibility of commingling in MORR 52027, Groundwater Section staff conducted a downhole video survey on April 17, 2014. The video survey recorded particles moving up the borehole between depths of 788 feet and 1305 feet bls, indicating commingling was occurring. Based on observations from the video survey, two potential aquifers were identified; a shallow aquifer from 880-975 feet bls and a deep aquifer from 1275-1339 feet bls (see Attachment 1 for a complete review of the video log survey).

Most recently, a borehole flowmeter log survey was conducted by Groundwater Section staff on January 7, 2016 to measure the upward flow rate in the well and determine where the water was exiting the well. Findings from the flowmeter survey are presented in this document. **Recommendations to meet permit conditions are presented at the conclusion of this memo.**

Equipment/Methods:

Fluid movement in the borehole was measured using a Century Geophysical Corp. Model 9722 Electromagnetic (EM) Flowmeter Tool. The instrument measures flow rates using the principle of Faraday's Law of Induction; the voltage induced by a conductor (water) moving through a magnetic field (generated by the electromagnet in the EM flowmeter) is proportional to the velocity of the conductor through the field. The Model 9722 EM Flowmeter has a full range of 50 milliliters per minute (0.01 gallons/min (gpm)) to 40 liters per minute (10.6 gpm) and is accurate to ± 5 milliliters per minute (0.001 gpm). An 8.5 inch

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OWRD

diameter flow diverter skirt was installed on the EM flowmeter to minimize flow around the tool and direct flow through the meter.

Measurements of vertical flow in the borehole were obtained under static (non-pumping) conditions at ten "stations" below the static water level (605 feet bls), between depths of 629 feet and 1205 feet bls. The flowmeter was allowed to equilibrate for at least two minutes or until flow rates stabilized at each station before flow rates were recorded.

Results:

Maximum upward flow ranging from 2.81 gpm to 3.57 gpm was measured in the interval from 1205 feet to 784 feet bls (Table 1, Figure 1). Above 784 feet bls, a decrease in upward flow was observed at successive stations (1.41 gpm at 759 feet bls, 0.22 gpm at 667 feet bls) until flow ultimately decreased to nearly zero (0.04 gpm) at 629 feet bls (Table 1, Figure 1). The consistency of upward flow rates between 1205 feet and 784 feet bls indicates that vertical flow is entering the well below this interval and is exiting the well above it. Decreasing upward flow rates between 784 feet and 629 feet bls indicates that flow is exiting the well in this interval. The abrupt decrease in flow between 784 feet and 759 feet bls suggests that a significant portion of flow exits the well in this short interval while the remainder exits in the longer interval from 759 feet to 629 feet bls.

The results of the EM Flowmeter log survey generally agree with the findings of the video log survey, with both surveys identifying two aquifers (shallow and deep). However, results from the flowmeter survey indicate that the shallow aquifer occurs from approximately 670-800 feet bls, not 880-975 feet bls as was identified in the video survey. It is evident from the flowmeter survey that the deep aquifer is losing at least 3 gpm to the shallow aquifer. As an average rate, 3 gpm equates to a loss of 4320 gallons per day, 1.57 million gallons per year, and a total of 4.73 million gallons in the three years since the well was drilled.

Recommendations:

The EM flowmeter log of MORR 52027 indicates the well commingles two aquifers in the Columbia River Basalt Group. Measured vertical flow was approximately 3 gpm from the deep aquifer to the shallow aquifer. The well must be constructed to meet the minimum construction standards for Water Supply Wells described in OARs 690-200 and 690-210. Specifically, the well must not allow commingling of waters from multiple aquifers (690-200-0043) and must be cased and sealed at least five feet into solid, unrecieved, consolidated rock overlying the water-bearing rock formation (690-210-0150). To avoid commingling in the well, either the deep or shallow aquifer must be sealed off. According to the drillers' log, most of the production is from the deep aquifer; the following recommendation assumes the shallow aquifer will be sealed off. In addition to sealing off the upper aquifer, the well must be cased and sealed into solid, dense rock overlying the productive aquifer. While the base of the upper aquifer occurs at a depth of 800 feet bls, the borehole does not appear to be solid or unrecieved until 815 feet bls. Accordingly, the well should be cased and sealed to a minimum of 820 feet below land surface. This case and seal depth shall supersede Condition 3 of permit G-17360 (case and seal to 1055 feet bls).

Table 1. Measured vertical flow rates at depth stations in MORR 52027. Negative values represent upward vertical flow.

Depth (feet)	Rate (Liters/minute)	Rate (gallons/minute)
629	-0.17	-0.04
667	-0.83	-0.22
759	-5.35	-1.41
784	-10.63	-2.81
814	-10.05	-2.66
834	-11.17	-2.95
854	-13.07	-3.45
858	-11.94	-3.15
1104	-12.25	-3.24
1154	-13.50	-3.57
1205	-12.21	-3.23

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Site Name: Vandenbrink Test Well

Page 1 of 1

MORR 52027

L 109714

01S24E-22

long South

45 464, -119.804

Morrow

1730

Umatilla

1393

J. Hackett

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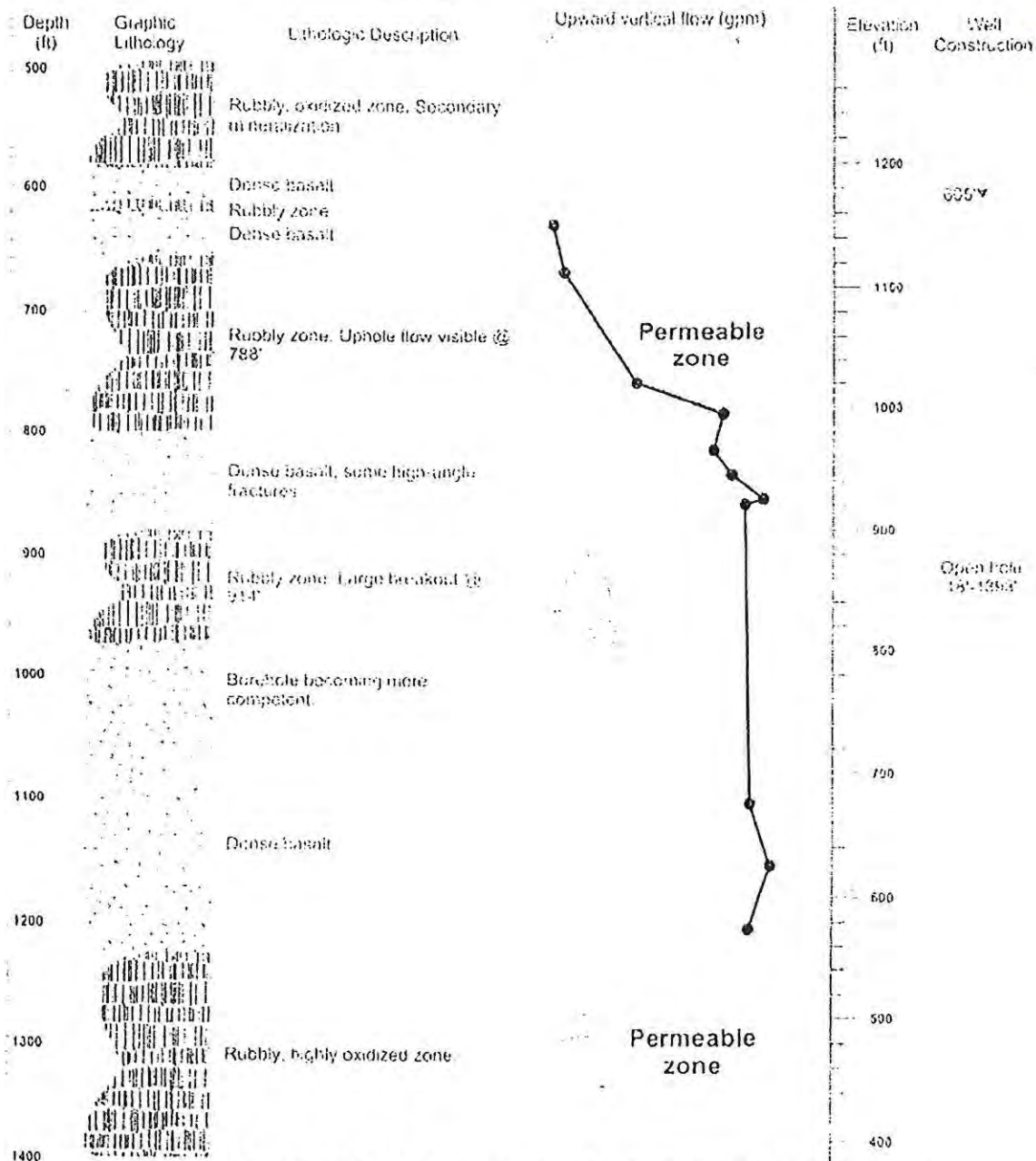


Figure 1. Results of borehole EM flowmeter logging in MORR 52027.

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

MORR 52027

1/17/2013

WELL I.D. LABEL# 1

START CARD #

ORIGINAL LOG #

109714

1017527

Page 1 of 2

(1) LAND OWNER

Owner Well I.D. _____
First Name JOHN Last Name VANDENBRINK
Company _____
Address PO BOX 165
City IONE State OR Zip 97843

(2) TYPE OF WORK

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

(2a) PRE-ALTERATION

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

(3) DRILL METHOD

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

(4) PROPOSED USE

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

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 1393.00 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
12	0	18	Bentonite Chips	0	16	13	S
8	18	1393	Cement	16	18	1	S

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

☒ Other POURED BENTONITE

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

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

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stil	Plstc	Wld	Thrd
☒	☒	8	☒	2	18	.25	☒	☒	☒	☒
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐

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

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type _____

Material _____

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

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

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

1000		1393	1

Temperature 74 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MORROW Twp 1.00 S N/S Range 24.00 E E/W WM
Sec 22 NE 1/4 of the SE 1/4 Tax Lot 3500
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
☐ Street address of well ☒ Nearest address

MORTER LN. IONE, OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	12/17/2012			600
Flowing Artesian?	☐			
Dry Hole?	☐			

WATER BEARING ZONES

Depth water was first found 870.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
8/29/2012	870	885	200			600
8/30/2012	925	950	100			600
12/12/2012	1257	1270	500			600
12/12/2012	1285	1297	500			600

(11) WELL LOG

Ground Elevation _____

Material	From	To
SOIL	0	10
BLACK BASALT	10	25
BROWN BASALT	25	65
BLACK BASALT	65	95
BROWN BASALT	95	113
BLACK BASALT	113	135
BROWN BASALT	135	150
BLACK BASALT	150	260
BLACK SCORIA	260	277
BLACK BASALT	277	310
SOFT BROWN BASALT	310	335
SOFT BLACK BASALT	335	360
BLACK BASALT	360	490
BROWN BASALT	490	540
BLACK BASALT	540	640
BLACK /BROWN BASALT	640	760
BLACK BASALT	760	870
BLACK BASALT W/GREEN CLAYSTONE	870	885
BLACK BASALT	885	925

Date Started 8/24/2012 Complete 12/17/2012

(unbonded) Water Well Constructor Certification

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

License Number 1735 Date 1/17/2013

Signed CHAD COURTNEY (E-filed)

(bonded) Water Well Constructor Certification

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

License Number 1881 Date 1/17/2013

Signed GARRY L ZOLLMAN (E-filed)

Contact Info (optional) Garry Zollman

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

WELL I.D. LABEL# L109714

START CARD # 1017527

ORIGINAL LOG #

1/17/2013

Water Quality Concerns

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
								
								
								

Material	From	To	Amt	sacks/lbs
----------	------	----	-----	-----------

(10) STATIC WATER LEVEL

SEAL

[illegible][illegible]

From	To	Material	Size
------	----	----------	------

(11) WELL LOG

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
--------	-------	-----	---	------	----	-------	-----	-------	-----	------

[illegible]

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

[illegible]

Comments/Remarks

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
---------------	----------	-----------------------	---------------

[illegible]

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

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

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

DEC 2 1977

State Well No.

State Permit No.

WATER RESOURCES DEPT.

SALEM, OREGON

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JAN 27 2021

(1) OWNER:

Name MARVIN PEDBERG
Address ONE ORE

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

12" Diam. from 2 ft. to 18 ft. Gage 1250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

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

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

Yield: 1800 gal./min. with 20 ft. drawdown after 1 hrs.

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

Artesian flow g.p.m.

Temperature of water 57.8 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used PORTLAND CEMENT
Well sealed from land surface to 18 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 1/4 in.
Number of sacks of cement used in well seal 12 sacks
How was cement grout placed?

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

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

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County MORROW Driller's well number

NE 1/4 NE 1/4 Section 25 T. 15 R. 24 E. W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 195 ft.

Static level 172 ft. below land surface. Date 9-21-77

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12 1/4"

Depth drilled 400 ft. Depth of completed well 400 ft.

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

MATERIAL	From	To	SWL
SOIL	0	3	
GRAVEL	3	12	
BASALT Black	12	41	
" BROWN /SS	41	47	
" Black	47	55	
" BRN + BLK w/SS	55	67	
" Black	67	98	
" Black + BROWN /SS	98	142	
" Black	142	170	
" BROWN /SS	170	195	
RED SCORIA H2O	195	215	
BASALT Black	215	378	
" Black + BROWN /SS	378	390	
" Black	390	400	

Work started 9-18 19 77 Completed 9-21-77 19

Date well drilling machine moved off of well 9-21-77 19

Drilling Machine Operator's Certification:

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

[Signed] Jerry Burch Date 9-21, 1977
(Drilling Machine Operator)

Drilling Machine Operator's License No. 933

Water Well Contractor's Certification:

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

Name Jerry Burch Well Drilling
(Person, firm or corporation) (Type or print)

Address Portland Ore

[Signed] Jerry Burch
(Water Well Contractor)

Contractor's License No. 544 Date 9-21, 1977

Deepening well #2 went Bad.

WATER WELL REPORT RECEIVED

MORR 37

APR 11 1977

State Well No.

15/24E-35aa

(Do not write above this line) **WATER RESOURCES DEPT.**

SALEM, OREGON

(10) LOCATION OF WELL:

County MORROW Driller's well number _____
NE ¼ NE ¼ Section 35 T. 15 R. 24 E W.M. _____
 Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found _____ ft.

Static level 142 ft. below land surface. Date _____

Artesian pressure _____ lbs. per square inch. Date _____

(4) PROPOSED USE (check):

Rotary	☒	Driven	☐	Domestic	☐	Industrial	☐	Municipal	☐
Cable	☐	Jetted	☐	Irrigation	☒	Test Well	☐	Other	☐
Dug	☐	Bored	☐						

Threaded ☐ Welded ☐

" Diam. from EXISTING ft. Gage

" Diam. from _____ ft. to _____ ft. Gage

" Diam. from _____ ft. to _____ ft. Gage

Perforated? ☐ Yes ☒ No.

Type of perforator used			
Size of perforations	in.	by	in.
perforations from	ft.	to	ft.
perforations from	ft.	to	ft.
perforations from	ft.	to	ft.

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

Drawdown is amount water level is lowered below static level

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

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

" " " " "

" " " " "

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

Artesian flow g.p.m.

Temperature of water 60° Depth artesian flow encountered ft.

EXISTING

Well seal—Material used EXISTING
Well sealed from land surface to _____ ft.
Diameter of well bore to bottom of seal _____ in.
Diameter of well bore below seal _____ in.
Number of sacks of cement used in well seal _____ sacks
How was cement grout placed? _____

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
 Did any strata contain unusable water? ☐ Yes ☒ No
 Type of water? depth of strata
 Method of sealing strata off
 Was well gravel packed? ☐ Yes ☒ No Size of gravel:
 Gravel placed from ft. to ft.

Diameter of well below casing 10"

Depth drilled 680 ft. Depth of completed well 1140 ft.

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

[illegible]

Work started 3-15 1977 Completed 3-24 1977
Date well drilling machine moved off of well 3-24 1977

Drilling Machine Operator's Certification:

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

[Signed] Gary B. Bond Date 3-24, 1977
(Drilling Machine Operator)

Drilling Machine Operator's License No. 933

Water Well Contractor's Certification:

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

Name Fanny Birdwell Drilling
(Person, firm or corporation) (Type or print)

Address P.O. Box 917 Perinton, NY

[Signed] Tommy Brown
(Water Well Contractor)

Contractor's License No. 544 Date 3-24 19 77

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

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

Instructions for completing this report are on page 0

IAN 23 2003
WATER RESOURCES DEPT.
SALEEN OREGON

WELL I.D. # L 62874
START CARD # 151919

JAN 27 2021

FORWARD

(1) LAND OWNER _____ Well Number _____
 Name Marvin Padberg
 Address 64746 Rhea Cr. Rd.
 City None State Or. Zip 97843

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

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger

☐ Other _____

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 760 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
16"	0	26'	Port Cem	26	0	25
12"	26	460				

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

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

(6) CASING/LINER:								
	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	12"	12	26	42.5	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Drive Shoe used ☐ Inside ☐ Outside ☒ None
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
☐ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
		NA				☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump Yield gal/min	☐ Bailer Drawdown	☒ Air Drill stem at	☐ Flowing Artesian Time
1200 +		460	1 hr.

Temperature of water 60°F Depth Artesian Flow Found

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Morrow Latitude _____ Longitude _____
Township 1 N of S Range 24 E of W. WM.
Section 35 SE 1/4 NE 1/4
Tax Lot 3500 Lot _____ Block 21 Subdivision _____

Street Address of Well (or nearest address) Kaea Cr. Rd. +
Bergivin Road

(10) STATIC WATER LEVEL:
173 ft. below land surface. Date 1-20-03
 Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
90 -	95	2	31'
210	250	500	173
430	450	1000 +	173

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Soil	0	12	
gravel	12	18	
Black Basalt	18	90	
Black & Brown Basalt	90	95	31'
Black Basalt	95	110	
Black & Brown Basalt	110	170	
Brown Basalt	170	190	
Black & Brown Basalt	190	200	
Brown Basalt	200	210	
Black & Brown Scoria	210	250	173
Brown Scoria	250	260	
Black Basalt	260	355	
Black & Brown Basalt	355	360	
Black Basalt	360	400	
Black & Brown Basalt	400	410	
Black Basalt	410	430	
Brown Basalt w/ yellow clay stone	430	450	
Black Basalt	450	460	

Date started 12-30-02 Completed 1-20-03

(unbonded) Water Well Constructor Certification:

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

Signed James H. McCurdy WWC Number 1700 Date 1-20-0

(bonded) Water Well Constructor Certification:

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

WWC Number _____
Signed _____ Date _____



Oregon
Kate Brown, Governor

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

February 23, 2021

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-15198 (Permit G-17360)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

March 5, 2020

Northwest Farm Credit Services

Attn: Haylee Wiley

2735 Allen Rd

Sunnyside, WA 98944

Reference: Application G-15198, Permit G-17360

The requested assignment from JVB Properties, LLC, a Limited Liability Company to JVB Properties, LLC, a Limited Liability Company, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA cannot be performed at this time.

The Request for Assignment was not signed and dated. Also, it references a permit number that has been superseded. Permit G-13962, was superseded via permit amendment T-11689 to Permit G-17360. The current permit number is G-17360.

The Request for Assignment can also not be performed as it references the current permit holder of record as JVB Properties, LLC, a Limited Liability Company. A Request for Assignment must be signed by the permit holder(s) of record or proof of ownership must be provided. The current permit holders of record are John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA.

Please note that Permit G-17360 inadvertently failed to identify the appropriate permit holders of record. Instead, it incorrectly identified the former permit holder, Marvin Padberg. Department records have been reviewed and confirmed as to the current permit holders of record as John and Janna Vanden Brink Family Trust, Northwest Farm Credit Services, FLCA, and Northwest Farm Credit Services, PCA.

Please return the Request with the required items so that the Department may process your request in a timely manner.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Mary F. Bjork

Water Rights Program Analyst

Water Right Services Division

Enclosures: Original Request and Fee

cc: File



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 the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.
If for multiple rights, a separate form and fee for each right will be required.

RECEIVED

MAR 02 2020

I, JVB Properties, LLC, a Limited Liability Company
(Name of Current Holder of Record)

PO BOX 165 Ione, OR 97843 (541) 422-7035
(Mailing Address) (City) (State) (Zip) (Phone #)

OWRD

- ☒ hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # _____; Permit # G-13962; Transfer # _____;

Limited License # _____; Groundwater Statement # _____;

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

Northwest Farm Credit Services, FLCA and Northwest Farm Credit Services, PCA 2735 Allen Rd, Sunnyside, WA 98944-8923
(Name of New Owner) (Mailing Address) (City) (State) (Zip)

JVB Properties, LLC, a Limited Liability Company
(Name of New Owner)

PO BOX 165 Ione, OR 97843 (541) 422-7035
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

_____ I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request for Assignment

Witness my hand this _____ day of _____, 20_____.
(Day) (Month) (Year)

Signature of Current Holder of Record _____

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.





Northwest
FARM CREDIT SERVICES

2735 Allen Rd
Sunnyside, WA 98944-8923
Voice: 509.836.3080 Toll-Free: 888.667.5863 Fax: 509.836.3085

RECEIVED

February 26, 2020

MAR 02 2020

OWRD

Oregon Water Resources Department
725 Summer Street NW, Suite A
Salem, Oregon 97301

RE: Request for Assignment regarding JVB Properties, LLC, a Limited Liability Company

Enclosed is one (1) Assignments for Water Permits to be filed with the Department of Water Resources. I've also enclosed payment of \$100.00 to cover the filing fees.

JVB Properties, LLC
Application/Permit No. G-13962

Northwest Farm Credit Services have taken the permits being assigned as collateral for a real estate loan. **Please provide us with copies of all notices and correspondence regarding these permits.** Please sign the acknowledgement below and return a copy to Northwest Farm Credit Services in the enclosed stamped envelope. Our mailing address is 2735 Allen Rd. Sunnyside WA, 98944

If you have any questions, I can be contacted by phone at 509-836-3087 or e-mail at haylee.wiley@northwestfcs.com

Thank you for your cooperation in this matter.

Sincerely,

Haylee Wiley

Northwest Farm Credit Services, Financial Specialist

Acknowledgment that this document from Northwest Farm Credit Services was received at the Department of Ecology.

Date: _____

By: _____
Authorized Agent

Here to Help You Grow®

3/28/2019 Note: The
Extension FO. is
dated July 19, 2012
it should be 2013.
Tracy Fox

Memo

Date: May 12, 2017
To: Application G-15198/Permit G-17360 (formerly F
Section
From: Lisa Jaramillo, Transfer & Conservation Section Manager
Re: Permit Holder Assignment and issuance of Permit G-17360 following approval of
Permit Amendment T-11689

Permit G-13962 was issued on June 7, 2001.

On October 12, 2011, the Department assigned Permit G-13962 from Marvin Padberg to:

- John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust;
- Northwest Farm Credit Services, FLCA; *and*
- Northwest Farm Credit Services, PCA.

On November 19, 2013, a permit amendment application was filed to add points of appropriation under Permit G-13962. The Department assigned the application number T-11689.

On February 26, 2015, the Department issued a Final Order approving T-11689 and issuing Permit G-17360 to replace Permit G-13962. Permit G-13962 is of no further force or effect.

Permit G-17360 inadvertently failed to identify the appropriate permit holders of record, being John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust; Northwest Farm Credit Services, FLCA; *and* Northwest Farm Credit Services, PCA. Instead, it incorrectly identified the former permit holder, Marvin Padberg.

→ NOTE to WR Certificates Staff:

At such time as it is appropriate to issue a Water Right Certificate to certify the beneficial use of water under Permit G-17360, please ensure that the certificate identifies the current permit holders of record.

As of October 12, 2011, the current permit holders of record for Permit G-17360 are:

- John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust;
- Northwest Farm Credit Services, FLCA; *and*
- Northwest Farm Credit Services, PCA.



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

April 27, 2017

Northwest Farm Credit Services
2735 Allen Rd.
Sunnyside, Washington 98944-8923

Reference: Application G-15198, Permit G-17360

The requested assignment is not needed as this permit is already on the name of John and Janna Vanden Brink and Northwest Farm Credit Services, FLCA.

Your request and check are enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: request and check

cc: File





Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 26, 2015

JOHN AND JANNA VANDEN BRINK
PO BOX 165
IONE, OR 97843

REFERENCE: Permit Amendment Application T-11689

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker by telephone at (503) 986-0827 or by e-mail at Tracy.L.Fox@wrд.state.or.us

Sincerely,

for Codi Holmes

Water Rights Services Support

Transfer and Conservation Section

cc: Kenneth C. Thiemann, Watermaster Dist. # 21 (via email)
William I. Porfily, Agent

Enclosure

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-11689, Morrow County	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicants

JOHN AND JANNA VANDEN BRINK
PO BOX 165
IONE, OR 97843

Findings of Fact

1. On November 19, 2013, JOHN AND JANNA VANDEN BRINK filed an application for additional points of appropriation under Permit G-13962. The Department assigned the application number T-11689.
2. On October 12, 2011, the Department approved an assignment of the permit to JOHN AND JANNA VANDEN BRINK, TRUSTEES OF THE JOHN AND JANNA VANDEN BRINK FAMILY TRUST; NW FARM CREDIT SERVICES FLCA; AND NW FARM CREDIT SERVICES, PCA.
3. On July 19, 2012, the Department approved an extension of time for complete application of water to October 1, 2017.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on December 3, 2013, and in the Hermiston Herald newspaper on February 7 and 14, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. On December 31, 2014, the Department contacted the applicants' agent by e-mail to notify them of deficiencies in the application. The deficiencies mainly consisting of discrepancies in locations of wells. The Department requested that the deficiencies be resolved by February 2, 2015.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. On January 5, 2015, the agent submitted amended documents resolving the deficiencies.
7. Permit Amendment Application T-11689 proposes three additional points of appropriation. Proposed Well #4 is approximately 0.3 mile and proposed Wells #1 and #2 are approximately 0.6 mile from the existing point of appropriation. The proposed wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	22	NE SE	PROPOSED WELL #1: 2200 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 22
1 S	24 E	WM	26	SW NW	PROPOSED WELL #2: 3900 FEET NORTH AND 445 FEET EAST FROM THE SW CORNER OF SECTION 26
1 S	24 E	WM	35	SE NE	PROPOSED WELL #4: 2435 FEET SOUTH AND 1015 FEET WEST FROM THE NE CORNER OF SECTION 35

Permit Amendment Review Criteria

8. The changes would not result in injury to other water rights.
9. The changes do not enlarge the permit.
10. The changes do not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-11689 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

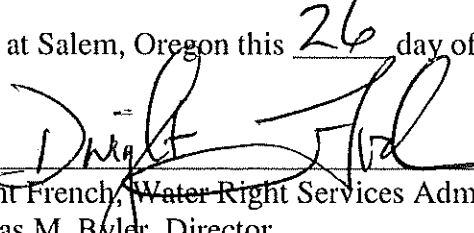
1. The additional points of appropriation proposed by Permit Amendment Application T-11689 are approved.
2. Permit G-17360, in the name of JOHN AND JANNA VANDEN BRINK, TRUSTEES OF THE JOHN AND JANNA VANDEN BRINK FAMILY TRUST; NW FARM CREDIT SERVICES FLCA; AND NW FARM CREDIT SERVICES, PCA, is issued to replace Permit G-13962, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-13962, in the name of JOHN AND JANNA VANDEN BRINK, is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

4. Prior to water use from the proposed points of appropriation, the permittee shall install an instantaneous flow meter with totalizer on each well. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645 (1) through (3). The permittee shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

5. Both MORR 51114 (Well #4) and MORR 52027 (Well #1) shall be reconstructed to meet current well construction standards. MORR 51114 (Well #4) must be continuously cased and continuously sealed from land surface to a depth of 205 feet below land surface. MORR 52027 (Well #1) must be continuously cased and continuously sealed from land surface to a depth of 1055 feet below land surface.
6. Any future well, i.e. proposed Well #2, drilled as a part of this water right must only appropriate water from a single aquifer in the Columbia River Basalt Group (CRBG) aquifer system. The applicant shall demonstrate, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are similar enough to prevent loss of artesian pressure from one zone to another.
7. Before any new wells are drilled, the applicant shall instruct the well constructor to contact the Groundwater Section of the Department to arrange for the collection of drill cuttings.
8. Water shall be acquired from the same aquifer as the original point of appropriation.
9. All other terms and conditions of Permit G-17360 remain the same.

Dated at Salem, Oregon this 26 day of February, 2015.


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

Mailing Date: FEB 27 2015

STATE OF OREGON
COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MARVIN PADBERG
64746 RHEA CREEK RD
IONE, OREGON 97843

This superseding permit is issued to describe an amendment for additional points of appropriation proposed under Permit Amendment Application T-11689 and approved by Special Order Vol. 95, Page ~~15A-154~~, entered February 26, 2015, and to describe an extension of time for complete application of water approved July 19, 2012, and an assignment to a new permittee approved October 12, 2011. This permit supersedes Permit G-13962.

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

APPLICATION FILE NUMBER: G-15198

SOURCE OF WATER: A WELL WITHIN THE WILLOW CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.2 ACRES

MAXIMUM RATE: 1.49 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: AUGUST 16, 2000

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	24 E	WM	22	NE SE	PROPOSED WELL #1: 2200 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 22
1 S	24 E	WM	26	SW NW	PROPOSED WELL #2: 3900 FEET NORTH AND 445 FEET EAST FROM THE SW CORNER OF SECTION 26
1 S	24 E	WM	35	NE NE	AUTH. WELL #2: 1050 FEET SOUTH AND 210 FEET WEST FROM THE NE CORNER OF SECTION 35
1 S	24 E	WM	35	SE NE	PROPOSED WELL #4: 2435 FEET SOUTH AND 1015 FEET WEST FROM THE NE CORNER OF SECTION 35

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	24 E	WM	26	NE SW	26.4
1 S	24 E	WM	26	SE SW	26.2
1 S	24 E	WM	26	NE SE	0.6
1 S	24 E	WM	26	NW SE	33.2
1 S	24 E	WM	26	SW SE	32.3
1 S	24 E	WM	26	SE SE	0.5
Total:					119.2

PERMIT REVIEW T-11689 CONDITIONS

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install an instantaneous flow meter with totalizer on each well. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645 (1) through (3). The permittee shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

3. Both MORR 51114 (Well #4) and MORR 52027 (Well #1) shall be reconstructed to meet current well construction standards. MORR 51114 (Well #4) must be continuously cased and continuously sealed from land surface to a depth of 205 feet below land surface. MORR 52027 (Well #1) must be continuously cased and continuously sealed from land surface to a depth of 1055 feet below land surface.
4. Any future well, ie proposed Well #2, drilled as a part of this water right must only appropriate water from a single aquifer in the Columbia River Basalt Group (CRBG) aquifer system. The applicant shall demonstrate, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are similar enough to prevent loss of artesian pressure from one zone to another.

5. Before any new wells are drilled, the applicant shall instruct the well constructor to contact the Groundwater Section of the Department to arrange for the collection of drill cuttings.
6. Water shall be acquired from the same aquifer as the original point of appropriation.

EXISTING PERMIT CONDITIONS

Measurement, recording and reporting conditions:

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the

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

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

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

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Complete application of the water to the use shall be made on or before October 1, 2017. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 26, 2015


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

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

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

Water Rights Application
Number G-15198

**Final Order
Extension of Time for Permit Number G-13962
Permit Holder: John and Janna Vanden Brink**

Permit Information
Application File G-15198 Permit G-13962
Basin: 7 – Umatilla / Watermaster District 21
Date of Priority: August 16, 2000

Authorized Use of Water
Source of Water: A Well within the Willow Creek Basin
Purpose of Use: Irrigation of 119.2 Acres
Maximum Rate: 1.49 Cubic Feet per Second (cfs)

**This Extension of Time request is being processed in accordance with
Oregon Revised Statute 537.060 and 539.010(5), and Oregon Administrative
Rule Chapter 690, Division 315**

Application History

Permit G-13962 was issued by the Department on June 7, 2001. The permit called for complete application of water to beneficial use by October 1, 2005. On November 19, 2012, John and Janna Vanden Brink submitted to the Department an Application for Extension of Time for Permit G-13962. In accordance with OAR 690-315-0050(2), on May 14, 2013, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2017. The protest period closed June 28, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

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.

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 4, 2013.

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 no additional conditions.

CONCLUSION OF LAW

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

Order

The extension of time for Application G-15198, Permit G-13962, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2005 to October 1, 2017.

DATED: July 19, 2012

A handwritten signature in cursive script, appearing to read "D. Timothy Wall" followed by a flourish.

Dwight W. French, Administrator,
Water Right Services Division,
for PHILLIP C. WARD, DIRECTOR

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

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: July 19, 2012

Copies Mailed

Application G-15198
Permit G-13962

By: CH
On: 7/23/13

Original mailed to Applicant:

John and Janna Vanden Brink
PO Box 165
Ione, OR 97843

Northwest Farm Credit Services, FLCA *and* PCA
P. O. Box 878
Pendleton, OR 97801

Copies sent to:

1. WRD - App. File G-15198/ Permit G-13962
2. William Porfily, P. O. Box 643, Stanfield, OR 97875

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Michele McAleer

From: Bill Porfily <wporfily@gmail.com>
Sent: Thursday, May 23, 2013 11:25 AM
To: Michele McAleer
Cc: jvbdairy@gmail.com
Subject: Re: Extension Application G-15198 for John & Jana Vanden Brink

Mornin Michele

I discuss the proposed order for approving an extension of time for Application G-15198, Permit G-13962
. We both agree with the conditions in the Proposed Order and are anxious for the Final Order.

William Porfily

P.O. Box 643

Stanfeild, OR 97875

Cel: (541)561-7259

Off-Home☎(541)449-1327

E-mail: wporfily@gmail.com

On Thu, May 23, 2013 at 10:50 AM, Michele McAleer <Michele.R.McAleer@wrld.state.or.us> wrote:

Hi Bill,

Thanks for your call about the extension application. Please call or e-mail me any time if I can help with anything.

Michele

Michele McAleer

Adjudication & Extension Specialist

(503) 986-0825

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-13962, Water Right Application G-15198)
in the name of John and Janna Vanden Brink, Trustees of)
the John and Janna Vanden Brink Family Trust) PROPOSED FINAL ORDER

Permit Information

Application File G-15198 Permit G-13962

Basin: 7 – Umatilla / Watermaster District 21

Date of Priority: August 16, 2000

Authorized Use of Water

Source of Water: A Well within the Willow Creek Basin

Purpose of Use: Irrigation of 119.2 Acres

Maximum Rate: 1.49 Cubic Feet per Second (cfs)

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit G-13962, water right Application G-15198.
A copy of Permit G-13962 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2017.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

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

FINDINGS OF FACT

Background

1. Permit G-13962 was granted by the Department on June 7, 2001. The permit authorizes the use of up to 1.49 cfs of water from A Well in the Willow Creek Basin for irrigation of 119.2 acres. The permit specified complete application of water was to be made on or before October 1, 2005.
2. The permit holder submitted an "Application for Extension of Time" to the Department on November 19, 2012, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13962 be extended from October 1, 2005 to October 1, 2017. This is the first permit extension requested for Permit G-13962.
3. Notification of the Application for Extension of Time for Permit G-13962 was published in the Department's Public Notice dated December 4, 2012. 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 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

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

4. On November 19, 2012, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

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

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

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

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

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

6. As of November 19, 2012, the remaining work to be completed consists of the application for a permit amendment, to authorize the use of Well #4 under this permit, installing a measuring port in existing Well 4, beginning the required seven years of consecutive water level measurements, and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2017, to complete a permit amendment, to complete construction and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13962 is both reasonable and necessary.

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

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

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

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

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

8. Work was not accomplished within the time allowed in the permit or previous extension, as described below:
 - a. The well, as permitted, has not been drilled. The applicant's Well #4, is not authorized under this permit, however, it was thought to be the authorized well.
 - b. The applicant needs additional time to complete a permit amendment and become compliant in the use of water under this permit.

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

9. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-13962 on June 7, 2001, a maximum rate of 1.49 cfs of water has been appropriated from the applicant's Well #2 (MORR36, 37, & 38) and Well #4 (MORR 51114) for irrigation of 119.2 acres.

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

10. 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 concern: the required March static water level measurements have not been completed and submitted to the Department.
 - b. Failure to comply with permit conditions constitutes illegal use of water. The use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.
 - c. In order to satisfy the conditions of the permit, and allow for the legal perfection of water right under this permit, additional time to complete a permit amendment is necessary.

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

11. Financial investments made toward developing the beneficial water use.
 - a. As of November 19, 2012, the permit holder has invested approximately \$384,500, which is approximately 41 percent of the total projected cost for complete development of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. The permit holder anticipates an additional \$564,000 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 G-13962.

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 G-13962; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-13962, located within the Willow Creek Basin, is not located within a limited or critical ground water area, is not located within or above any state or federal scenic waterway, however it is located within an area ranked "Moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Willow Creek is not listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].

- a. As of November 19, 2012, the permit holder has invested approximately \$384,500.

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

- a. None have been identified.

17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

- a. None have been identified.

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

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. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-13962, in that the permit holders, having recently purchased the property to which Permit G-13962 is appurtenant, found that the water level monitoring and reporting condition was not completed by the previous owner, in addition to other requirements that were not met.

CONCLUSIONS OF LAW

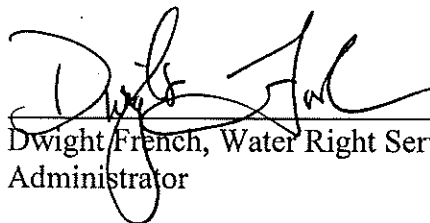
1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2017⁵, as required by OAR 690-315-0040(1)(c).
4. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

Proposed Order

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

Extend the time to apply water to beneficial use under Permit G-13962 from October 1, 2005 to October 1, 2017.

DATED: May 14, 2013


Dwight French, Water Right Services
Administrator

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

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **June 28, 2013** 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 Michele McAleer at (503) 986-0825.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
- 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: May 14, 2013

**Application G-15198
Permit G-13962**

Copies Mailed

By: CH
On: 5/14/13

Original mailed to Applicant:

✓ John and Janna Vanden Brink
PO Box 165
Ione, OR 97843

Copies sent to:

✓ 1. WRD - App. File G-15198/ Permit G-13962

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. ✓ WRD - Watermaster District 21, Ken Thiemann

CASEWORKER: MRM



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

December 6, 2012

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-15198 (Permit G-13962)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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

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

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

Application: G7 - 15198 Permit: G7 - 13962 Permit Amendment? No ☐ Yes ☐ T-
 Permit Holder's Name: John & Janna Vanden Brink
 Permit Holder's Mailing Address: P.O. Box 165 Jone, OR 97843
 Phone Number: 541-422-7035
 POD Location: Township 1S Range 24 E Section 35 1/4 NENE
 Drainage Basin: _____ County: _____ Watermaster District: _____ Region: _____

Date Permit was issued: 6.7.2001 Priority Date: 8.16.2000 Date of PN: _____
 Source: A well within the Willow Creek Basin
 Use: Irrigation of 119.2 Acres
 "Q": 1.49
 Orig "A" Date: _____ Orig "B" Date: _____ Orig "C" Date: 10.1.2005
 Extension request received: _____ Last Authorized "B" Date: _____ Last Authorized "C" Date: _____
 Request Number (1, 2, 3...): 1 Proposed "B" Date: _____ Proposed C Date: 2017/10/1

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒		Initial & Annual water measurements
	☒	Seven consecutive Annual measurements
☒		well construction

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

Yes No

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

- Permit holder has beneficially used 1.49 cfs/gpm/af of the total permitted quantity of water on 119.2 acres

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

- Amount Invested to date: \$ 384,500.00 Estimated Remaining Cost: \$ 564,000.00

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

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

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

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

4-17-2013

APPLICATION GI-15198

- 10-12-201 - ASSIGNMENT FROM PAUBERG TO JOHN F. JANNON VANDORN BRINK, MNFL-FICA? PCA. ASSIGNMENT BY PAUBERG SIGNATURE. SO ALL OF PERMIT ASSIGNED OVER FROM PAUBERG.
- NO 'A' DATE, SO IF WELL NOT DRILLED UNDER PERMIT, EXT. IS ALLOWABLE PRIORITY 8/16/2000 - 'C' DATE 10/1/2005.
- IF VANDORN BRINKS DO NOT OWN LAND WHERE PROPOSED WELL IS LOCATED, A PERMIT AMENDMENT MAY ALSO BE NEEDED TO MODIFY/MOVE LOCATION. AN AMENDMENT WILL BE REQUIRED TO PLACE WELLS 2.94 UNDER THIS PERMIT. AN EXTENSION IS REQUIRED IN ORDER TO APPLY FOR A PERMIT AMENDMENT.
- AN EXT. IS THE CRUCIAL FIRST REQUIREMENT TO BECOME IN COMPLIANCE. UNTIL WELLS 2.94 CAN BE PLACED UNDER THIS PERMIT, WATER USE IS NOT AUTHORIZED FROM WELLS 2.94 UNDER THIS PERMIT.

RECEIVED

OCT 11 2011

WATER RESOURCES DEPT
SALEM, OREGON

Exhibit "A" for Request for Assignment

Names of New Owners

1. John and Janna Vanden Brink, Trustees of the John and Janna Vanden Brink Family Trust
dated February 2, 2000.

Box 165

Ione, OR 97843

2. Northwest Farm Credit Services, FLCA

Box 878

Pendleton, OR 97801

3. Northwest Farm Credit Services, PCA

Box 878

Pendleton, OR 97801

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # 107394

INVOICE # _____

RECEIVED FROM: JVB Dairy

APPLICATION G-15198

BY: _____

PERMIT _____

TRANSFER _____

CASH: ☐ CHECK: # 2537 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 500.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 107394

DATED: 11/19/12 BY: X Belp

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



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

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

I, John and Janna Vanden Brink

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

P.O. Box 165

ADDRESS

Ione

CITY

OR

STATE

97843

ZIP

(541)422-7035

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number G - 15198

Permit Number G - 13962

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

RECEIVED BY OWRD

NOV 19 2012

SALEM, OR

do hereby request that the time in which to:

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

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires
on October 1, 2005, be extended to October 1, 2017.

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now
expires on October 1, 2005, be extended to October 1, 2017.

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

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

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

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

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GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link: <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant.
OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

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

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

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] Yes



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

Date construction began is: Some of the Equipment was in place at the time the application was filed.

Details of construction: We activated our land purchase option and acquired the area described in this Permit along with other irrigated ground from Marvin Padberg in 10-03-2011. When we started making arrangements to activate this option for acquisition, the relationship between us and Mr. Padberg began deteriorating. We were lead to believe that all the water rights and their processing were in good shape and all the requirements for this permit had been complied with. The wells (Well #2 & #4) were being used to irrigate areas of this permit and areas described in ~~we~~ other rights. We learned right away these wells were not able to supply the amount of water needed to irrigate the areas authorized in the three water rights. We started looking into drilling some new wells closer to the areas irrigated to make up the deficiency of these wells and improve the efficiency of the delivery system. This is when we learned there were several issues with this Permit. Because of our relationship with Mr Padburg some of the information we provide later in this application are best estimates. When we acquired the area described in Permit G-13962 everything was constructed and the authorized area was being irrigated from Well #2 and Well #4. The location of the well described in the permit is not part of the area we purchased. The location of Well #4 is located on land we purchased from Mr Padberg. We were under the understanding that Well #4 was intended to be the well authorized in this permit.

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? ☐ Yes ☒ No

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



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

CHART-A

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
#1 Meters	Spring of 2003	Both wells, Well #2 and Well #4, had flow meters when we acquired the irrigated area. Both of them were not working. We have repaired them. Well #2 does not supply enough water to make it economical to continue to operate it.
#2 H2O Master Access	Spring of 2003	Watermaster has access.
#3 Initial water Level Measurement	1-20-03	Hopefully the Water level recorded on Well log MORR 51114 will satisfy this condition.
#4 7 years of Water Level Measurement		To our knowledge this requirement was never done by the previous landowner. We were unaware of this requirement thus never did it during our short time of ownership.
#5 Standard Conditions	1-20-2003	We believe this well is constructed in accordance with general standards for wells.
#6 Complete application of Water Oct. 1, 2001	summer of 2003	We purchased the crops for our dairy that were grown on the Circle which irrigated the area authorized in this permit.

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

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
#4	Starting this Winter	We were not aware of this condition and we do not know the reason the previous land owner did not comply with this condition.

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

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