

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

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

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
2000	The area authorized to be irrigated under this permit was irrigated under a previous water right from Well #2. This area of the previous water right was transferred to operation of a Dairy.	\$150,000

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*
	The permit was signed - find date above signature on last page of permit.	
6-7-2001	Well #4 was drilled, a 150 hp pump was installed on the well and a mainline was installed from the well to the regulating reservoir.	\$200,000
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
	N/A	
10/1/____	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.	COST*
Spring of 2012	A new mainline was installed from the regulating reservoir to the Circle irrigating the ground authorized by the permit.	\$22,000
Spring of 2012	A new irrigation maintenance road was constructed.	\$10,000
Spring of 2012	New Flow Meters were installed.	\$2,500
Total Cost for Chart-C		\$384,500

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

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

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

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

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

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

4. Cost of project to date: \$384,500
(The total combined cost of CHART-C and CHART-D)

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



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

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



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

Maximum rate used to date = 1.49 cfs (cubic feet per second) or,

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

Acre-feet stored to date = N/A AF

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



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

SALEM, OR

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well - - under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
From Map #1		Yes ☐ No ☒			Yes ☐ No ☐		Yes ☐ No ☐	-
	Well #2	Yes ☒ No ☐	MORR 36, 37, & 38		Yes ☐ No ☒	800 GPM	Yes ☒ No ☐	-
	Well #4	Yes ☒ No ☐	MORR 51114		Yes ☐ No ☒	1800 gpm	Yes ☐ No ☒	-
Total instantaneous rate from all wells utilized under this permit						1800		T-9443

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

If a Permit Amendment Application has been filed: Transfer No. T-N/A

Well #4: Actual location: SE ¼ NE ¼, Section 35, T 1S, R24 E, WM; 2435 ft S & 1015 ft W from NE Corner Section 35

Well #2: Actual location: This well does not produce enough water today to economically continue using it.

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

Total acres irrigated to date: 119.2

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

Well # 4 Acres 119.2 Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

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

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
Winter of 2012-13	Install a measuring Port on Well #4.	\$2000
Spring of 2013	Start the required 7 years of consecutive Water Level Measurements.	\$4000
Upon receiving Extension of time	File for a permit amendment for describing Well #4 as the authorized well and add two more points of appropriation closer to the irrigated area.	\$8000
Fall of 2012	Drill an additional well closer to the area irrigated for this permit and two other water rights.	\$250,000
Fall of 2015	Drill a second additional well closer to the area irrigated under this permit and for two other water rights.	\$300,000
Year:2017	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$564,000

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SALEM, OR

8. Estimated remaining cost to complete the project: \$564,000
(The total cost from CHART-F)

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

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

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

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

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

The previous owner may have not read the permit or understood the need to comply with the conditions of making the water level measurements.

When he started irrigating from wells 30 years ago, the need to file for a permit amendment was not required to relocate the proposed place to drill a well described in the permit.

When the previous owner learned that we were making preparations to activate our option to purchase the land cover by this permit he may have lost interest in completing the requirements.

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

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

We need to start the 7 consecutive water level measurement.

File for a permit amendment for drilling additional wells to secure adequate water to irrigate the ground under this permit plus the other 700+ acres authorized in our other two water rights.

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

We need this extension to complete our plans for growing feed crops for our dairy operation.

William I Porfily assisted me in completing this Extension Application. You may contact him if there is questions regarding it

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

Signature

Date

Signature

Date

RECEIVED BY OWRD

NOV 19 2012

SALEM, OR

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

PHONE (541) 422-7276

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: NE 1/4 NE 1/4, SECTION 35, T1S, R24E, W.M.;
1050 FEET SOUTH & 210 FEET WEST FROM NE CORNER, 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:

NE 1/4 SW 1/4	26.4 ACRES
SE 1/4 SW 1/4	26.2 ACRES
NE 1/4 SE 1/4	0.6 ACRES
NW 1/4 SE 1/4	33.2 ACRES
SW 1/4 SE 1/4	32.3 ACRES
SE 1/4 SE 1/4	0.5 ACRES

SECTION 26

TOWNSHIP 1 SOUTH, RANGE 24 EAST, W.M.

Application G-15198 Water Resources Department

PERMIT G-13962

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, 2005. 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 June 7, 2001


Paul R. Cleary, Director
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.

Application G-15198
Basin 07
JWG

Water Resources Department
Volume 4A RHEA CR & MISC

PERMIT G-13962
District 5

Completeness Checklist for Permit Extension of Time Application

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

Last revised: October 2, 2012

DIRECTIONS: *Before completing this checklist, pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS for your reference.*

- ☒ 1. Is the permit to be extended Non-Cancelled according to WRIS? _____

If the permit has been cancelled, the Extension Application cannot be accepted.

- ☒ 2. Is the extension applicant's name and mailing address supplied? yes

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

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

If an Assignment has **not** yet occurred, or if a concurrent "Request for Assignment" was **not** submitted along with the Extension Application, the Extension Application cannot be accepted.

- ☒ 3. Is the appropriate Extension of Time Application used? _____

If the wrong application form is used, the Extension Application cannot be accepted.

- If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
- If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."

- ☒ 4. Are the requested date(s) for extension identified (Page 1)? yes

- Check the permit to see if it includes a "B-Date" and/or a "C-Date."

"B-Date" = date by which construction of the water delivery system for the permit is to be completed.

"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.

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

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

- ☒ 5. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? yes

(If signed by agent, documentation from the permit holder(s) granting authorization to agent to sign on their behalf must be provided or already in the permit file.)

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

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

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

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

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

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

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

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

- ☒ 7. Has the \$500 fee been paid? yes
(As of August 29, 2012, the Extension of Time fee is \$500.)

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

NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within a certain timeframe, hold the Extension Application. If the fee does not arrive within that timeframe, return the Extension Application to the applicant.

- ☒ 8. If it is not clear whether an application can be accepted, please route both the money slip and Extension Application to **Joan Smith**. She will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter (as appropriate).

Reviewed by: LKW/DIP Date: 11/19/12

Gerry Clark

From: Gerry Clark
Sent: Monday, August 27, 2012 9:32 AM
To: 'Bill Porfily'
Subject: RE: COBU Report For Permit G-13962

Bill,

I checked the file and did not find a Claim of Beneficial Use.

Sorry for the delayed response. I have been out on vacation recently.

Gerry

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

Phone: 503-986-0811
Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Bill Porfily [<mailto:bporfily@my180.net>]
Sent: Thursday, August 16, 2012 2:09 PM
To: 'Gerry Clark'
Subject: RE: COBU Report For Permit G-13962

Afternoon Gerry.

Has there been filed a COBU Report for Permit G-13962?

William I Porfily
P. O. Box 643
Stanfield, OR 97875
(541) 449-1327
Cel (541) 561-7259
bporfily@my180.net



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

lone

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, 20 11.

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.

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



P.O. Box 878
Pendleton, OR 97801
541-278-3302 / fax 541-278-3305

RECEIVED

OCT 11 2011

WATER RESOURCES DEPT
SALEM, OREGON

October 5, 2011

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Customer Note/No. John & Janna Vanden Brink Family Trust/46801

To Whom It May Concern:

Enclosed you will find a Request for Assignment for Water Rights. Northwest Farm Credit Services, FLCA and Northwest Farm Credit Services, PCA has an interest on subject's security and when filed the Assignment needs to be sent to PO Box 878, Pendleton OR 97801 this address needs to be used for all notices and correspondence for the property of 64746 Rhea Creek Road, Ione, OR 97843.

If you should have any questions or concerns please contact our office at 541-278-3302.

Thank You.

Sincerely,

A handwritten signature in blue ink that reads "Marty Skillman". The signature is fluid and cursive, with the first name "Marty" being more prominent.

Marty Skillman
Financial Specialist
Pendleton Credit

Enclosures/ms

FO CHECKLIST

FILE # G15198
PFO WEEK # 295
FO WEEK # 288

PFO TO FO CONVERSION

REVIEW DATE: 5/25/10
INITIALS: JWG
WM District 5
ion Mgr JTC
W Bio _____

FILE#: G 15198

Applicant Name and Mail
Address: _____

MARVIN PADBERG
64746 RHEA CREEK RD
IONE, OR 97843

In preparing to create the FO, you should check the following:

1. Y / ☒ N Were comments or protests received? If so, from whom and when? _____
_____ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
2. ☒ Y On the PFO CC list, verify names and mailing addresses of ALL commentors (regardless of comment date, affected landowners, and those who paid the \$10 fee.
HAROLD SHEPARD, DNA, PO Box 638, Pendleton OR 97801
3. Y / N / ☒ NA Have affected land owners been notified?
4. Y / ☒ N / NA Has ODFW asked for self certification of screening condition?
If so, write "ODFW CERT" in the permit black on the front of the file.
6. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
If yes, is short season letter on file? _____. If short season letter is lacking, see item #10 below.
Give applicant 60 days to submit required information.
7. Y / ☒ N Do the PFO conclusions require modification? Why? _____
(If YES, circle FOMOD and one other type below)
8. ☒ Correct PFO errors (such as POD or POU location (verify from map)
9. ☒ Include or exclude permit conditions and management codes.
10. ☒ Y / N Is further processing possible? If not state reason: _____
11. _____ Verify Payment of recording fees (circle the appropriate option)

☒ (1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO.

☐ (2) Issue FO w/o permit if fees are lacking. Exam Fee Paid

1st CFS/AF 1- 150
Addnl. 1- 75
TOTAL Q 225

Exam Fee Paid	<u>250</u>
Q fee	<u>225</u>
Subtotal	<u>475</u>
Recording Fee	<u>175</u>
Total	<u>650</u>
Amount Paid	<u>650</u>
Amount due/refund	<u>✓</u>

FO Type: (circle types) DENIAL FO w/o PERMIT (REASON: Lacks Fees Lacks Easement Map Other

FO & PERMIT (Permit # G713762) FOMOD MGMT CODES::

12. Assign permit numbers to files with oaths, fees, and no protests or other issues.

Once FO document is completed:

15. Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 285 & delete duplicates.

16. Print final draft of document and submit to team leader for review

17. Y / N Team leader review completed

18. Route to Dwight for signature

20. Update folders, E-mail data center, send copy to HTML

21. To support for mailing

Mailing List for FO Copies

Application #G-15198

FO Date June __, 2001

Original mailed to:

Applicant: MARVIN PADBERG, 64746 RHEA CREEK RD, IONE, OREGON 97843

Copies sent to:

1. WRD - File # G-15198
2. WRD - Water Availability: Ken Stahr
3. WRD - Data Center

Copies Mailed
By: <u>JS</u>
(SUPPORT STAFF)
on: <u>6/7/01</u>
(DATE)

F.O. and Map Copies sent to:

3. WRD - Watermaster # District 5
4. WRD - Regional Manager (not ~~Bob~~ Main): NC 2 NC
- 5.

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

6. Harold Sheperd, CTUIR DNR, PO Box 638, Pendleton OR 97801

7. Ronald McKinnis, CWRE

8. _____

9. _____

10. _____

11. _____

12. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. CITY OF IONE, PO BOX 361, IONE, OREGON 97843

2. CITY OF LEXINGTON, MAIN STREET, PO BOX 587, LEXINGTON, OREGON

97839

2. _____

BASACT WECC

PFO CHECKLIST

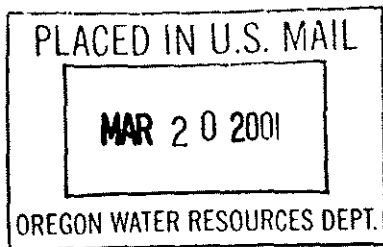
Application #: G-15198

Basin: UMATILLA WID: _____
County MORROW Township 1S Range 24E Section 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 D 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 (4) (B) UMATILLA
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 180 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, 1998? 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\wr\pfo\done\week#\application #

Name: KEN A. BOWEN Date: 3/13/01

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-15198

Proposed Final Order

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

Application History

On August 16, 2000, MARVIN PADBERG submitted an application to the Department for the following water use permit:

- Amount of Water: 2.0 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION OF 119.2 ACRES
- Source of Water: A WELL WITHIN THE WILLOW CREEK BASIN
- Area of Proposed Use: MORROW County within SECTION 26, TOWNSHIP 1 SOUTH, RANGE 24 EAST, E.M.

On 12/01/00, the Department mailed the applicant notice of its Initial Review, determining that "The use of 1.49 CUBIC FEET PER SECOND from A WELL IN the WILLOW CREEK BASIN for IRRIGATION OF 119.2 ACRES may be allowed from March 1 through October 1 of each year."

....in addition, "The ability of this application to move forward is contingent upon the approval of transfer application T-8573, authorizing the change in place of use for the existing, underlying rights associated with this application." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 12/19/00, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

Within 30 days of the Department's public notice, written comments were received from the City of Hermiston.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Umatilla Basin Program allows the following uses: IRRIGATION.

The findings of the Initial Review requires the approval of transfer application T-8573, authorizing the change in place of use for the existing, underlying rights associated with this application.

The proposed well is located within a 5 mile radius of the cities of Ione and Lexington. Groundwater use from the basalt reservoir within 5 miles of the cities of Ione and Lexington could be limited to municipal uses, group domestic uses, or statutorily exempt groundwater uses only if the cities of Ione and Lexington have approved water management and conservation plans in effect. The findings of this Proposed Final Order are subject to change if a water management and conservation plan is approved by the Water Resources Department for the cities of Ione and Lexington before the protest filing deadline passes and the well is located within the basalt reservoir. The protest period ends 45 days after the issuance of the proposed final order. (OAR 690-507)

Senior water rights exist on A WELL within the Willow Creek Basin or on downstream waters.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing rights or to the groundwater resource. Therefore, groundwater may be appropriated during the full period requested by the applicant, being for the period MARCH 1 THROUGH OCTOBER 31.

The Department finds that no more than 1.49 CFS would be necessary for the proposed use. The amount of water requested, 2.0 CUBIC FEET PER SECOND, shall be restricted to 1.49 CFS.

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

The Department determined, based upon OAR 690-09, that the proposed

groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds, per OAR 390.835(9), there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

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

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

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

For these reasons, the required presumption has been established.

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

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

impaired or be adversely affected.

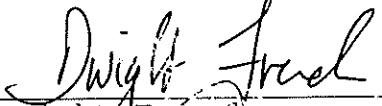
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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

Recommendation

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

DATED March 20, 2001



Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no

substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **May 4, 2001**.

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

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

This document was prepared by Ken Dowden. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 217. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 228.

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97310
Fax: (503)378-62023.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF MORROW

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MARVIN PADBERG
64746 RHEA CREEK RD
IONE, OREGON 97843

PHONE (541) 422-7276

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: NE 1/4 NE 1/4, SECTION 35, T1S, R24E, W.M.;
1050 FEET SOUTH & 210 FEET WEST FROM NE CORNER, 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:

NE 1/4	SW 1/4	26.4 ACRES
SE 1/4	SW 1/4	26.2 ACRES
NE 1/4	SE 1/4	0.5 ACRES
NW 1/4	SE 1/4	33.2 ACRES
SW 1/4	SE 1/4	32.3 ACRES
SE 1/4	SE 1/4	0.5 ACRES

SECTION 26

TOWNSHIP 1 SOUTH, RANGE 24 EAST, W.M.

Measurement, recording and reporting conditions:

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

- 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.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2005. 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 _____, 2001

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

Mailing List for PFO Copies

Application #G-15198

PFO Date March 20, 2001

Original mailed to:

Applicant: MARVIN PADBERG, 64746 RHEA CREEK RD, IONE, OREGON 97843

Copies sent to:

1. WRD - File # G-15198
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 5
4. WRD - Regional Manager (not Bob Main): NC
5. ODFW District Biologist: (MORROW County) Tim Underwood

Copies Mailed

By: DG
(SUPPORT STAFF)

on: 3/5
(DATE)

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

6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. CITY OF IONE, PO BOX 361, IONE, OREGON 97843
2. CITY OF LEXINGTON, MAIN STREET, PO BOX 587, LEXINGTON, OREGON
97839

2. _____

RECEIPT # 43692

WATER RESOURCES DEPARTMENT

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE #

RECEIVED FROM:

BY:

Confederated Tribes of
the Umatilla Indian Res.

APPLICATION

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐☒☐

TOTAL REC'D

\$ 130.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

\$

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

(New)

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302

LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT # 43692

DATED: 3-16-01

BY:

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

COPY

g 15198

mailed
3/20/01

3-16-01

MONEY SLIP

WATER RESOURCES DEPARTMENT

MONEY SLIP #

043692

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE #

RECEIVED FROM:

BY:

APPLICATION
PERMIT
TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

TOTAL REC'D \$ 130⁰⁰

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY)

OTHER: (IDENTIFY)

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: PUB. NOTICE, PFO, ASSIGN

(New) TC165 DEPOSIT LIAB. CUST. ACC.

(Existing) TC168

WATER RIGHTS:

0201 SURFACE WATER, RES, ALT

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER

PROTEST FEE
EXTENSION

EXAM FEE

\$

0202

\$

0204

\$

0206

EXAM FEE

\$

0219

0220

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

SPECIAL INSTRUCTIONS:

D. ANE

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

\$

\$

\$

OREGON WATER RESOURCES DEPARTMENT



RECEIVED

MAR 16 2001

WATER RESOURCES DEPT.
SALEM, OREGON

Commerce Building

PUBLIC NOTICE OF WATER USE REQUESTS

158 12th Street NE
Salem OR 97301-4172

January 23, 2001

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number
(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Permit Applications G-15142, G-15198,

G-15203, G-15214, G-15216, G-15221,

G-15232, and G-15220

Mail me the Order
(payment enclosed)*



Your Name, Address, and Phone Number:

Harold Shepherd

Department of Natural Resources

P.O. Box 638

Pendleton, OR 97801

1-800-
X201

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

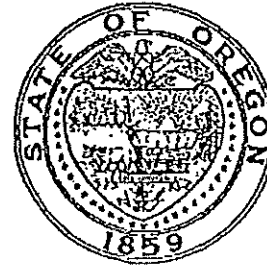
PO 141420

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MAR 16 2001

WATER RESOURCES DEPT.
SALEM, OREGON

OREGON WATER RESOURCES DEPARTMENT



Commerce Building

158 12th Street NE
Salem OR 97301-4172

PUBLIC NOTICE OF WATER USE REQUESTS

December 12, 2000

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number
(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Mail me the Order
(payment enclosed)*

Permit Applications - 15140, 15128, 15133



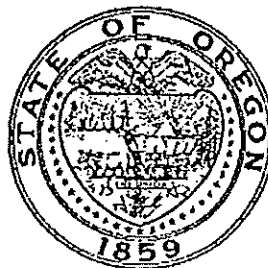
Your Name, Address, and Phone Number:

Harold Shepherd
Department of Natural Resources
P.O. Box 638
Seaside, OR 97138

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

DUPLICATE

OREGON WATER RESOURCES DEPARTMENT



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MAR 16 2001

WATER RESOURCES DEPT.
SALEM, OREGON

Commerce Building

158 12th Street NE
Salem OR 97301-4172

PUBLIC NOTICE OF WATER USE REQUESTS

January 9, 2001

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number
(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Application L-84324

Application S-84325

Mail me the Order
(payment enclosed)*

☒☒☐

Your Name, Address, and Phone Number:

Harold Shepherd

Department of Natural Resources

P.O. Box 1638

Pendleton, OR 97801

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Laura Snedaker Date: January 25, 2001

From: Michael J. Zwart

Subject: Application Re-reviews: G-15198, G-15214, G-15216, G-15221, G-15232

The Department of Natural Resources (DNR) of the Confederated Tribes of the Umatilla Indian Reservation has raised some concerns about the Initial Reviews for the above permit applications. In the letter of January 18, 2001, DNR indicates that because these wells are within one-quarter mile of the nearest surface water sources, they should be presumed to have the potential to cause substantial interference with surface water.

The DNR is misinterpreting our Division nine rules. The rule cited in the letter, 690-09-040(4)(a), is one of several in which the potential for substantial interference is assumed. However, the assumption only applies to "...wells that produce water from an aquifer that is determined to be hydraulically connected to a surface water source..." (690-09-040(4)).

I did not find that the subject wells are in hydraulic connection with the nearby surface water sources, except for the well associated with Application G-15214. My findings were that the wells produce from confined (to semiconfined) aquifers and that the aquifers are not in hydraulic connection with the nearby surface water sources.

Rule (690-09-040(4)) does not apply to such wells. It only applies to wells in which hydraulic connection has been either determined, under 690-09-040(1), or assumed, under 690-09-040(2). Rule 690-09-040(6) does apply to such wells. It states: "All wells that produce water from an aquifer that is not hydraulically connected to a surface water source shall be assumed not to interfere with the surface water source."

In the case of Application G-15214, I did find that the well produces from an unconfined aquifer that is likely in hydraulic connection with a nearby surface water source. Therefore, 690-09-040(4) applies in this case. I did not find that the well or proposed use meet any of the criteria listed in 690-09-040(4)(a), (b), (c) or (d). Please note that I estimated the distance to the nearest surface water to be 2600 feet. Therefore, the potential for substantial interference can not be assumed. In consideration of the factors listed in 690-09-040(5), I did not find that the well has the potential to cause substantial interference.

MEMO

DATE: January 19, 2001

TO: DWIGHT FRENCH

FROM: LAURA SNEDAKER, ext. 331

SUBJECT: Files G-15232, G-15221, G-15216, G-15214, and G-15198

Please forward the attached files to the Groundwater Section for some additional review. The Department has received some comments from the Tribes. These comments question whether certain applications will interfere with surface water. Also, they comment on the number of applications pending in the Umatilla Basin and indicate that the cumulative impact of these applications may be to interfere with surface water. These comments require additional review by the Groundwater Section to determine if modifications to the Division 9 findings are necessary.

Thank you.

15198

Fax Cover Sheet for:

*Confederated Tribes of the
Umatilla Indian Reservation*

DNR Environmental Planning / Right Protection (DNR EP/RP)
PO Box 638 * 73239 Confederated Way
Pendleton, OR 97801

Phone: (541) 276-3449 * Fax: (541) 276-0540

Date: 1/18/01

Number of pages (including cover sheet): 12

To: BORD
Water Rights Section

From: Harold Shepherd

Fax: (503) 378-2496

Fax:

Cc:

Cc:

Subject: Water Right Permit - Comments

☐ YOUR IMMEDIATE ATTENTION

☐ HAND DELIVER IMMEDIATELY

☐ REVIEW WITH ME AND REPLY BY:

☐ COPY FOR YOUR INFORMATION

☐ PHONE ☐ FAX

☐ PLEASE PROCESS - THANK YOU

☐ PLEASE CALL BACK TO CONFIRM FAX

☐ ORIGINAL WILL BE MAILED:

NOTES:

Originals were mailed on 1/18/01

IF TRANSMISSION IS INCOMPLETE OR UNCLEAR, PLEASE PHONE (541) 276-3449

OREGON WATER RESOURCES DEPARTMENT



Commerce Building
PUBLIC NOTICE OF WATER USE REQUESTS
158 12th Street NE
Salem OR 97301-4172
December 19, 2000

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number
(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Permit Applications G-15142, 15155,
15198, 15203, 15214, 15216
15221 & 15232
Transfer Application #s 8640 & 8641
Your Name, Address, and Phone Number:

Harold Shepherd
Department of Natural Resources
P.O. Box 638
Reddick, OR 97801

Mail me the Order

(payment enclosed)*

☐
☐
☐

*- payment to be forwarded
after processing of invoice.*

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10. for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)



CONFEDERATED TRIBES
of the
Umatilla Indian Reservation
Department of Natural Resources
ADMINISTRATION

P.O. Box 638
Pendleton, Oregon 97801
Area code 541 Phone 276-3447 FAX 276-3317



January 18, 2001

Oregon Water Resources Department
Water Rights Section
Commerce Building
158 12th St. NE
Salem, OR 97301-4172

RE: Comments on Permits 15142, 15155, 15198, 15203, 151214, 15216, 15220, 15221 & 15232.

The Department of Natural Resources of the Confederated Tribes of the Umatilla Reservation (DNR) appreciates the opportunity to comment on Permit numbers 15142, 15155, 15198, 15203, 151214, 15216, 15220, 15221 & 15232 as listed in the December 19, 2000 Public Notice of Water Use Requests (the Permits) as part of the Oregon Water Resources Department's (OWRD) administrative process. DNR submits these comments on behalf of the Confederated Tribes for the purpose of identifying potential conflicts with issuance of the permit and the public interest. **Nothing in these comments is intended nor shall be construed as limiting or otherwise affecting the rights reserved by the Confederated Tribes of the Umatilla Reservation (CTUIR) in the treaty of 1855 (12 Stat. 945), or CTUIR's rights reserved under the Winters Reserved Water Rights Doctrine.**

DNR has the following concerns and recommendations regarding the issuance of the above Permits:

- 1) OWRD's Initial Reviews for the Permits concludes that the applications may proceed to the next phase of processing due to certain "determinations" including that "the proposed use of groundwater will, if properly conditioned, adequately protect the surface water from interference" and that the use of the water requested in each permit "is available". DNR has reason to believe, however, that permit applications 15198, and 15220 include wells that are

within 1/4 mile of a surface water source (including Rhea Creek and the Columbia River) and are, therefore, presumed to have the potential to cause substantial interference with such surface water sources. See 690-009-0040(4)(a). In addition, permit application 15220 is likely contained within the Ordinance Critical Ground Water Area which is closed to further appropriation under OWRD regulations. See OAR 690-507-0070(3)(a).

2) Due to the presence of sensitive, threatened and/or endangered species in the area which may be impacted by Permits 15198 and 15220 and the fact that the potential for substantial interference with surface water sources likely exists, OAR Chapter 690 Division 33 applies in this case. In such cases, OWRD is required to consult with CTUIR and other parties to determine whether the Permits are consistent with the Northwest Power Planning Council's (NWPPC) Fish and Wildlife Program, OAR 690-033-0120(1).

As of the date these comments were submitted, however, no such consultation has occurred with relation to CTUIR. DNR believes, therefore, that OWRD is not authorized to issue these Permits until such consultation takes place.

3) Permits 15198 and 15220 potentially conflict with state and federal water quality standards and, therefore, may violate OAR 690-033-0120(2)(d), since the removal of flows at any time during the year potentially impacts water temperatures needed for survival by listed fish species. For example, during low flow periods in summer, ground water is necessary to provide flows to the river and help to cool its base stream flow. See *Flow Needs for Salmonids and Other Aquatic Organisms in the Umatilla River*, p. 12 (Dec. 1999). Depletion of hydraulically connected ground water will, therefore, remove water from the stream system, which is necessary for maintenance of temperature standards. "Reduction or elimination of groundwater inflow will have a compounding warming effect on the Umatilla River and its Tributaries." Oregon Department of Environmental Quality, *Draft Umatilla River Basin Total Maximum Daily Load and Water Quality Management Plan*, Appendix A-4, p. A-31 (October 2000).

4) Due to the potential reduction in surface water flows necessary for fish habitat in the Umatilla River and potential violation of temperature standards, Permits 15198 and 15220 are likely inconsistent with the NWPPC's Fish and Wildlife Program. In such case, the application is presumed to impair or be detrimental to the public interest unless it can be conditioned to achieve consistency. See OAR 690-033-0120(1).

5) Although, OWRD's Initial Reviews for the Permits concludes that "the proposed use of groundwater will, if properly conditioned, adequately protect the surface water from interference" and that the use of the water requested in each permit "is available", the number of potential permits in this case (9 application

OWRD Comments

January 18, 2001

p. 3

for a total of 23 wells) indicates otherwise. Contrary to OWRD's claim, the probability that these permits will impact surface flows in the river, when combined with other well permits which have already been issued in the Umatilla Basin, is high.

6) Based on the above concerns, the Permits potentially undermine instream flows and other benefits provided by the Umatilla Basin Project that the Tribes, the Bureau of Reclamation, irrigation districts and OWRD have worked to achieve in the past few years and threaten similar projects planned for the future.

Based on the concerns listed, and in addition to the other requests and recommendations provided in this letter, DNR believes that prior to issuance of the Permits, OWRD must make specific findings, including supporting documentation, that the proposed use will not impact storage flows, surface flows and water temperature in a manner that is inconsistent with state law. In addition, OWRD must insure that such issuance is consistent with the NWPPC's Fish and Wildlife Program necessary to protect listed species in the Umatilla River.

Finally, due to the potential impacts to Umatilla basin water resources, DNR would like to inquire as to the circumstances in which so many water right permit applications appeared in the December 19, 2001 public notice. Does this indicate a trend in the number of applications being filed or is there some other explanation?

Thank you for your attention to this matter. Because of the issues we have raised, we request to remain on the mailing list for any future activity regarding these permits. If you have any questions in relation to these comments or further information on the

JAN 16 01 (180) 13114
OWRD Comments
January 18, 2001
p. 4

permits please direct these to Harold Shepherd of the Tribal Water Resources Program at (541) 966-2420.

Sincerely,


Michael J. Farrow
Director, Department of Natural Resources

cc: Tribal Water Committee
Aaron Skirvin/Water Resources Program
Harold Shepherd/Water Resources Program
Dan Hester/Tribal Attorney
Walt Fite/BOR
Sam Stegeman/BOR
Mike Ladd/OWRD
Tony Justice/OWRD
Gary James/Fisheries Program
Brian Zimmerman/Fisheries Program
Jay Minthorn/Fish and Wildlife Committee
Scott Miller/NMFS
Bernie Burnham/BIA
Paul Cleary/OWRD



JAN 18 01 11:00 10:14 01:00 PM

GENERAL COUNCIL
and
BOARD OF TRUSTEES

Water Committee

CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area code 541 Phone 276-3165 FAX 276-3095

January 18, 2001

Oregon Water Resources Department
Water Rights Section
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

RE: City of Pendleton Water Right Transfer Requests - Numbers 8640 & 8641

Dear OWRD:

On behalf of the Confederated Tribes of the Umatilla Reservation (CTUIR), the Tribal Water Committee (TWC) submits these comments regarding the City of Pendleton (City) water right transfer request under numbers 8640 and 8641 as listed in the December 19, 2000 Public Notice of Water Use Requests (the transfer requests). **Nothing in these comments is intended nor shall be construed as limiting or otherwise affecting the rights reserved by the Confederated Tribes of the Umatilla Reservation (CTUIR) in the treaty of 1855 (12 Stat. 945), or CTUIR's rights reserved under the Winters Reserved Water Rights Doctrine.**

Over the past few years, the CTUIR and City have engaged in discussions regarding the planning and development of a joint water supply project to serve both the CTUIR and City. As a result of these discussions, both the City and CTUIR concurred that, among other things, the City would need to transfer the point of diversion (POD) of some of its water rights. In addition to the POD transfer, both parties discussed other related water rights and development issues, which are summarized later in this letter. These issues are unresolved and until the CTUIR and City formally agree on solutions, it is premature for the City to transfer its PODs. Without resolution, which involves finalizing a current draft agreement between the parties, we believe that authorizing a POD transfer may threaten tribal fishery restoration efforts and CTUIR water rights and could promote competition for water between the CTUIR and City.

prior to granting the transfer requests or any other requested use of Umatilla Basin waters in relation to the proposed City of Pendleton municipal water intake, pumping and storage project.

- 2) Reducing stream flow to 240 cfs during the winter and spring months will negatively impact the salmon and steelhead fishery in the Umatilla River. Removal of surface waters even during winter months is potentially detrimental to fish. For example, "high flows serve an important function in both creating and maintaining the stream habitat diversity required by salmonids. See Tribal Department of Natural Resources (DNR) Fisheries Program, *Flow Needs for Salmonids and Other Aquatic Organisms in the Umatilla River*, Table 8 (Dec. 1999) (hereinafter flow needs for Salmon). The DNR maintains that benchmark flows for fish migration in the mainstem Umatilla River should be 310 to 370 cfs in January, 430 to 510 cfs in February and 500 to 600 cfs in March and April. See *Flow Needs for Salmon*, p. 14. In addition, additional withdrawals from the river when added to those already taking place will diminish channel maintenance flows should reach 5,500 cfs for short periods during winter months every one to two years.

In addition, in the event that Division 33 standards apply, if flow management objectives cannot be achieved because of differing requirements between fish species in the management area, OWRD must consult with the Tribes and others to assist in resolving flow-management conflicts. See 690-033-0130. How does OWRD intend to consult with the CTUIR to resolve this flow management conflict?

- 3) The transfers may conflict with state and federal water quality standards and may, therefore, be prohibited by OAR 690-033-0120(2)(d) since the removal of flows at any time during the year potentially impacts water temperatures needed for survival by listed fish species. During high flows in winter and spring months, groundwater is recharged from surface water flows, then during low flow periods in summer this ground water discharges to the river and helps cool its base stream flow. See *Flow Needs for Salmonids*, p. 12. Thus, any removal of water during winter months for reservoir storage, without considering river recharge needs, will take water away from the stream system which may be necessary for maintenance of temperature standards. "Reduction or elimination of groundwater inflow will have a compounding warming effect on the Umatilla River and its Tributaries." Oregon Department of Environmental Quality, *Draft Umatilla River Basin Total Maximum Daily Load and Water Quality Management Plan*, Appendix A-4, p. A-31 (October 2000).
- 4) Due to the potential reduction in surface water flows necessary for fish habitat in the Umatilla River and concerns regarding temperature standards, the transfer requests are likely to be inconsistent with the Northwest Power Planning Council's (NWPPC) Fish and Wildlife Program. In such case and when Division 33 standards apply, the application is presumed to impair or be detrimental to the

public interest unless it can be conditioned to achieve consistency. See OAR 690-033-0120(1).

The TWC would like clarification as to whether OWRD will analyze the transfer requests in terms of consistency with the NWPPC Fish and Wildlife Program and the application of Division 33 standards to address surface flow depletion issues. If so, the TWC would like to obtain a copy of such analysis.

- 5) Additional water withdrawals from the Umatilla River, as requested in the transfer of North Fork flows, potentially undermines instream flows and other benefits provided by the Umatilla Basin Project that the Tribes, the Bureau of Reclamation, irrigation districts, and OWRD have worked to achieve and have realized in the past few years. Due to the current over-appropriated condition of the Umatilla River, the removal of additional surface flows could negatively impact critical components of Phases I and II of the Basin Project water exchange. How will OWRD specifically address this concern in its analysis and conditioning of the requested transfers?
- 6) The withdrawal of flows from the Umatilla River including the North Fork Umatilla River potentially conflicts with CTUIR's unadjudicated water rights, including instream flows, as well as consumptive uses. The delivery of water to off-reservation water users that may impact tribal water rights and endangered species has historically resulted in an in-equitable burden upon tribes for the ultimate responsibility of limiting water uses in order to protect listed species. See e.g., the Department of Interior, *Final Report and Recommendations of the Working Group on the Endangered Species Act and Indian Water Rights* as listed in the federal register Volume 65, Number 130 for July 6, 2000 (Report). The City's proposal to limit water appropriations only after minimum flows necessary to maintain fish habitat in the Umatilla are achieved, will clearly impact the future exercise of tribal water rights.
- 7) Due to the potential for conflict between Tribal and City water rights in relation to the Umatilla River, the TWC strongly believes that the development one entities rights without regard to the other will not best serve the needs of the entire community. Rather, the parties should work together on the development of municipal water facilities so that all interests are represented and fish and wildlife needs are adequately protected.

To this end, starting in 1996, CTUIR and the City of Pendleton began discussions on a joint municipal water supply project, which addresses the need to plan, develop and utilize a water storage system to ensure adequate municipal supplies for the next 20 years. The joint project would satisfy several goals including: providing a sufficient municipal water supply for both parties, reducing problems with declining ground water in the vicinity of the City, ensuring continuous Umatilla River stream flows necessary to restore and maintain anadromous fisheries, resolving a dispute over the City's acquisition and use of

OWRD
January 18, 2001
p. 5

reservation lands and waters for the City's municipal water supply, construction and operation of a water treatment plant, preventing competition for water resources, and honoring the water rights of the respective parties.

In 1996, the City and the Tribes agreed to a "Points of Principles", which set forth the general scope of the project and prescribed the development of various agreements. These agreements included returning the "spring lands" to the CTUIR, sharing costs for the development, management, and operation of the municipal system, establishing a protocol for withdrawing water from the Umatilla River to protect the fishery, and coordinating the use of each parties well systems to supply water to the joint water system. In the past three years, the parties have completed work on determining locations and costs of off-stream impoundment's and water treatment plant, and the City is pursuing a study to determine the feasibility of an Aquifer Storage and Recovery project.

A draft agreement was prepared over a year ago, and the TWC has proposed a method of finalizing the agreement so that the parties will have direction on how the joint goals will be accomplished. Both parties agreed to the method on October 17, 2000, but, unfortunately, since then, City representatives have not answered the TWC's request to meet and finalize the agreement.

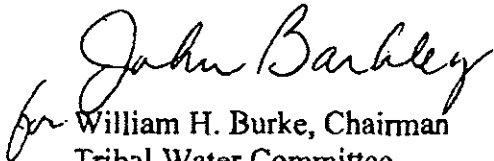
Based on our concerns about the requested transfers the TWC requests that OWRD respond to the issues and requests provided in these Comments. In addition, the TWC believes that prior to issuance of the transfers, OWRD must make specific findings, including supporting documentation, that these transfers will not impact storage flows, surface flows, the fishery, and water temperature and that such action is consistent with the Northwest Power Planning Council's Fish and Wildlife Program regarding listed species in the Umatilla River. Finally, we encourage OWRD and the City to accept our invitation to move forward with the joint water development agreement in the best interest of all concerned parties. Finalizing the agreement should address CTUIR's concerns about the proposed transfer and subsequent diversion of water from the Umatilla River.

Thank you for your attention to this matter. Because of the issues we have raised, we request to remain on the mailing list for any future activity regarding the transfer requests. If you have any questions in relation to these comments, please direct these to

OWRD
January 18, 2001
p. 6

Harold Shepherd (541) 966-2426 of the Water Resources Program. I look forward to working with you in addressing the water needs of the City of Pendleton and the CTUIR.

Sincerely,


for William H. Burke, Chairman
Tribal Water Committee

cc: Tribal Water Committee
Paul Cleary/OWRD
Mike Ladd/OWRD
Tony Justus/OWRD
Bob Ramig/City of Pendleton
Tony Flagg/Pendleton Water Committee
Aaron Skirvin/Water Resources Program
Harold Shepherd/Water Resources Program
Dan Hester/Tribal Attorney
Gary James/Fisheries Program
Brian Zimmerman/Fisheries Program
Jay Minthorn/Fish and Wildlife Committee
Scott Leonard/NMFS
Ron Rew/USFWS
Bernie Burnham/BIA
Scott Miller/Solicitor's Office
Reed Benson/WaterWatch
Bill Grey/BOR
Sam Stegeman/BOR
Bob Hamilton/BOR

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DEC 11 2000



WATER RESOURCES DEPT.
SALEM, OREGON

Administrative Offices

180 N.E. 2nd Street

Hermiston, OR 97838-1860

Phone (541) 567-5521 • Fax (541) 567-5530

E-mail: city@hermiston.or.us

December 7, 2000

Ken Dowden
Water Resources Department
Commerce Building
158 12th Street, NE
Salem, OR 97301-4172

RE: Marvin Padberg
64746 Rhea Creek Rd.
Ione, OR 97843
Reference: File G-15198

Dear Mr. Dowden:

The City of Hermiston is apposed to any ground water withdrawal from the basalt aquifers which may negatively impact the city. The city's primary source of municipal water is from the basalt aquifers. Therefore, any withdrawal from said source would have a negative impact on the city's present and future ability to supply municipal drinking water to our customers.

Please be advised, the city has submitted the final water management and conservation plan to your department over a year ago and is awaiting your final approval.

Please contact me if you have any questions. Thank you.

Sincerely,

Pat D. Napolitano, P.E.
City Engineer

PDN/dm

cc: Ed Brookshier, City Manager
Gary Luisi, City Attorney

IR ACCIDENTLY
CC: CITIES OF
HERMISTON
+
STANFIELD

SHOULD ~~BE~~ HAVE
CC: CITIES OF IONE +
LEXINGTON

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.

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 GURCH CALLED ON THIS AND
BROUGHT TO MY ATTENTION.

KEN DOUGLAS

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@wrđ.state.or.us
From: Mike Zwart <Mike.J.ZWART@wrđ.state.or.us>
Subject: Fwd: file G-15198 initial review

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@wrđ.state.or.us>
From: "Vern Church" <Vernon.L.CHURCH@wrđ.state.or.us>
To: "Ken Dowden" <Kenneth.D.DOWDEN@wrđ.state.or.us>
Cc: "Mike Zwart" <Mike.J.ZWART@wrđ.state.or.us>, "Mike Ladd" <Michael.F.LADD@wrđ.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@wrд.state.or.us>
From: "Vern Church" <Vernon.L.CHURCH@wrд.state.or.us>
To: "Ken Dowden" <Kenneth.D.DOWDEN@wrд.state.or.us>
Cc: "Mike Zwart" <Mike.J.ZWART@wrд.state.or.us>,
"Mike Ladd" <Michael.F.LADD@wrд.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

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If you have any questions, please call.

IR CHECKLIST

Application # G-15198 Priority Date: 8-16-2000
 Basin: 7-Upmatilla County: Morrow Watermaster District: # 21-NC
 Township: 1S Range: 24E Section: 26 1/4 1/4 se/sw, ne/sw
 WID: # N/A POU WID: # sw/se, se/se
nw/se, ne/se

1. Complete by Minimum Requirements checklist? ☒ Yes ☐ No
 Items still required: _____
2. ☆Groundwater/Surface Water Interference: A B ☒ C ☐ D If "A", indicate River/Stream _____
 ☆Groundwater Availability: A B ☒ C ☆Conditions to be included on IR? List under Item #23 (over)
★★PLEASE NOTE: If GW / SW Interference (above) = "B", "C" or "D".....Skip Items #4, #5, #14, #18 & #19
3. Basin Maps checked? ☒ Yes ☐ No w/in 5 mile radius of JONE & LEXINGTON (cases of:)
4. Within or above a Scenic Waterway? Yes No _____ Scenic Waterway
 If Yes.....cc: State Parks Dept. Conditions/Restrictions? Yes No _____
5. Within Oregon Streamflow Restoration Area? Yes NoIf Yes, include Streamflow Restoration Block
6. Is the well located in a Groundwater Limited Area? Yes ☒ No Name _____ GW Limited Area
7. Is the well located in T. 1N, R. 3E, Sec. 20, 21, 28, 29? Yes ☒ No If Yes...Notify DEQ immediately!!!
 If Yes...cc: Andy Schaedel, NW Region Water Quality Manager, 2020 SW Fourth Ave, Portland, OR 97201
Call Andy at Phone #: 503-229-6121 & E-mail Andy at: "SMTPschaedel.andrew.l@deq.state.or.us"
8. Requested Use & Rate: IRRIGATION of 119.2 acres 2.0 cfs
670 gpm
9. Season requested by applicant: MAR 1 - OCT 1
10. For Irrigation: Rate 1/80 Duty 3.0 Season MAR 1 - OCT 31
11. For Nursery or Cranberry: Rate _____ Duty _____ Season _____
12. Allowed under Basin Program? ☒ Yes ☐ No 690-507-0090(3)(b)(B)
 Limitations? Yes No _____
13. Withdrawn? Yes ☒ No Season Allowed: _____
14. Water Availability Applies: Yes ☒ No - 80% or 50% _____
15. Conflict? ☒ Yes ☐ No UNDERLYING RIGHTS G-4877, G-8752 & S-51315
plat card

16. BOR project? Yes No If Yes... Contract # and Duty: _____

17. Land use approval: OK'd Needs Approval County Notified N/A

18. Subject to Division 33: Yes No N/A = Well does not have the potential for substantial interference
★ Upper Columbia Div 33 Rules (Above Bonneville)? Yes No
If Yes..... NO WATER USE ALLOWED from APRIL 15 thru SEPTEMBER 30 of each year
❖❖❖(EXCEPT for Domestic Use & other Exempt uses under OAR 690-33-140)❖❖❖

- cc: ☐ ODFW Biologist District # _____ ☐ NMFS.....Marc Liverman
☐ Columbia River Intertribal Fish Commission ☐ Dept. Of Agriculture.....Steve Applegate
☐ US Fish & Wildlife ☐ DEQ→ East Region - Dick Nichols, Bend
☐ NW Power Planning Council →West Region - John Blanchard, Medford
→Northwest Region - Andy Schaedel, Portland

★ Statewide Div 33 Rules ("Sensitive" statewide (Blue on Map) & "Threatened or Endangered" OUTSIDE Columbia Basin)? Yes No
If Yes...cc: ☐ ODFW Biologist District # _____ ★ DIVISION 33 CONDITIONS ★
☐ Steve Applegate.....Dept. of Agriculture →Above Bonneville: "B54B"
☐ DEQ→ East Region - Dick Nichols, Bend →Below Bonneville: "PISPC"
→West Region - John Blanchard, Medford ❖❖NOTE: If "Q" is over 1.0 CFS,
→Northwest Region - Andy Schaedel, Portland See: OAR 690-33-220(3)

19. On DEQ 303d (Water Quality Limited) list? Yes No If Yes...cc: appropriate Regional Water Quality Manager
☐ East Region-Dick Nichols, Bend ☐ West Region-John Blanchard, Medford ☐ NW Region-Andy Schaedel, Portland

20. Within Dept. of Agriculture Water Quality Management Area? Yes No If Yes.....cc: Mike Wolf - Dept. of Ag
ADOPTED: TUALATIN___ BEAR CREEK(ROGUE)___ UMATILLA___ UPPER GRANDE RONDE___ YAMHILL___ LOWER DESCHUTES___
NORTH COAST___ (includes: Lower Columbia/Clatskanie, Lower Columbia, Necanicum, Nehalem, Wilson/Trask/Nestucca)

DRAFT RULES: LOWER COLUMBIA/SANDY___ CLACKAMAS___ MOLALLA/PUDDING___ FRENCH/PRAIRIE___ NORTH SANTIAM___
HOOD RIVER___ MID DESCHUTES___ N FORKS JOHN DAY___ (includes: Middle Fork John Day, North Fork John Day)
UMPQUA___ (includes: Umpqua, North Umpqua, South Umpqua) MALHEUR___ (includes: Willow/Malheur, Bully,
Lower Malheur, Upper Malheur, Farewell Bend, Middle Snake/Payette)

IN COMMITTEE: COQUILLE___ COOS___ MID COAST___ (includes: Siletz/Yaquina, Alsea, Siuslaw, Siltcoos) WALLA WALLA___
SOUTHERN WILLAMETTE VALLEY___ (includes: Coast Willamette, Middle Willamette, McKenzie) UPPER JOHN DAY___
KLAMATH HEADWATERS___ (includes: Butte, Sprague, Williamson, Upper Klamath, Upper Klamath Lake) LOST RIVER___
INLAND ROGUE___ (includes: Lower Rogue, Middle Rogue, Upper Rogue, Applegate, Illinois)
WALLOWA___ (includes: Wallowa, Lower Grande Ronde, Imnaha)

21. WM District: NWR: 1 2 16 18 20 NCR 3 4 5 21 ER: 6 8 9 10 SCR: 11 12 17 SWR: 13 14 15 19

22. Initial Review will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

23. ☆Proposed Allowed Use & Rate: IRR 669 gallons per minute

☆Proposed Allowed Period of Use: _____

☆Measuring condition: Small Medium Large

☆Conditions (BOR, GW, other)? Yes No 7B and 7C per Groundwater Report

Reviewer's Name: _____ Date: _____

Mailing List for IR Copies

Application #G-15198

IR Date : December 1, 2000

Original mailed to:

Applicant: MARVIN PADBERG , 64746 RHEA CREEK RD, IONE, OREGON 97843

Copies sent to:

1. WRD - File # G-15198
- 2.

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 5, Tony Justus
4. WRD - Regional Manager , Mike Ladd
5. Dept. Of Agr. Mike Wolf

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

6. CITY OF HERMISTON, 180 NE 2ND ST., HERMISTON, OREGON 97838

7. CITY OF STANFIELD, PO BOX 369, STANFIELD, OREGON 97875

8. _____

9. _____

Copies Mailed
By: <u>Cap</u>
(SUPPORT STAFF)
on: <u>11-30-00</u>
(DATE)

SHOULD HAVE CC'd
CITIES of
IONE
&
LEXINGTON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

December 1, 2000

MARVIN PADBERG
64746 RHEA CREEK RD
IONE, OREGON 97843

(541) 422-7276

Reference: File G-15198

Dear Applicant:

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

This letter is to inform you of the preliminary analysis of and potential limitations to your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN the WILLOW CREEK BASIN for IRRIGATION OF 119.2 ACRES is **allowable** under OAR 690-507-0090(b)(B), the Umatilla Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount requested may, if properly conditioned, avoid injury to existing rights or the groundwater resource.
5. The well has been determined to be appropriating water from the basalt aquifer.
6. The Department has determined that the amount of water that may be allowed for irrigation of 119.2 acres is 1.49 Cubic Feet Per Second, as per statewide policies set for



each basin.

7. There are conflicting, underlying rights which exist on lands described under this application. Currently, the department is working on a transfer application T-8573, which proposes a change in place of use essentially moving off all of these underlying, existing rights. This application is contingent upon the approval of T-8573.
8. The well, requested under this application, is located within a five-mile radius around the City of Lone's and the City of Lexington's municipal wells. Groundwater use from the basalt reservoir within a five-mile radius around any municipal well of the cities of Lone or Lexington could be limited to only municipal uses, group domestic uses, or statutorily exempt groundwater uses, if the city has an approved water management and conservation plan in effect [OAR 690-507-070(3)(d)(A)]. **The cities of Lone and Lexington do not currently have full-time water management and conservation programs in effect, therefore, OAR 690-507-0090(3)(C) shall not affect this application.**

Please Note: The conclusions of this Initial Review are subject to change if a water management and conservation plan is approved by the Water Resources Department for the City of Lone **and/or** the City of Lexington before the protest filing deadline passes. The protest period ends 45 days after the issuance of the Proposed Final Order (OAR 690-507).

Summary of Initial Determinations

The use of 1.49 CUBIC FEET PER SECOND from A WELL IN the WILLOW CREEK BASIN for IRRIGATION OF 119.2 ACRES may be allowed from March 1 through October 1 of each year.

The ability of this application to move forward is contingent upon the approval of transfer application T-8573, authorizing the change in place of use for the existing, underlying rights associated with this application.

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #6 above your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, December 22, 2000**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. 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.
2. 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.

3. 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.

4. Any permit authorizing the requests identified under this application is contingent **upon the approval of transfer application T-8573, authorization the change in place of use for the underlying rights associated with this application.**
5. You will be required to comply with state and federal water quality standards.
6. The priority date for this application is August 16, 2000.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 201. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 217 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496.

Sincerely,



Ken Dowden
Senior Water Rights Examiner

cc: Regional Manager, Watermaster District 5, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15198
wab 07-na
pou 07-na
gw c

APPLICATION FACT SHEET

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

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

Application File Number: G-15198

Applicant: MARVIN PADBERG

County: MORROW

Watermaster: District 5

Priority Date: August 16, 2000

Source: A WELL IN WILLOW CREEK BASIN

Use: IRRIGATION OF 119.2 ACRES

Quantity: 1.49 CUBIC FEET PER SECOND

Basin Name & Number: Umatilla, #07

Stream Index Reference: Volume 4A RHEA CR & MISC

Point of Diversion Location: NENE, SECTION 35, T 1S, R24E, W.M.; 1050 FEET SOUTH &
210 FEET WEST FROM NE CORNER, SECTION 35

Place of Use: NESW 26.4 ACRES SESW 26.2 ACRES NESE 0.6 ACRES NWSE 33.2 ACRES
SWSE 32.3 ACRES SESE 0.5 ACRES, SECTION 26, TOWNSHIP 1 SOUTH, RANGE 24
EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 15, 2000

PUBLIC NOTICE DATE: Tuesday, December 19, 2000

30 DAY COMMENT DEADLINE DATE: Thursday, January 18, 2001

Water Resources Department

MEMO

September 11, 2000

TO Application G- 15198

FROM GW: Michael Zwart
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☐ Yes

☒ No

The source of appropriation is within or above a Scenic Waterway.

☐ Yes

☒ No

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

☒

At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Application No. G/15198
Permit No.

TO: Water Rights Section

Sept. 11, 2000

FROM: Groundwater/Hydrology Section Michael Zwart

Reviewer's Name

SUBJECT: Application G- 15198

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. _____ will, or _____ have the potential for substantial interference with the nearest
 - b. _____ will not _____ surface water source, namely _____; or
 - c. ☒ will if properly conditioned, adequately protect the surface water from interference:
 - i. ☒ The permit should contain condition #(s) 7B;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. _____ will not _____ and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 7C;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

Application No. G15198
Permit No. _____

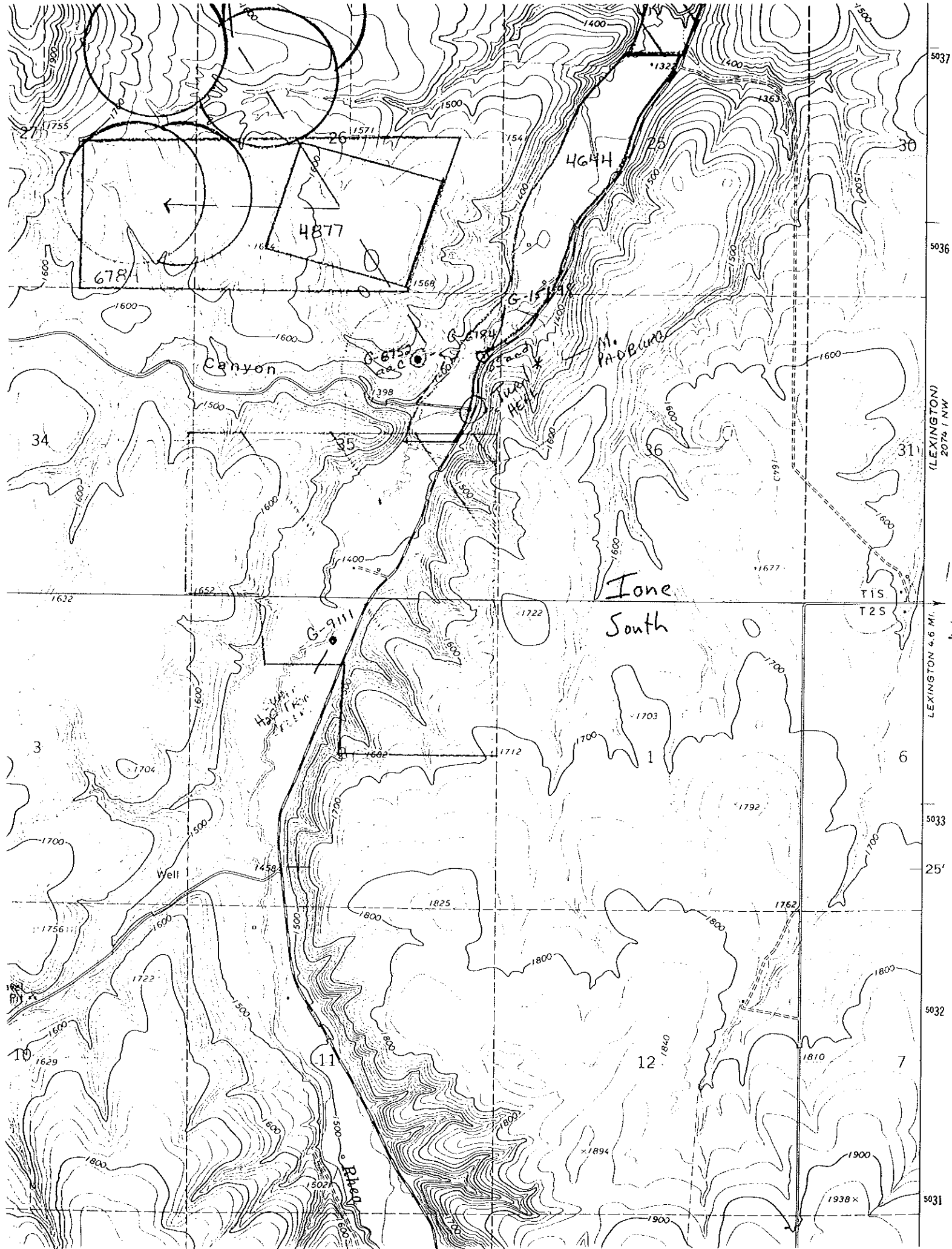
**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water Files Date: September 11, 2000
From: Michael J. Zwart
Subject: Application Review: G-15198, Marvin Padberg

This application proposes to use about 1.49 cfs from one well for primary irrigation of 119.2 acres. The well (MORR 1735, deepened: MORR 37) is completed to a depth of 1140 feet and penetrates a semiconfined to confined aquifer developed in basalt of the Columbia River Basalt Group.

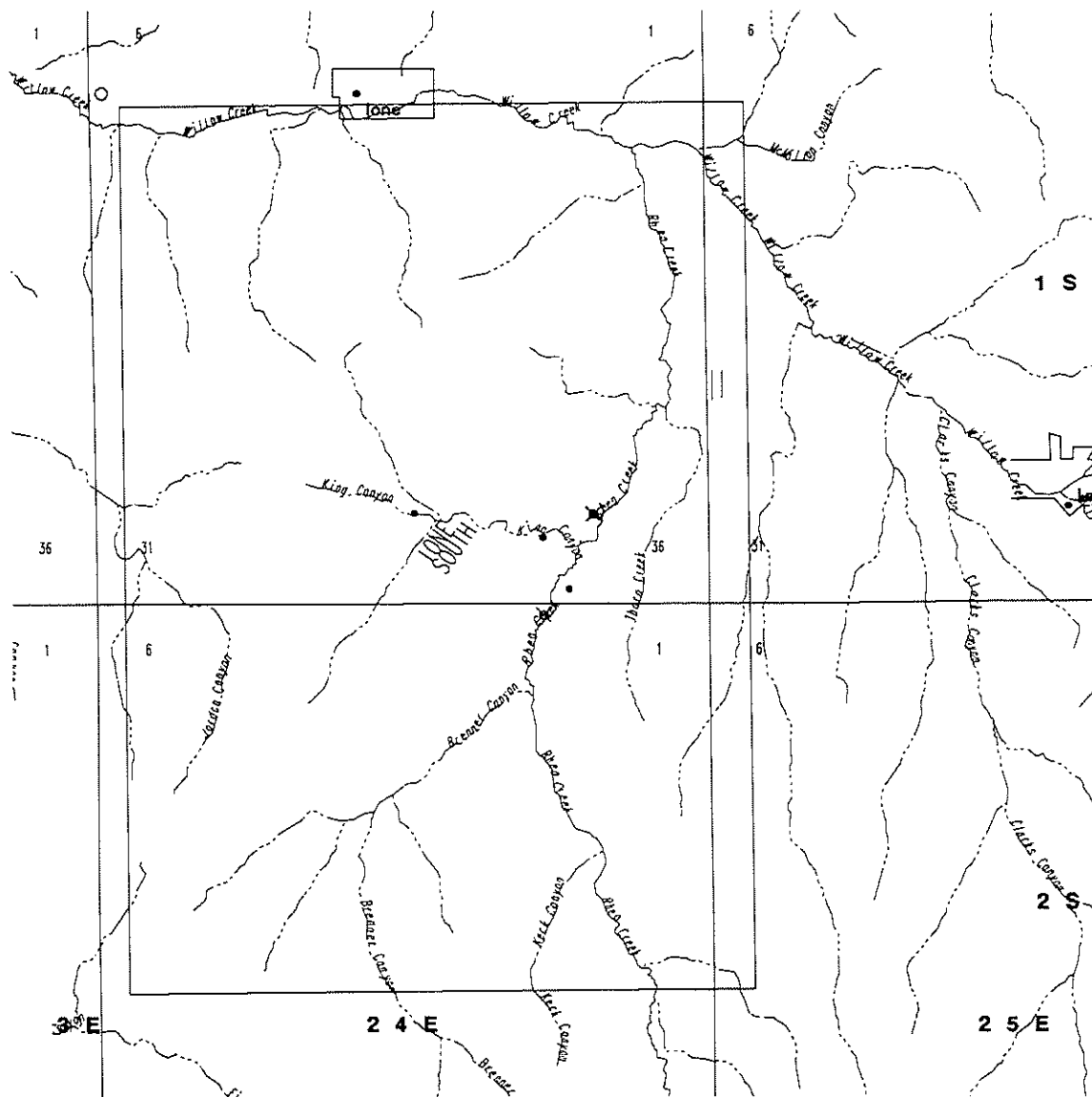
The well is about 100 feet from Rhea Creek. There is no potential for substantial interference with surface water, based on the semiconfined to confined aquifer penetrated.

I recommend permit conditions 7B and 7C.



W e l l s i n t h e v i c i n i t y o f a p p l i c a t i o n G 1 5 1 9 8

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



WELLS WITHIN 1 MILE OF G 15198

DO	2
ID	1
IR	4

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15198

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	4644	G 4369	1.00S24.00E35NENE IR	1.5100	C
1	G	4877	G 4592	1.00S24.00E35NENE IR	1.4900	C
1	G	6784	G 6296	1.00S24.00E35NENE IR	2.2300	C
1	G	8752	G 8701	1.00S24.00E35NENE IR	5.2000	C
2	G	9111	G 8447	2.00S24.00E 2NENW IC	1.5000	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 15198

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	12467	G 11413	1.00S24.00E 7NWNW 4EG

APPLICATION G 15198 FALLS WITHIN THESE QUAD(S)

IONE SOUTH

**MINIMUM APPLICATION REQUIREMENTS
CHECKLIST (OAR 690-310-040)**

- ☒ **Applicant name and mailing address.** If applicant is other than a private landowner, Organizations section must be complete.
- ☒ **Source and tributary** listed? (Including, if applicable, the name and mailing address of any owner of land upon which the source is located.)
- ☒ **Property ownership indicated?** If applicant does not own all the land, is the affected landowner(s) listed? **NOTE: An easement or agreement DOES NOT need to be submitted at this time, but will be required before a permit will be issued.**
- ☒ **If a groundwater application...** is the groundwater development section completed? Is the Well Characteristics section completed or is the well log for the actual well proposed to be used included?
- ☒ **Proposed Use of the water....** Has the appropriate supplemental form been completed for each use, ie: I form for irrigation, Q for commercial or industrial uses, M for municipal or quasi-municipal or R for mining? If the application is for the use of a spring, a spring description sheet must be completed. *Form I ✓ Irrig.*
- ☒ **Amount of water** from each source listed in GPM, CFS or AF? *2.0 cfs*
- ☒ **Acreage** being proposed, if applicable. *119.3 Ac*
- ☒ **Season** being requested by applicant. *Mar - Oct*
- ☒ The **water management section** has been completed? If system has not been designed, the applicant may estimate this information. *Item B - Transport*
- ☒ **Resource protection system** completed on Surface Water application? *NA*
- ☒ Are the **dates of construction** indicated? If system already completed, applicant should indicate existing.
- ☒ Is the **application signed in ink by the applicant?** If the application is in the name of an organization or corporation, the authorized agent must sign the application.
- ☒ Is a **copy of the deed, land sales contract or title insurance policy included?** We cannot accept a copy of the tax bill.
- ☒ A **completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed?
- ☒ Does the **map meet map requirements** of OAR 690-310-050? *Tax lots on Map*
- ☒ **Correct fees enclosed?** Refer to worksheet to calculate fees.

**Application No. G/5198
Permit No.**

Paid \$650.00

*Base 250
1st cfs 150
2nd cfs 75
Record 175
\$650.00*

Plat Card Report for: Township: 1S, Range: 24E Section: 26

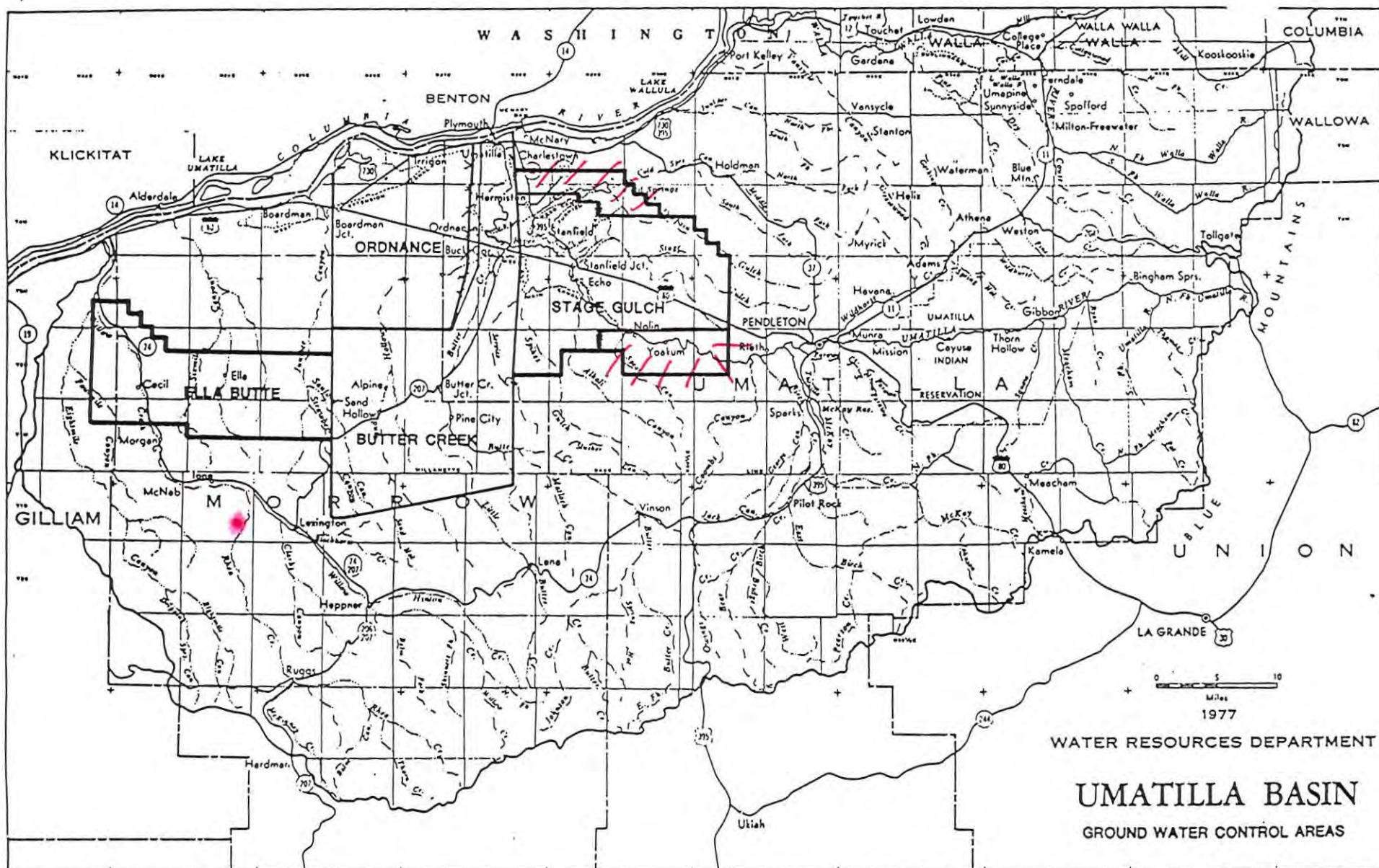
Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
G 4877 9/19/1969	G 4592	42254 (no image)										26.400 IR			26.200 IR	0.600 IR	33.200 IR	32.300 IR	0.500 IR		
G 6784 1/13/1975	G 6296	48296 (no image)								6.300 IR		3.300 IR	38.400 IR	21.000 IR	0.500 IR						
G 8752 4/19/1978	G 8701	66074 (no image)			1.200 IR	1.300 IR		39.000 IR	37.000 IR	27.000 IR	38.500 IR	7.500 IR	1.600 IR								
G 15198 8/16/2000	THIS APPLICATION											26.400 IR			26.200 IR	0.600 IR	33.200 IR	32.300 IR	0.500 IR		
S 57315 4/19/1978	S 44568	66075 (no image)			1.200 IR (s)	1.300 IR (s)		39.000 IR (s)	37.000 IR (s)	33.300 IR (s)	38.500 IR (s)	37.200 IR (s)	40.000 IR (s)	21.000 IR (s)	26.700 IR (s)	0.600 IR (s)	33.200 IR (s)	32.300 IR (s)	0.500 IR (s)		

Go to 1S, 24E, 26 page: 1

[Return to Plat Card Search Page.](#)

NOTE: Please read the [disclaimer](#) before using this information. Frequently asked questions are discussed in our Plat Card [FAQ](#).

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BY T-8573. COPY of FILE ~~NOT~~ ATTACHED



OWRD 181

GROUND WATER CONTROL AREAS

NOT INSIDE ANY GW CRITICAL AREA

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The Oregon Administrative Rules contain OARs filed through October 13, 2000

WATER RESOURCES DEPARTMENT

DIVISION 507

UMATILLA BASIN PROGRAM

690-507-0010

Definitions

The following meanings apply to the terms as used in these rules for the Umatilla Basin Program. Other rules of the Department may define these words differently:

- (1) "Classification" or "Classified" means the allowed and preferred beneficial use(s) of a given surface or ground water source for which future appropriations of water shall be permitted.
- (2) "Commission" means the Water Resources Commission.
- (3) "Department" means the Oregon Water Resources Department.
- (4) "Director" means the Water Resources Director.
- (5) "Minimum Perennial Streamflow" or "Minimum Streamflow" means an administrative rule that establishes a flow necessary to support aquatic life, or recreation or minimize pollution. The rule includes a priority date and specifies streamflow levels for all or any period of the year. It establishes priority for instream use over future appropriations and identifies flow objectives for future management in streams where shortages occur.
- (6) "Statutorily Exempt Ground Water Uses" means those uses for which no ground water application, permit, or certificate is required under ORS 537.545. These uses are for:
 - (a) Stockwatering purposes;
 - (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;
 - (c) Watering the grounds, three acres in size or less, or schools that have less than 100 students and that are located in cities with a population of less than 10,000;
 - (d) Single or group domestic purpose in an amount not exceeding 15,000 gallons a day;
 - (e) Down-hole heat exchange purposes; or
 - (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day.

(B) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the city of Heppner is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

(d) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

690-507-0090

Willow Creek Subbasin

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Willow Creek subbasin, the Commission has the following objectives:

- (a) Protect instream values by limiting future appropriations to selected nonirrigation or nonconsumptive uses;
- (b) Preserve the opportunity for future upstream storage for all beneficial uses;
- (c) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses;
- (d) Achieve a balance between ground water pumpage and natural recharge in designated critical ground water areas and ground water study areas;
- (e) Protect municipal ground water supplies;
- (f) Prevent new appropriations from causing ground water/ surface water interference.

(2) Surface Water: Appropriation and use of surface water in the Willow Creek subbasin shall comply with the following provisions:

(a) Classification: Permits to use surface water may be issued only for the following classified uses:

(A) The surface waters of Willow Creek and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51) mining (including sand and gravel mining), fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses; and

(B) Subject to the rights and priorities existing on June 24, 1988, Willow Creek and tributaries are further classified for all beneficial uses in conjunction with storage. All natural flow rights issued on

Willow Creek and tributaries after this date shall be subordinate to this classification. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(b) Storage: Surface water legally stored and legally released, may be used for any beneficial purpose;

(c) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may only provide supplemental water to lands with existing irrigation rights or permits on June 24, 1988;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and

(C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(3) Ground Water: Appropriation and use of ground water in the Willow Creek subbasin shall comply with the following provisions:

(a) Ground water resources of the basalt aquifer within the Butter Creek Critical Ground Water Area are closed to further appropriation by Order of the Director dated August 18, 1986;

(b) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the basalt aquifer in the Ella Butte Ground Water Study Area as described in the Proclamation of January 31, 1985, are classified for statutorily exempt uses (see definition) only. This classification terminates the critical ground water determination proceeding initiated January 31, 1985, and the Proclamation of the same date issued for the Ella Butte study area;

(B) The ground water resources of the Willow Creek subbasin outside the Butter Creek Critical Ground Water Area and the Ella Butte Ground Water Study Area are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(C) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Heppner, Ione and Lexington is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

DOES NOT APPLY
THESE
TWO
CITIES
DO NOT
HAVE

(c) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef.

Analysis for Application: G15198

Location: 1.00 S-24.00 E-26-sesw

Uses: IR 26.200 (P)

Basins

BASIN_NUM	BASIN_NAME
7	Umatilla

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
21	NC

Records Found: 1

WAB

GAGE	BASIN	WA_	WAB_SHORT	BAS_WAB
30710418	7	02020000000000000000000000000000	0202	70202000000000000000000000000000

Records Found: 1

County

COUNTY	FIPS
Morrow	41049

Records Found: 1

Groundwater Limited Records Found: 0

Location: 1.00 S-24.00 E-26-nesw

Uses: IR 26.400 (P)

Basins

BASIN_NUM	BASIN_NAME
7	Umatilla

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
21	NC

Records Found: 1

WAB

GAGE	BASIN	WA_	WAB_SHORT	BAS_WAB
30710418	7	02020000000000000000000000000000	0202	70202000000000000000000000000000

Records Found: 1

County

COUNTY	FIPS
Morrow	41049

Records Found: 1

Groundwater Limited Records Found: 0

Location: 1.00 S-24.00 E-26-swse

Uses: IR 32.300 (P)

Basins

BASIN_NUM	BASIN_NAME
7	Umatilla

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
21	NC

Records Found: 1

WAB

GAGE	BASIN	WA_	WAB_SHORT	BAS_WAB
30710418	7	02020000000000000000000000000000	0202	70202000000000000000000000000000

Records Found: 1

County

COUNTY	FIPS
Morrow	41049

Records Found: 1

Groundwater Limited Records Found: 0

Location: 1.00 S-24.00 E-26-sese

Uses: IR 0.500 (P)

Basins

BASIN_NUM	BASIN_NAME
7	Umatilla

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
21	NC

Records Found: 1

WAB

GAGE	BASIN	WA_	WAB_SHORT	BAS_WAB
30710418	7	02020000000000000000000000000000	0202	70202000000000000000000000000000

Records Found: 1

County

COUNTY	FIPS
Morrow	41049

Records Found: 1

Groundwater Limited Records Found: 0

Location: 1.00 S-24.00 E-26-nwse

Uses: IR 33.200 (P)

Basins

BASIN_NUM	BASIN_NAME
7	Umatilla

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
21	NC

Records Found: 1

WAB

GAGE	BASIN	WA_	WAB_SHORT	BAS_WAB
30710418	7	02020000000000000000000000000000	0202	70202000000000000000000000000000

Records Found: 1

County

COUNTY	FIPS
Morrow	41049

Records Found: 1

Groundwater Limited Records Found: 0

Location: 1.00 S-24.00 E-26-nese

Uses: IR 0.600 (P)

Basins

BASIN_NUM	BASIN_NAME
7	Umatilla

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
21	NC

Records Found: 1

WAB

GAGE	BASIN	WA_	WAB_SHORT	BAS_WAB
30710418	7	02020000000000000000000000000000	0202	70202000000000000000000000000000

Records Found: 1

County

COUNTY	FIPS
Morrow	41049

Records Found: 1

Groundwater Limited Records Found: 0

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **39373**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: R.D. McKinnis
BY: Engineering

APPLICATION	H-1212
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 296-7030 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1050.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE
\$
\$ <u>475.00</u>
\$
EXAM FEE
\$

0202

0204

0206

0219

0220

RECORD FEE
\$
\$ <u>175.00</u>
\$
LICENSE FEE
\$
\$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$
\$

CARD #

CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION

\$
\$
\$

RECEIPT # **39373**

DATED: 8/2/00 BY: Ramanda Canale

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



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

AUG 02 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

1. APPLICANT INFORMATION

A. Individuals

Applicant: Marvin Padberg
First Last

Co-applicant: _____
First Last

Mailing address: 64746 Rhea Creek Road
lone Oregon 97843
City State Zip

Phone: 541-422-7276 541-561-6697
Home Work Other

*Fax: 541-422-7276 *E-Mail address: _____

B. Organizations

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

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

**Optional information*

For Department Use		
App. No. <u>G-15198</u>	Permit No. _____	Date <u>8-16-2000</u>

Ground Water/ 1

Application No. G15198
Permit No.

2. PROPERTY OWNERSHIP

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AUG 02 2000

WATER RESOURCES DEPT.
SALEM, OREGON

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

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

☐ No Please check the appropriate box below.

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

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

List the names and mailing addresses of all affected landowners.*

(Deed Attached)

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 1 Well B. Name of nearest surface water body: Rhea Creek

C. Distance from well(s) to nearest stream or lake: 1) 100 Feet

2) _____ 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 20 Feet

2) _____ 3) _____ 4) _____

E. Well Characteristics

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

Well(s) will be constructed by: (Well Completed- Well Log Attached)

Address: _____

Completion date: _____

Application No. G15198
Permit No.

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

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

F. Artesian Flows

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

N/A

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

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AUG 02 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

Application No. 415198
Permit No.

B. Amount of Water

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

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Basalt	Irrigation	670	116.52 Mil.	

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 2.0 CFS
(The fees for your application will be based on this amount.)

D. Period of Use

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

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 119.2 Acres
(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

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

- ☒ Pump (give horsepower and pump type) 160 Hp , Turbine Pump
☐ Other means (describe) _____

B. Transport

How will you transport water to your place of use?

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

RECEIVED**AUG 02 2000****WATER RESOURCES DEPT.
SALEM, OREGON**

Application No. 615198
Permit No.

Ground Water/ 4

#5-B - Transport

• Pipe - Diameter - 10 inch
Steel

- Length - 1500
feet

- per Ron McKinnis
8-16-00



Application No. 415198
Permit No.

CWRE

RON MCKINNIS
PORT of MORROW

(541) 481-7678

C. Application/Distribution Method

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

Well Pump to Pond (Bulge in System) & Pump Boster to Pipeline

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

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

Distribution method

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

D. Conservation

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

Irrigation Scheduling according to crop demands

6. PROJECT SCHEDULE

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

Proposed date construction will begin _____ Construction Complete at this Time _____

Proposed date construction will be completed _____ Construction Complete at this Time _____

Proposed date beneficial water use will begin March 1, 2001

7. REMARKS

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

Water Right Application is for the Replacement of Water Transferred from Irrigation
to Agricultural Use (Dairy Operation).

Well, Pumps & all irrigation system is in place to accomodate Water Use.

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T-8573
JOHN VANDEN BEAK

100
S DEPT.
ON

Application No. G15198
Permit No.

Ground Water/ 5

8. MAP REQUIREMENTS

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

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AUG 02 2000

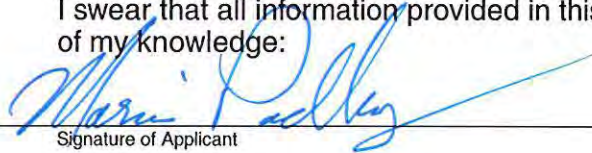
**WATER RESOURCES DEPT.
SALEM, OREGON**

9. SIGNATURE

By my signature below I confirm that I understand:

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

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



Signature of Applicant

July 26 2000

Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



Oregon Water Resources Department

FORM I FOR IRRIGATION WATER USE

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

☒ Primary ☐ Supplemental

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

Primary: 119.2 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: _____

No. _____

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WATER RESOURCES DEPT.
SALEM, OREGON

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

1. CORN ☐ Full season ☐ Partial season (from: _____ to _____)

2. WHEAT ☐ Full season ☐ Partial season (from: _____ to _____)

3. _____ ☐ Full season ☐ Partial season (from: _____ to _____)

4. _____ ☐ Full season ☐ Partial season (from: _____ to _____)

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

3 acre-feet

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

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

☐ Daily during daytime hours

☐ Daily during nighttime hours

☐ Two or three times weekly during daytime

☐ Two or three times weekly during nighttime

☐ Weekly, during daytime hours

☐ Weekly, during nighttime hours

☐ Other, explain: DURING ALL HOURS AS CROP DEMANDS

Application No. G15198
Permit No.

RECEIVED**AUG 02 2000****WATER RESOURCES DEPT.
SALEM, OREGON****Table 7A - Recommended Irrigation & Nutrient Uptake Rates**

Crop	source	Irrigated yeild, tons	dry land yeild, tons	Uptake/ton N	Uptake/ton P	Consumptive Irrig Req., in
Alfalfa	1	7.0		45.0	4.4	28
Alfalfa Haylage 50%dm	2	5.0		55.8	6.6	28
Barley, grain	1	3.5	1.0	36.4	6.8	15
Barley, straw	2	1.0		15.0	2.2	15
Beans, dry	1	2.0		62.6	9.0	16
Buckwheat, grain	1	2.5	1.0	33.0	6.2	15
Buckwheat, straw	2	0.5		15.6	1.0	15
Corn, grain	1	6.0		32.2	5.6	18
Corn, stover	2	4.5		22.2	4.0	16
Corn, silage, wet	1	40.0		7.7	1.8	16
Wheat, s.w.,	1	3.0	1.0	1.0	0.2	15
Wheat, straw	2	1.5		13.4	1.4	15
Wheat, dark, N.,	1	3.0	1.0	1.0	0.2	15
Canola Seed	2	0.9		72.0	15.8	11
Canola Straw	2	1.5		89.6	8.6	11
Chinese Kale - seed only	4	0.9		72.0	15.8	11
Grass Seed, remove	3	7.0		31.4	4.0	25
Triticale, Incl straw	4	3.0	1.0	14.4	1.6	15
Potatoes, early	3	25.0		8.0	8.0	24
Onions	3	25.0		4.0	6.0	27

Notes:

1. There are various sources of informatoin regarding consumptive use of these crops, and an approximate variance of 15% in the various tables for the same regions, this may be due to the variation in climatic conditions, specific area or time of the study, or other factors.
2. Based on the fertilizer guides all of the dryland crops listed above require 100 #'s / Ac.

Source:

This identifies the source of fertilization requirements, irrigation requirements were from the set of sources, but all data was not always available for every crops.

1. ORWAM Program data; 2. AWMFH Chap. 6, pgs 19-22; 3. OSU Extension service article "Calculating the fertilizer value of manure from Livestock operations".

Application No. G15198
Permit No.

Table 7B - Nitrogen Application Losses

	Liquids	Solids
Application	0.25	0.20
Soil Denitrification	0.05	0.05
Recalcitrant-Soil	0.04	0.04
Total	0.34	0.29

RECEIVED**AUG 02 2000****WATER RESOURCES DEPT.
SALEM, OREGON****Table 7C - Adjusted Manure Application & Fertilization Rates**

Crop	LIQUIDS				
	Application Rate	Loading Rate #s N/AC/yr	Manure Rate cuft/AC/yr	Manure Rate in/AC/yr	#s P/Ac Supplied
Alfalfa	60.3	422		2.3	129
Alfalfa Haylage 50%dm	74.8	374		2.1	114
Barley	68.9	241		1.3	74
Beans, dry	83.9	168		0.9	51
Buckwheat, grain	65.1	163		0.9	50
Corn, grain	43.1	259		1.4	79
Corn, stover	29.7	134		0.7	41
Corn, silage, wet	10.3	413		2.3	126
Wheat, s.w.,	120.6	362		2.0	110
Wheat, dark, N.,	120.6	362		2.0	110
Canola Seed	216.5	195		1.1	59
Chinese Kale - seed only	234.5	235		1.3	72
Grass Seed, remove all	42.1	295		1.6	90
Tritacle	120.6	362		2.0	110
Potatoes, early	10.7	268		1.5	82
Onions	19.3	58		0.3	18
Average #s/Ac		269			
	SOLIDS, @ 30% moisture				
Barley	129	129	156	0.043	45
Buckwheat, grain	129	129	156	0.043	45
Wheat, s.w.,	129	129	156	0.043	45
Wheat, dark, N.,	129	129	156	0.043	45
Tritacle	129	129	156	0.043	45
Average #s/Ac		129			

Application No. 615198
Permit No.

Engineering - Surveying - Water Rights

R V McKinnis Engineering
79980 Prindle Loop Road, Hermiston, Oregon 97838
(541) 567-2017

Water Rights Section
Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310-0210

July 28, 2000

Ref. Application for Marvin Padberg

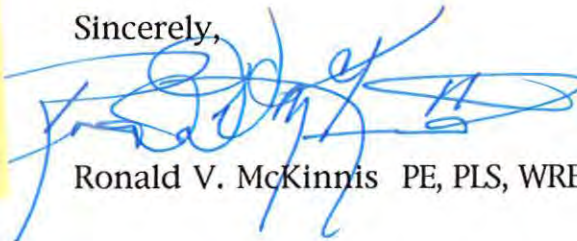
Dear Sirs ;

This Water Rights Application in the name of Marvin Padberg is for the replacement water for a Water Rights Transfer in connection with a Dairy Project located in Morrow County. The application though not essential to the Dairy Operation is Important to the reuse and disposal of the effluents created by the Dairy Operation. We therefore request that this application be handled and expedited to the best of your ability.

Please keep me apprised of any problems or comments that you may have so we can keep your process moving in a timely manner. I'm available at any time to help. I can be reached most days at 541-481-7678 and if I'm not there , please leave a message there or at my office number above. Please send this application or any application deficiencies to me for further information at the above address.

We appreciate the Department's cooperation in this matter.

Sincerely,



Ronald V. McKinnis PE, PLS, WRE(#202)

Application Fees
Exam Fee 250-
1st CFS 150-
0.5 CFS 75-
Filing Fees 175 T. 650⁰⁰

cc File

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SALEM, OREGON

Application No. 615198
Permit No.

7/26/96
2:20 PM
SANDI

MORROW COUNTY ASSESSOR
2000-2001
NON-VALUE PRINTS - LEGAL DESCRIPTION

PAGE 1
A21314
A213-1 DB

REAL PROPERTY

BOTH - EXEMPT AND NON-EXEMPT PROPERTY

REF # MAP# TAXLOT# A NUM OWNER CODE 3502 CLS 559
5395 01S24 3500 PADBERG, MARVIN R & DARRELL
RT 1, BOX 42
IONE, OR 97843

TOWNSHIP 1S RANGE 24EWM PAGE 1 OF 8

SECTION 22: E1/2E1/2 43-336, 337

23: W1/2NW1/4; SW1/4

25: S1/2NW1/4; SW1/4NE1/4; SW1/4
LYING N & W OF CO. ROAD

26: NW1/4; S1/2

27: E1/2; SW1/4

28: S1/2

33: TRACT IN W1/2W1/2 AND E1/2SW1/4 32-272

COMMENCING AT QUARTER CORNER BETWEEN SECTIONS
27 AND 34;

THENCE S 14.62 CHAINS TO CENTER OF CO. RD;

THENCE N 82 DEG. 13' W, 39.15 CHAINS UP

THE CENTER OF COUNTY ROAD;

THENCE N 57 DEG. 34' W, 18.46 CHAINS UP

THE ROAD TO A POINT ON THE LINE BETWEEN

SECTIONS 28 AND 33;

THENCE E 54.47 CHAINS ALONG SECTION LINE

TO POINT OF BEGINNING, CONTAINING 54.47

AC., MORE OR LESS.

THERE IS A SMALL TRACT, SAID RESERVATION

IS TO BE USED FOR A RESERVOIR SITE, MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND 50 X 50' SQUARE, THE

BOUNDARY LINE RUNNING N, E S AND W RESPECT-

FULLY, THE SW CORNER OF WHICH IS S 8.33

CHAINS AND E 3.36 CHAINS FROM THE CORNER

OF SECTION 27, 28, 33 AND 34, T1S R24EWM.

SECTION 35: NE1/4; N1/2NW1/4

61-421

SECTION 36: NW1/4NW1/4 LYING N AND W

OF COUNTY ROAD.

EXCEPTING: 14.12 AC. RIGHT OF WAY

2240.94

M 5595

M 5638

M 5642

ALSO: 14.12 ROAD RIGHT OF WAY

2255.26

EXCEPTING: T1S24-3501 534.47 AC.

M 9402

1720.79

JV 1745

SECTION 28: S1/2

27: SW1/4

34: ALL THAT PORTION OF THE NW1/4

LYING N OF THE COUNTY ROAD.

ALSO: COMMENCING AT THE QUARTER CORNER

BETWEEN SECTIONS 27 AND 34;

THENCE S 14.62 CHINS TO THE CENTER OF CO. RD;

THENCE N 82 DEG. 13' W, 39.15 CHAINS UP THE

CENTER OF THE COUNTY ROAD;

THENCE N 57 DEG. 34' W, 18.46 CHAINS UP

THE COUNTY ROAD TO A POINT ON THE LINE

Application No. 4/5/98
Permit No.

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SALEM, OREGON

LINE TO THE POINT OF BEGINNING, CONTAINING
54.47 AC. MORE OR ELSS, THERE IS EXCEPTED
A SMALL TRACT 50 X 50' SQUARE, LYING IN THE
ABOVE NAMED TRACT, SAID RESERVATION TO BE
USED FOR A RESERVOIR SITE AND IS MORE
PARTICULARLY DESCRIBED AS FOLLOWS:
A TRACT OF LAND 50 X 50' SQUARE, THE
BOUNDARY LINES RUN N, E S AND W RE-
SPECTIVELY, THE SW CORNER OF WHICH IS
S 8.33 CHAINS AND E 3.36 CHAINS FROM
THE CORNER TO SECTIONS 27, 28, 33 AND 34.
EXCEPTING: 10.36 ROAD RIGHT OF WAY CBE EASEMENT M 9600 1710.43
REF. ONLY CONTRACT M 12279
M 12280
M 12281
JV#9016 (PADBERG, ARLEY LEE) UNRECORDED PROBATE #1372 FILED 2-7-57
JV#9016 (DEVIN-PADBERG) BARGAIN & SALE DEED M 31156 6-17-88
JV# 9016 (BURTON-PADBERG) BARGAIN & SALE DEED M-31157 6/17/88
JV# 9016 (KRUSE-PADBERG) BARGAIN & SALE DEED M-31158 6/17/88
REF: (PADBERG-COLUMBIA BASIN) EASEMENT M-42705 5/12/94
REF: (PADBERG-COLUMBIA BASIN) EASEMENT M-59440 10/4/99

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SALEM, OREGON**

Application No. 615198
Permit No.

7/26/96
2:20 PM
SANDI

MORROW COUNTY ASSESSOR
2000-2001
NON-VALUE PRINTS - LEGAL DESCRIPTION

PAGE 3
A21314
A213-1 DB

REAL PROPERTY

BOTH - EXEMPT AND NON-EXEMPT PROPERTY

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5396 01824 3501 PADBERG, MARVIN R & DARRELL
RT 1, BOX 42
IONE, OR 97843

TOWNSHIP 15 RANGE 24EWM

PAGE 1 OF 4

SECTION 28: S1/2
27: SW1/4
34: ALL THAT PORTION OF THE NW1/4
LYING N OF THE COUNTY ROAD.

ALSO:

COMMENCING AT THE QUARTER CORNER BETWEEN
SECTIONS 27 AND 34;
THENCE S 14.62 CHAINS TO THE CENTER OF
COUNTY ROAD;

THENCE N 82 DEG. 13' W, 39.15 CHAINS UP
THE COUNTY ROAD; THENCE 57 DEG 34' W 18.46 CHAINS UP THE COUNTY
ROAD TO A POINT ON THE LINE BETWEEN SECTION S 28 & 33;
THENCE E 54.16 CHAINS ALONG THE SECTION
LINE TO THE POINT OF BEGINNING, CONTAINING
54.47 AC. MORE OR LESS.

THERE IS EXCEPTED: A SMALL TRACT 50 X 50'
SQUARE, LYING IN THE ABOVE NAMED TRACT,
SAID RESERVATION TO BE USED FOR A RESERVOIR
SITE AND IS MORE PARTICULARLY DESCRIBED AS:
A TRACT OF LAND 50 X 50' SQUARE, THE
BOUNDARY LINES RUN N, E, S AND W RE-
SPECTIVELY, THE SW CORNER OF WHICH IS
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WATER RESOURCES DEPT.
SALEM, OREGON

JV 1745 M 9402 534.47
REF. ONLY CONTRACT M 12279
EXCEPTING: 3.76 AC. ROAD RIGHT OF WAY M 12280 530.71
M 12281

JV#9016 (PADBERG, ARLEY LEE) UNRECORDED PROBATE #1372 FILED 2-7-57
JV#9016 (DEVIN-PADBERG) BARGAIN & SALE DEED M 31156 6-17-88
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JV#9016 (KRUSE-PADBERG) BARGAIN & SALE DEED M 31158 6-17-88
REF: (PADBERG-COLUMBIA BASIN) EASEMENT M-59440 10/4/99

Application No. 615198
Permit No.



Oregon Water Resources Department Land Use Information Form

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

To Be Completed By Applicant

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

A. Applicant

Name: MARVIN PADBERG
Address: 64746 RHEA CREEK ROAD
City: LOME State: OR Zip: 97843 Day Phone: 541-422-7296

B. Land and Location

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

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>1524-3500</u>	<u>EPU</u>	☒ Diverted	☒ Conveyed	☒ Used
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used

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

C. Description of Water Use

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

Beneficial Use(s): IRRIGATION OF 119.2 ACRES

Briefly describe: IRRIGATION FROM GROUND WATER
SOURCE TO CENTER PIVOT IRRIGATION SYSTEM

D. Source

Indicate the source for the proposed water use:

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

E. Quantity

Indicate the estimated quantity of water the use will require:

1.49 ☒ CFS ☐ GPM ☐ Acre-Feet

Application No. G/5198
Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 3.010. Go to section B "Approval" below

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
MA Outright Use RECEIVED AUG 02 2000 WATER RESOURCES SALEM, OREGON		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued

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

B. Approval

Please provide printed name and written signature.

Name: Tamra J. Mabbott Date: 7-27-00
Title: Planning Director Phone: 922-4624
Signature: Tamra J. Mabbott

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

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 REPAIR

STATE OF OREGON
(Please type or print)

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APR 11 1977

State Well No.

15/24E-35a

WATER RESOURCES DEPT.
SALEM, OREGON

(1) OWNER:

Name MARVIN PADBERG
Address 10NC 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 ☒ Cable ☐ Dug ☐
Driven ☐ Jetted ☐ Bored ☐

(4) PROPOSED USE (check):

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

CASING INSTALLED:

Threaded ☐ Welded ☐

" Diam. from EXISTING ft. Gage
" Diam. from EXISTING ft. Gage
" Diam. from EXISTING 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?

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.

(9) CONSTRUCTION:

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:

(10) LOCATION OF WELL:

County MORROW Driller's well number
NE 1/4 NE 1/4 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

(12) WELL LOG:

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.

MATERIAL	From	To	SWL
BROWN SCORIA	495	505	142
BLACK BASALT	505	620	
GREY "	620	730	
BLACK + BROWN w/ SS	730	750	
Black	750	835	
Black + BROWN w/ SS	835	875	
Black	875	918	
Black + BROWN w/ SS	918	935	
Black	935	1070	
Black + BROWN w/ SS	1070	1120	
Black	1120	1140	

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SALEM, OREGON

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] Jerry B. Bird 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 Jerry B. Bird
(Person, firm or corporation) (Type or print)

Address P.O. Box 917, Portland, OR

[Signed] Jerry B. Bird
(Water Well Contractor)

Application No. 915198
Permit No.

ACTIVITY LOG

FILE:

APPLICANT:

[illegible]

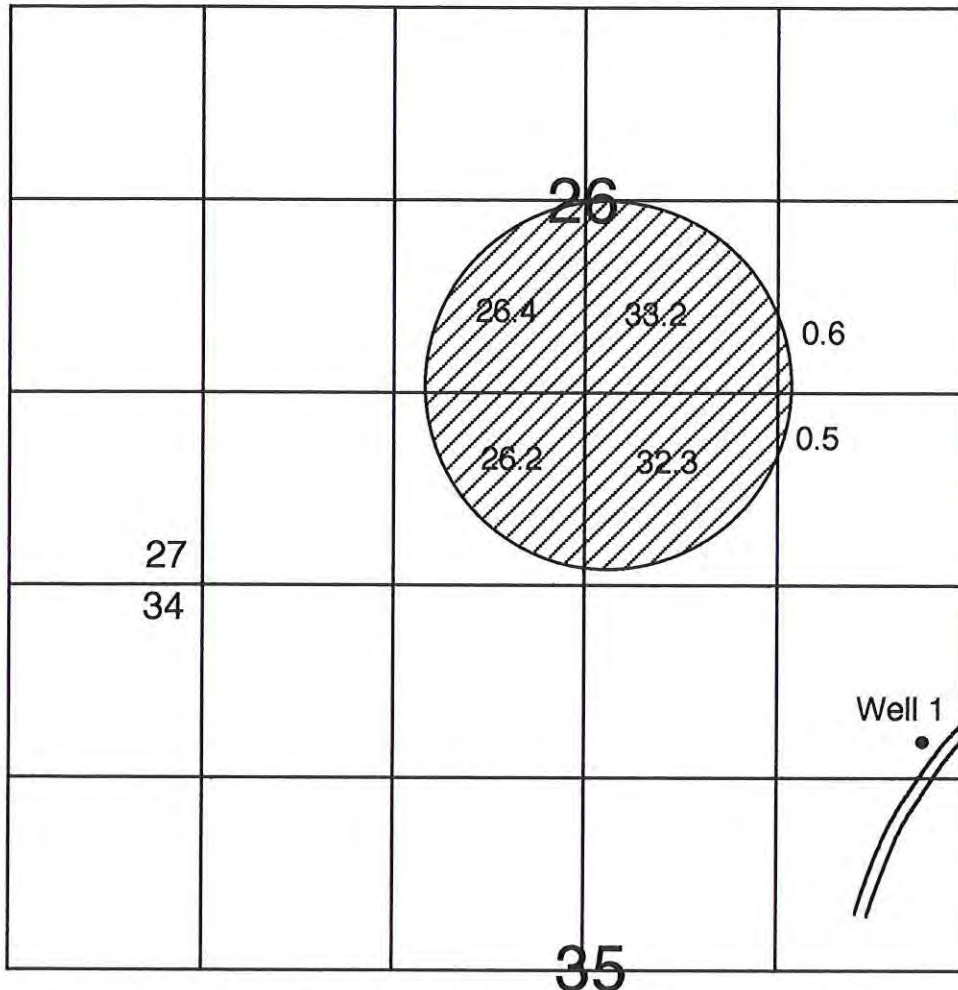
ACTIVITY LOG CONTINUED

[illegible]

T. 1S., R. 24E., W.M.

MORROW COUNTY

SCALE 1" = 1320'



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WATER RESOURCES DEPT.
SALEM, OREGON

 G-4592

Application No. 915198
Permit No. 913962

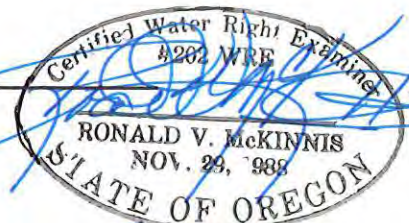
Well 1 Loc. 1050' South & 210' West of NE Corner Section 35



WATER RIGHTS APPLICATION MAP
Water Rights Applied for at This Location
IN NAME OF

Marvin Padberg

THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION
OF WATER RIGHTS ONLY AND IS
NOT INTENDED TO PROVIDE THE
LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.



ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. McKINNIS ENGINEERING



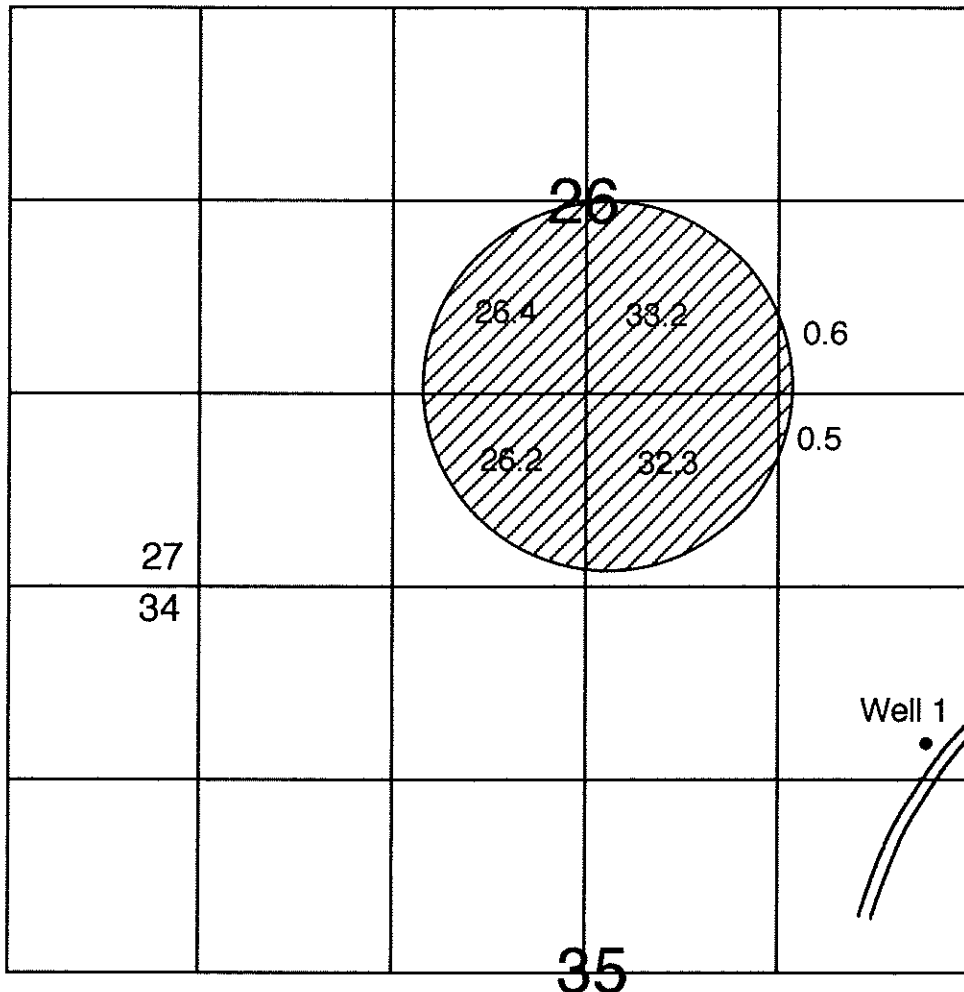
79980 Prindle Loop Road
Hermiston, Oregon 97838
(541) -567-2017



T. 1S., R. 24E., W.M.

MORROW COUNTY

SCALE 1" = 1320'



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WATER RESOURCES DEPT.
SALEM, OREGON

 G-4592

Application No. G/5198
Permit No. 9 13962

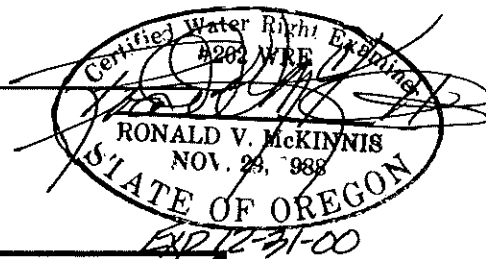
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Water Rights Applied for at This Location
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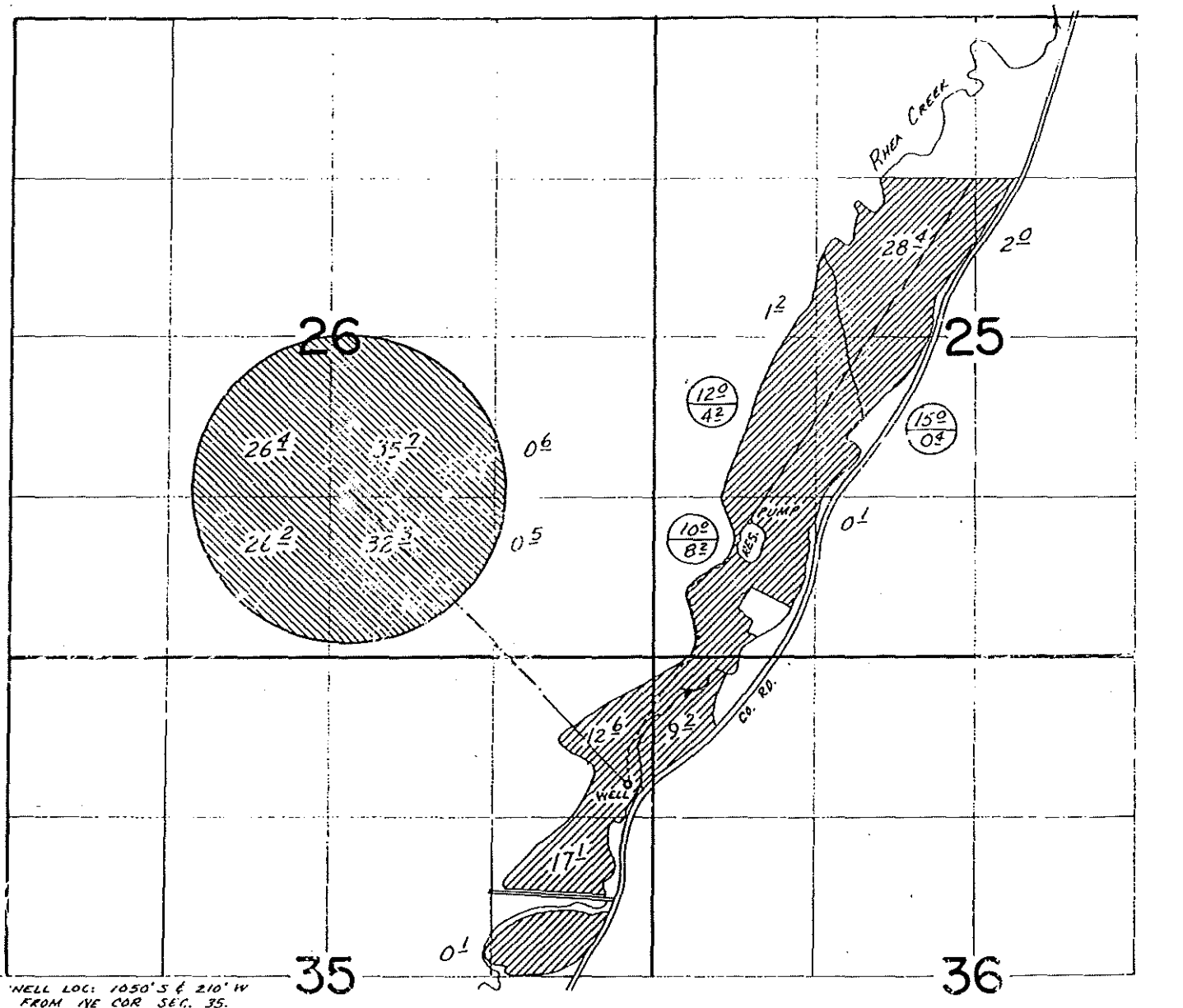
ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. McKINNIS ENGINEERING



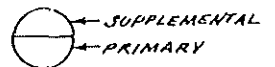
79980 Prindle Loop Road
Hermiston, Oregon 97838
(541) -567-2017



T.1S., R.24E., W.M.



FINAL PROOF SURVEY
UNDER



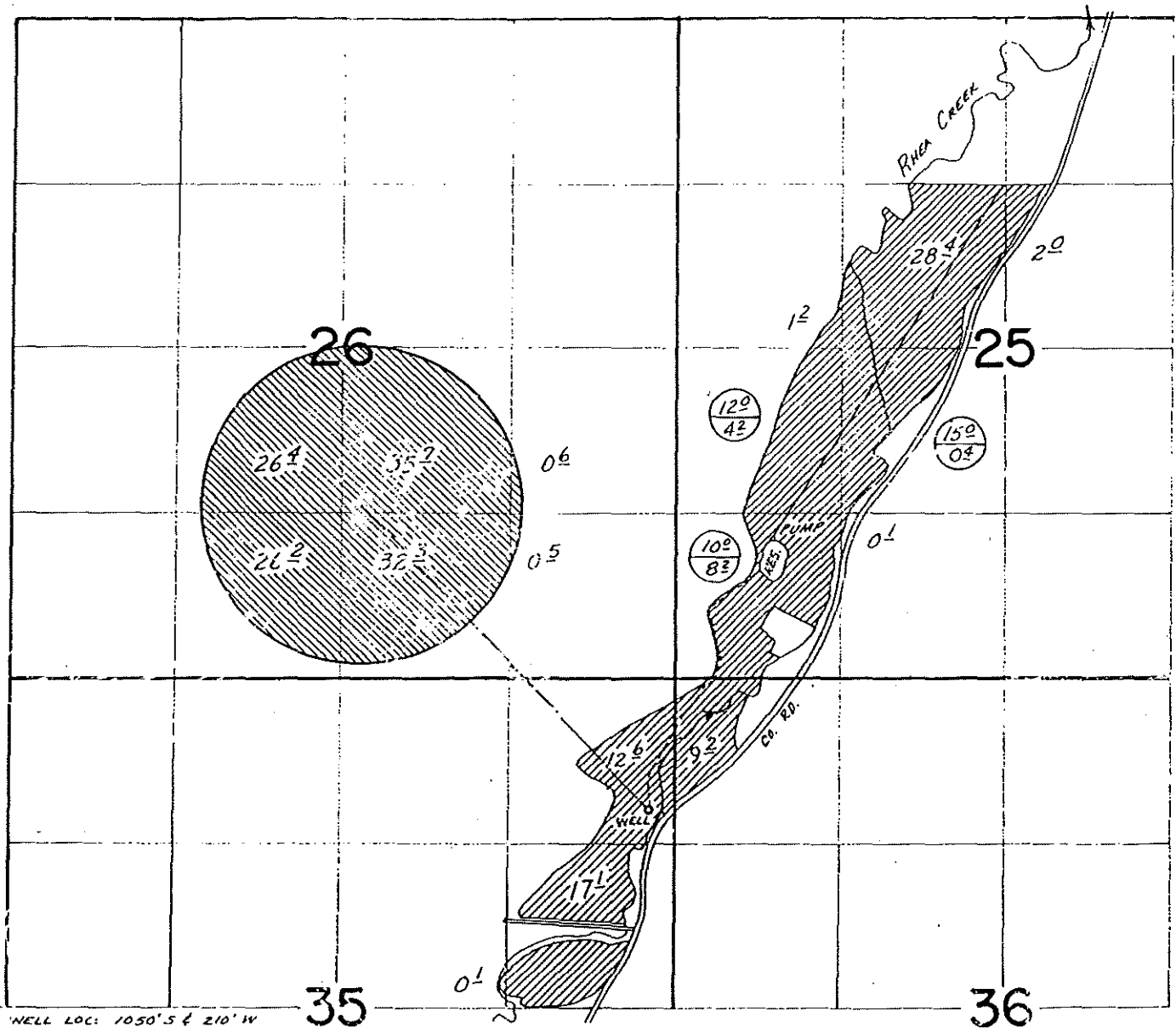
G-4644 G-4369
Application No. G-4877 Permit No. G-4592
IN NAME OF

DARRELL PADBERG

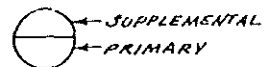
Surveyed MAY 15 1974, by D. NORBY

Application No. 915198
913962

T.1S., R.24E., W.M.



FINAL PROOF SURVEY
UNDER



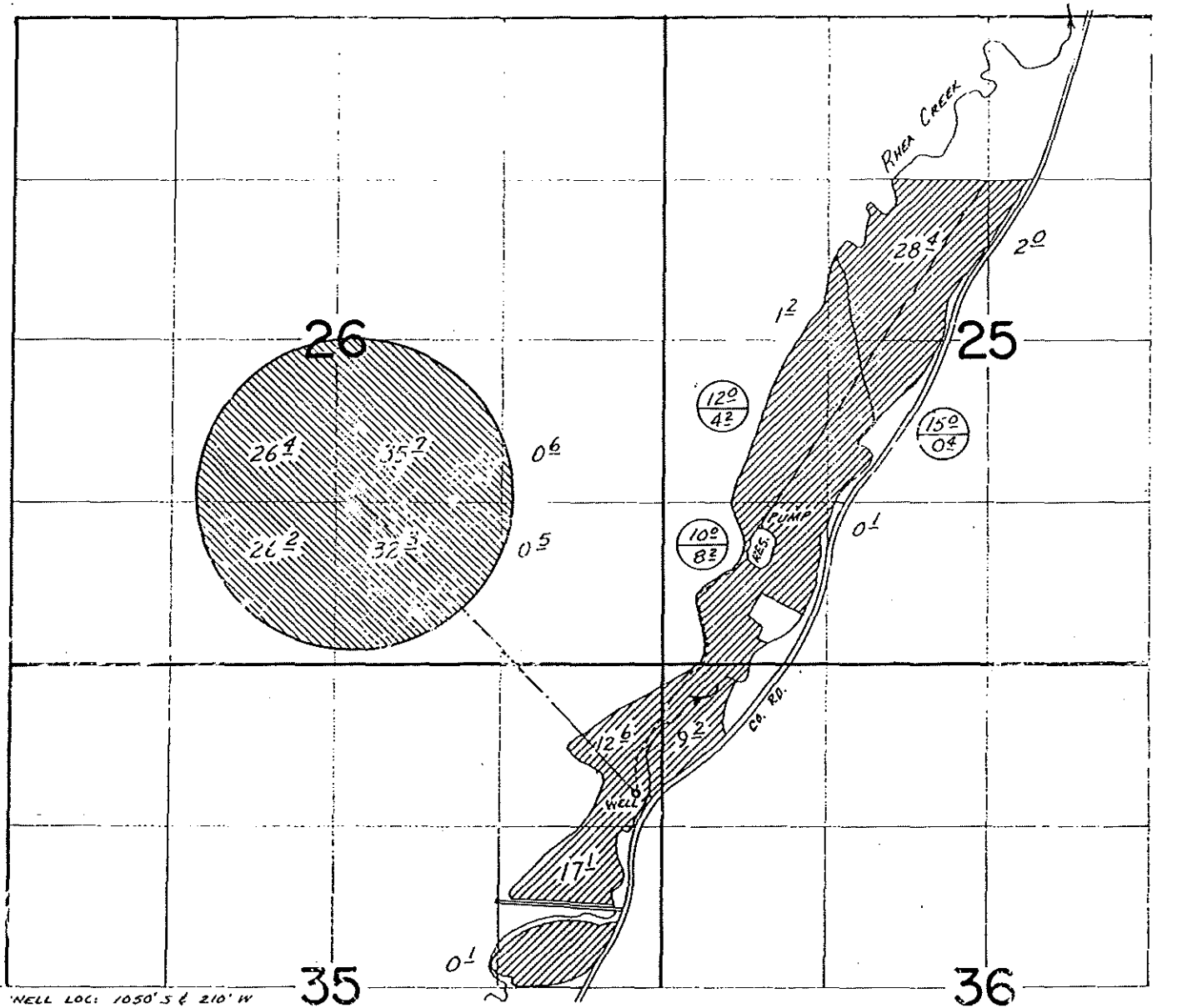
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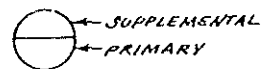
Application No. 915198
913962

T. 1S., R. 24E., W.M.



WELL LOC: 1050' S & 210' W
FROM NE COR SEC. 35.

FINAL PROOF SURVEY
UNDER

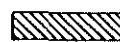


G-4644

G-4369



Application No. G-4877 Permit No. G-4592
IN NAME OF



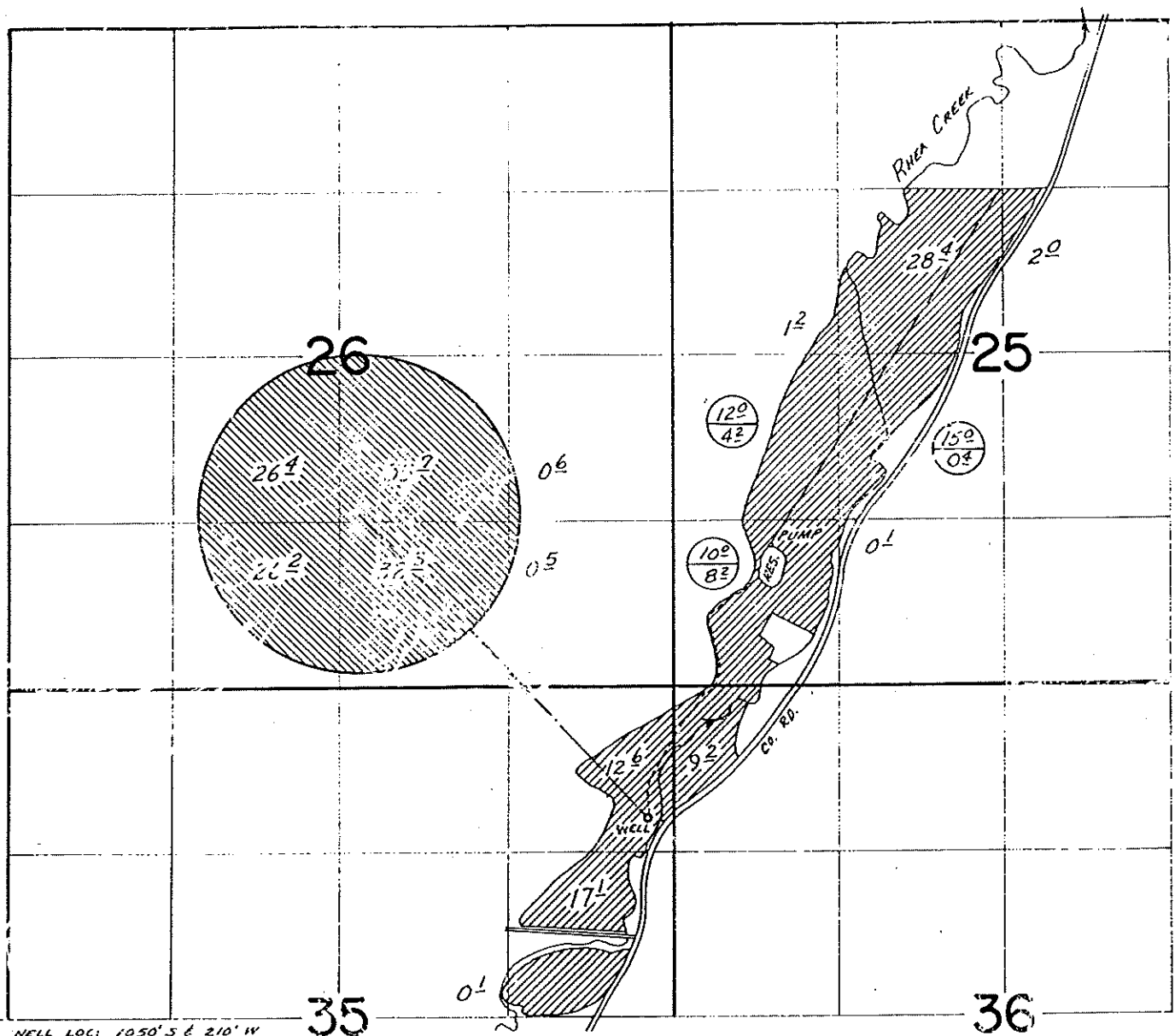
DARRELL PADBERG

Surveyed May 15, 1974, by D. Norby

Application No.

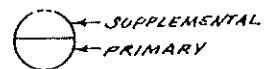
915198
913962

T. 1S., R. 24E., W.M.



WELL LOC: 1050' S & 210' W
FROM NE COR SEC. 35.

FINAL PROOF SURVEY
UNDER



G-4644

G-4369



Application No. G-4877 Permit No. G-4592
IN NAME OF



DARRELL PADBERG

Surveyed MAY 15 1974 by D. NORBY

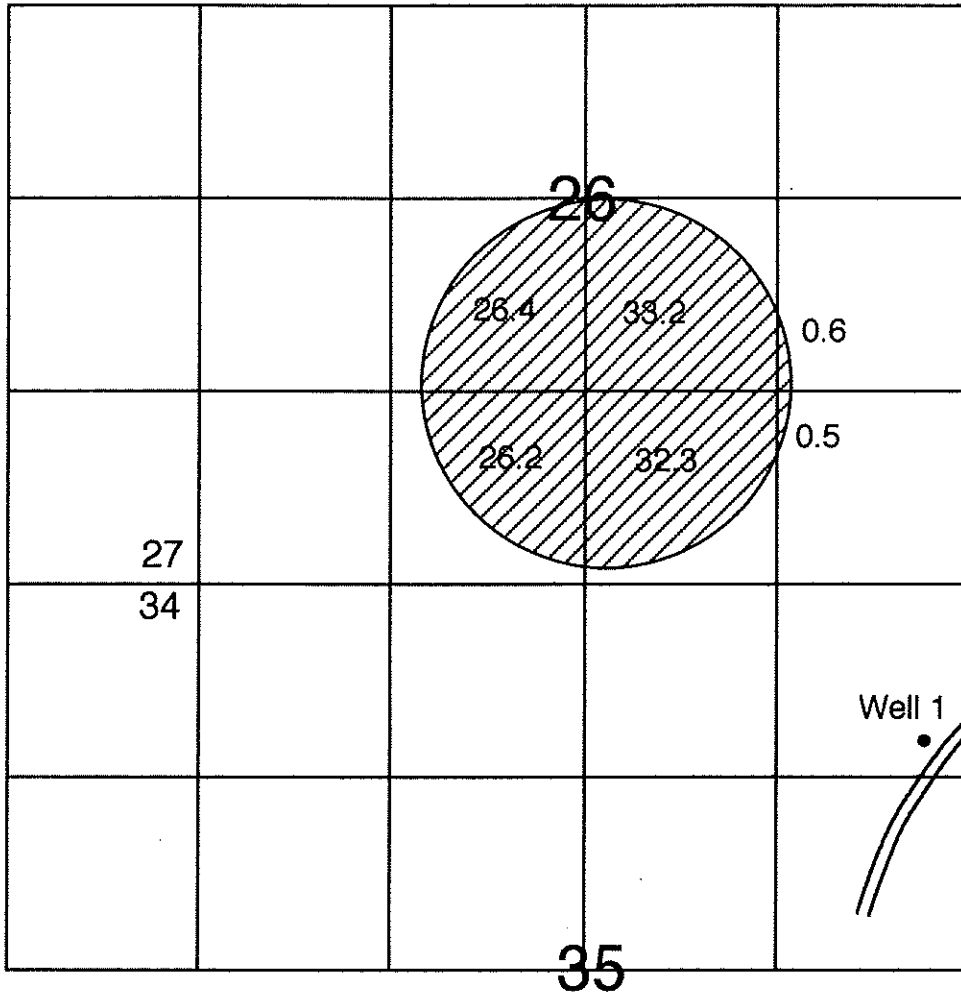
Application No.
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915198
913962

T. 1S., R. 24E., W.M.

MORROW COUNTY

SCALE 1" = 1320'



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WATER RESOURCES DEPT.
SALEM, OREGON

 G-4592

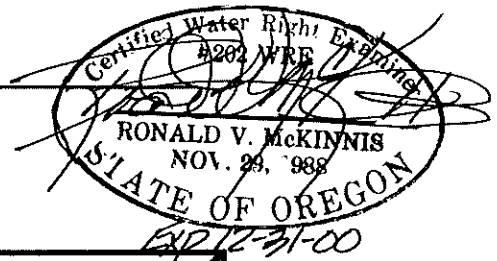
Application No. G/5198
Permit No. 9 13962



WATER RIGHTS APPLICATION MAP
Water Rights Applied for at This Location
IN NAME OF

Marvin Padberg

THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION
OF WATER RIGHTS ONLY AND IS
NOT INTENDED TO PROVIDE THE
LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.



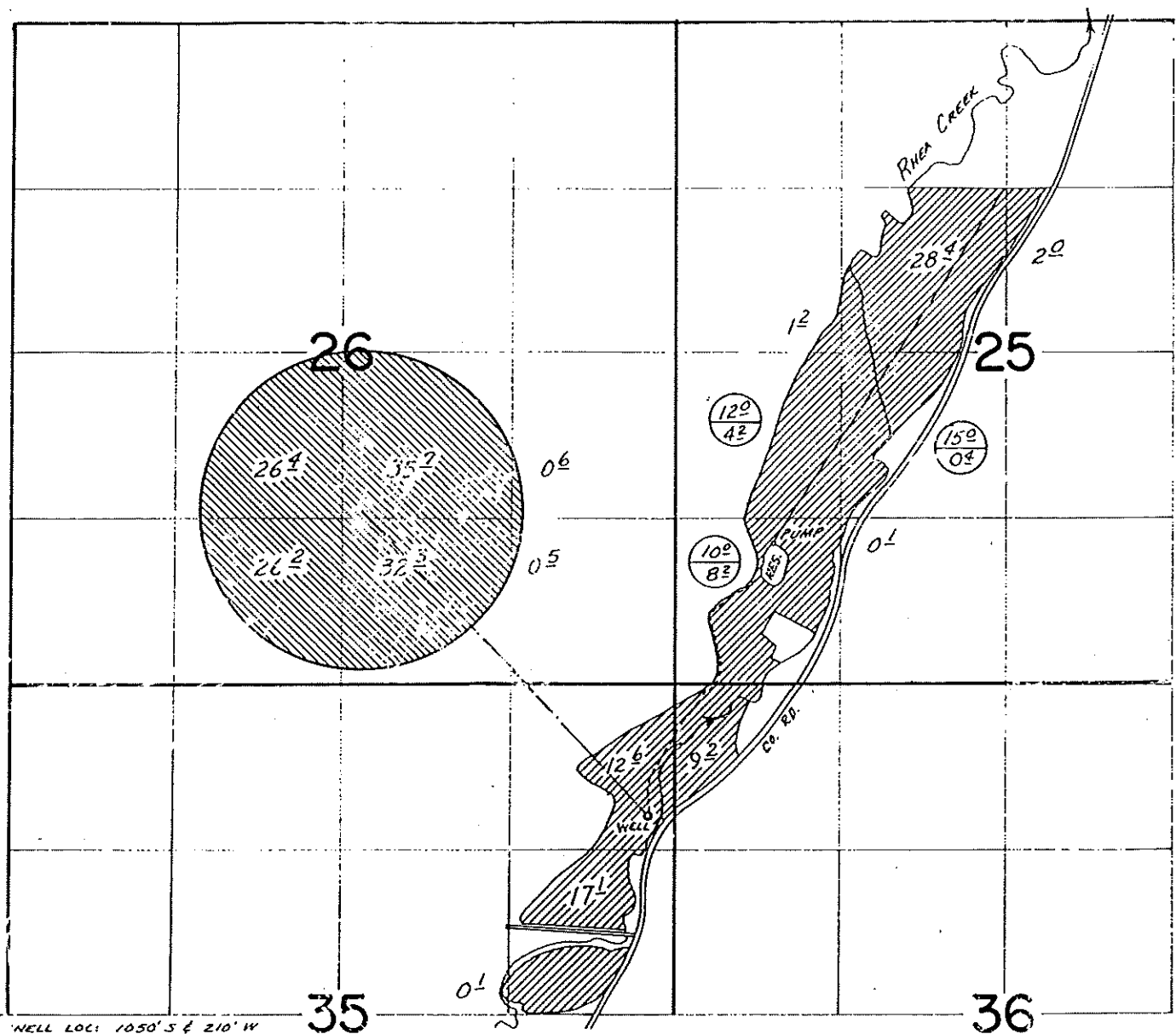
ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. McKINNIS ENGINEERING



79980 Prindle Loop Road
Hermiston, Oregon 97838
(541) -567-2017



T. 1 S., R. 24 E., W. M.



WELL LOC: 1050' S & 210' W
FROM NE COR SEC. 35.

FINAL PROOF SURVEY
UNDER

G-4644

G-4369

Application No. G-4877 Permit No. G-4592
IN NAME OF

DARRELL PADBERG

Surveyed MAY 15 1974, by D. NORBY

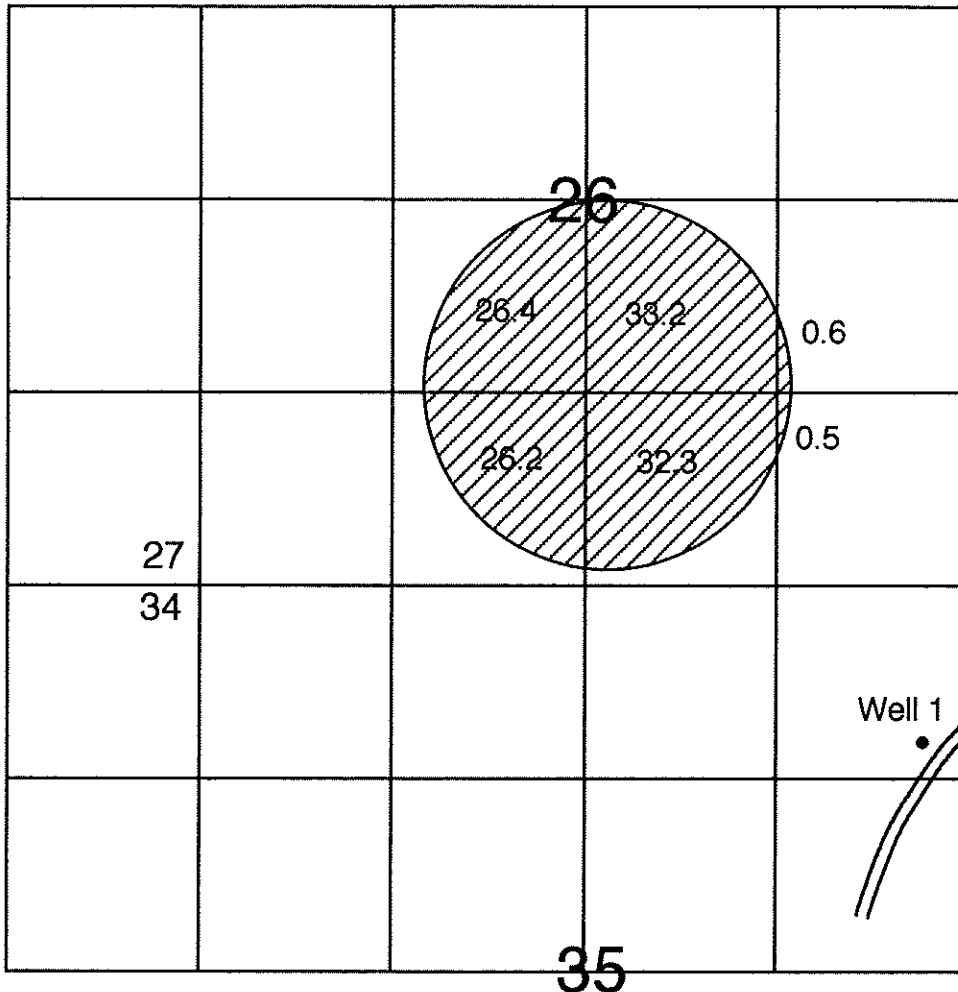
Application No. 915198
913962

PT5-1974-A & AAG-3FF-263

T. 1S., R. 24E., W.M.

MORROW COUNTY

SCALE 1" = 1320'



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WATER RESOURCES DEPT.
SALEM, OREGON

G-4592

Application No. G/15198
Permit No. G 13962

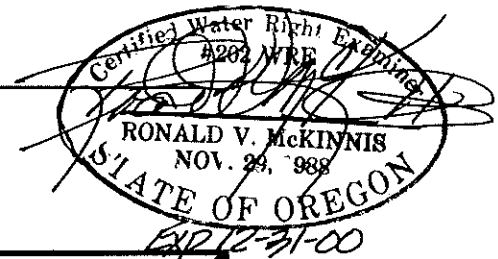
Well 1 Loc. 1050' South & 210' West of NE Corner Section 35



WATER RIGHTS APPLICATION MAP
Water Rights Applied for at This Location
IN NAME OF

Marvin Padberg

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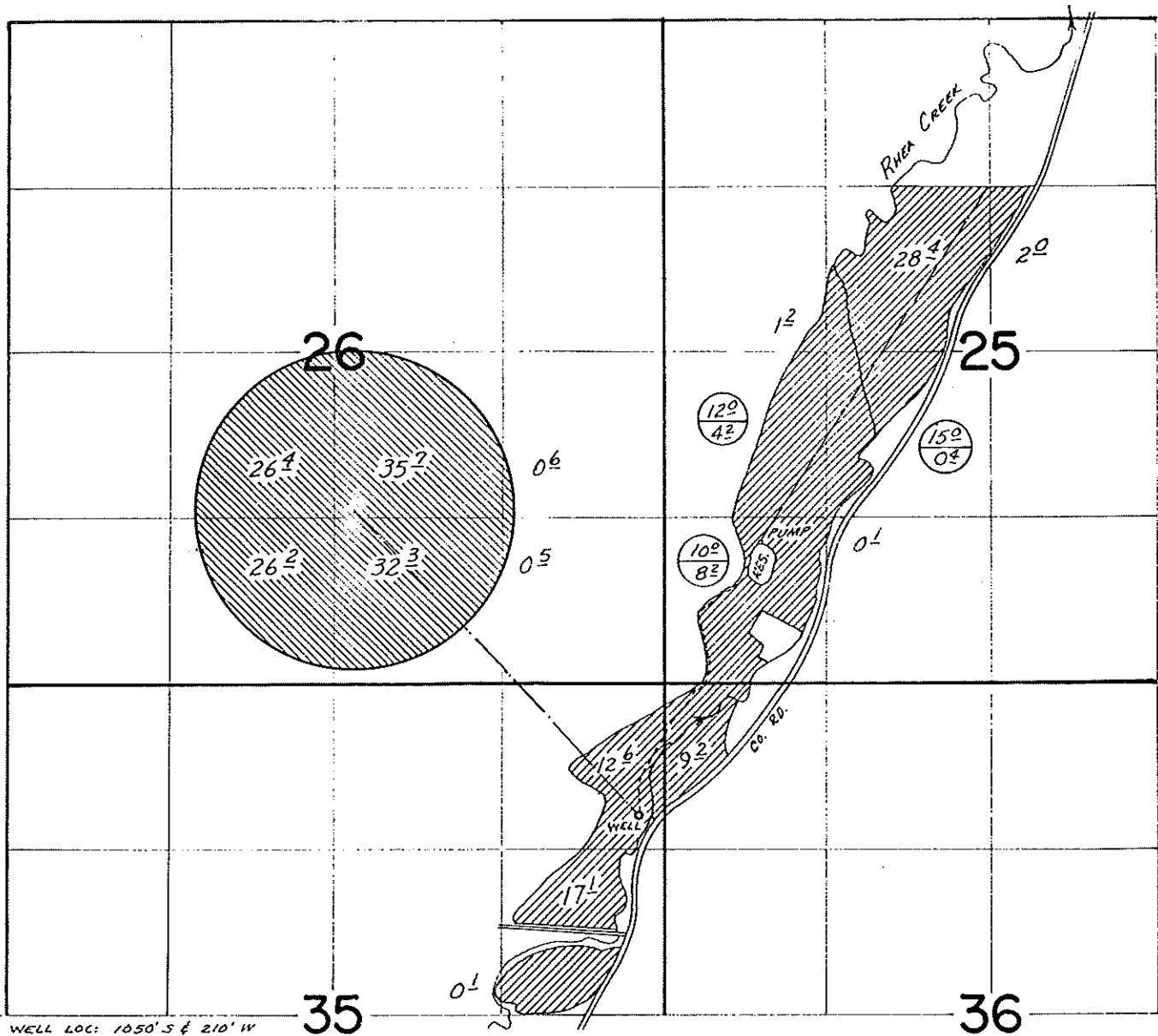
ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. McKINNIS ENGINEERING



79980 Prindle Loop Road
Hermiston, Oregon 97838
(541) -567-2017

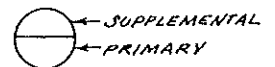


T.1S., R.24E., W.M.



WELL LOC: 1050' S & 210' W
FROM NE COR SEC. 35.

FINAL PROOF SURVEY
UNDER

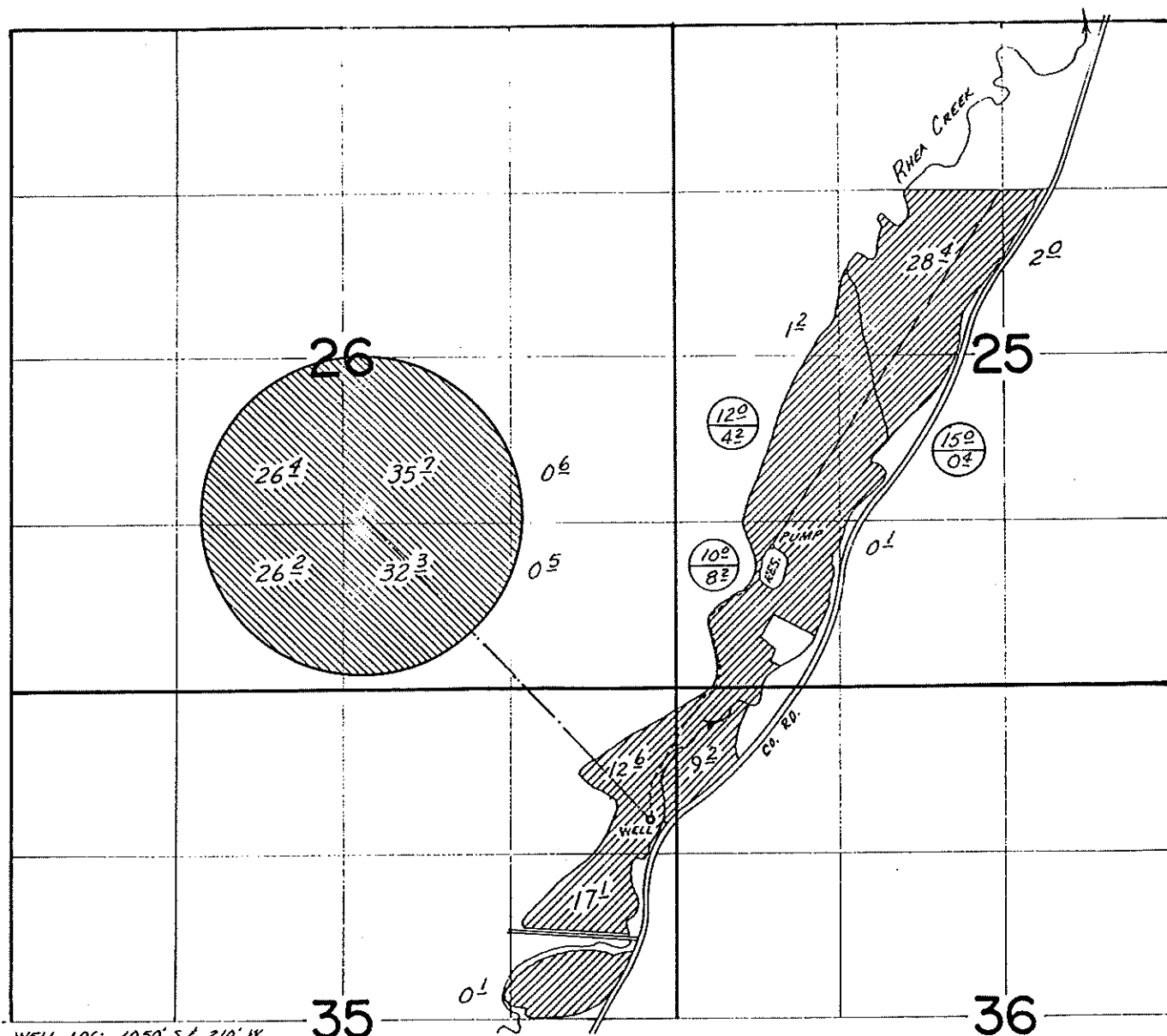


G-4644 G-4369
Application No. G-4877 Permit No. G-4592
IN NAME OF

DARRELL PADBERG

Surveyed May 15 1974, by D. Norby

T. 1S., R. 24E., W.M.



WELL LOC: 1050' S & 210' W
FROM NE COR SEC. 35.

FINAL PROOF SURVEY UNDER

— SUPPLEMENTAL
— PRIMARY

G-4644

G-4369



Application No. G-4877 Permit No. G-4592
IN NAME OF



DARRELL PADBERG

Surveyed May 15 1974, by D. Norby

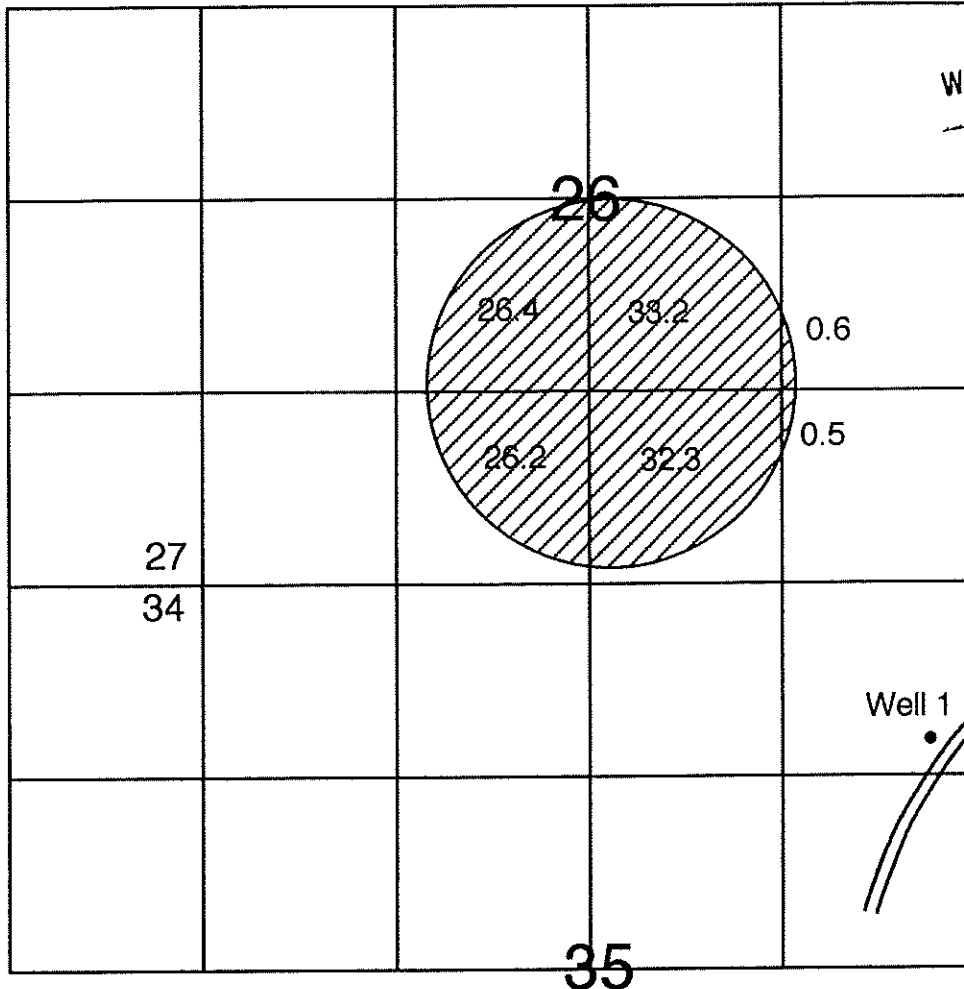
T. 1S., R. 24E., W.M.

MORROW COUNTY

SCALE 1" = 1320'

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WATER RESOURCES DEPT.
SALEM, OREGON



 G-4592

Well 1 Loc. 1050' South & 210' West of NE Corner Section 35

T-8573

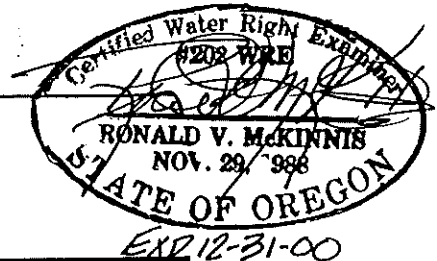
WATER RIGHTS TRANSFER MAP



Water Rights Transferred From This Location
IN NAME OF

John Vanden Brink

THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION
OF WATER RIGHTS ONLY AND IS
NOT INTENDED TO PROVIDE THE
LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.



ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. McKINNIS ENGINEERING



79980 Prindle Loop Road
Hermiston, Oregon 97838
(541) -567-2017

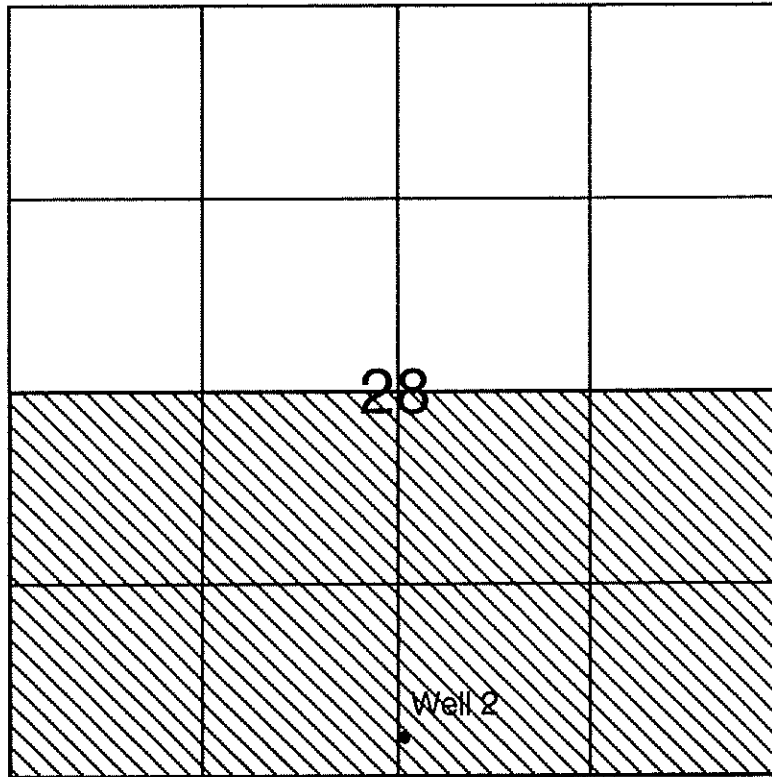


T. 1S., R. 24E., W.M.

MORROW COUNTY

SCALE 1" = 1320'

T-8573



 Agricultural Use Location

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SALEM, OREGON

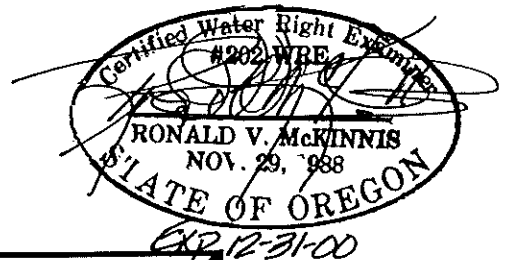
Well 2 Loc. 180' North & 1330' East of SW Corner Section 28



WATER RIGHTS TRANSFER MAP
Water Rights Transferred to This Location
IN NAME OF

John Vanden Brink

THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION
OF WATER RIGHTS ONLY AND IS
NOT INTENDED TO PROVIDE THE
LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.



ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. McKINNIS ENGINEERING



79980 Prindle Loop Road
Hermiston, Oregon 97838
(541) -567-2017



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

State Well No. 18/24E-36
DEC 2, 1977

State Permit No.
WATER RESOURCES DEPT.

Well #2

(1) OWNER:

Name MARVIN PEDBERG
Address 709C 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:

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? OWNER

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

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

Artesian flow g.p.m.

Temperature of water 57° 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

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 195

Static level 172 ft. below land surface. Date 9-2

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12

Depth drilled 400 ft. Depth of completed well 400

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

MATERIAL	From	To	S
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	
"	390	400	

AUG 02 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Work started 9-18 19 77 Completed 9-21-77 1

Date well drilling machine moved off of well 9-21-77 1

Drilling Machine Operator's Certification:

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

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

Drilling Machine Operator's License No. 933

Water Well Contractor's Certification:

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

Name Jerry Burch Well Driller
(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

STATE OF OREGON
COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **DARRELL PADBERG**

of **Box 394, Lone**, State of **Oregon**, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
a well

97843

a tributary of **Rhea Creek** for the purpose of
irrigation of **119.2 acres**

under Permit No. **G-4592** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **September 19, 1969**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
1.49 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T. 1 S., R. 24 E., W. M.,**
1050 feet South and 210 feet West from NE Corner, Section 35.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited to
a diversion of not to exceed **3 acre feet per acre** for each acre irrigated during
the irrigation season of each year;

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

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

26.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
26.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
0.6 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$
33.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
32.3 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
0.5 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 26
T. 1 S., R. 24 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **May 23, 1975**

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume **34**, page **42254**

T-8573

KOTTKAMP & O'ROURKE, LLP

ROBERT E. O'ROURKE
STEPHEN M. BLOOM

ATTORNEYS AT LAW
331 S.E. 2ND STREET
P.O. BOX 490
PENDLETON, OREGON 97801-0490

TELEPHONE (541) 276-2141
FAX (541) 276-6463
E-MAIL kollp@ucinet.com

November 15, 2000

JOHN H. KOTTKAMP, RETIRED

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NOV 17 2000

WATER RESOURCES DEPT
SALEM, OREGON

Mr. Adam Sussman
Water Resources Department
Commerce Building
158 Twelfth Street, NE
Salem, Oregon 97310-4172

Re: Tews Protest to Transfer T8573

Dear Adam:

On November 14, 2000 you called to advise that you were the staff person representing the Department in the above referenced matter.

After the Department's informational meeting on November 2, 2000, you visited with Paul Tews and asked him if he had any information on water requirements for dairy cattle. You asked for any information that Paul had. I now enclose a copy of some information that Paul received from the Oregon State Extension Service on this subject.

As before, this letter supplements our earlier letters and confirms that our clients are still protesting the above referenced transfer.

Sincerely,

KOTTKAMP & O'ROURKE, LLP



Stephen M. Bloom

SMB:kck
Encl.

EXTENSION SERVICE

Sherman County



OREGON STATE UNIVERSITY

409 Hood St. • PO Box 385 • Moro, Oregon 97039

Telephone 541-565-3230

Fax 541-565-3330

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NOV 17 2

WATER RESOURCE
SALEM, OREGON

November 6, 2000

Paul Tews
925 Scenic Drive
The Dalles, OR 97058

Dear Paul,

Here are some numbers you can use for estimating water consumption.

If this information is not enough please feel free to contact me again.

Sincerely,

Bruce Nisley
Sherman and Wasco County Livestock and Natural Resources



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, Energy, and Extension Sea Grant Programs, Oregon State University, United States Department of Agriculture, and Sherman county cooperating. The Extension Service offers its programs and materials equally to all people.

North Dakota State University
NDSU Extension Service

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WATER RESOURCES L
 SALEM, OREGON

Livestock and Water

AS-954, July 1999

Greg Lardy, Beef Cattle Specialist
 Charles Stoltenow, Extension Veterinarian

Water is an important but often overlooked nutrient for livestock.

Water makes up over 98 percent of all molecules in the body and is necessary for regulation of body temperature, growth, reproduction, lactation, digestion, lubrication of joints, eyesight, and as a cleansing agent.

Water Intake

Before discussing water quality, it is important to know how much water animals require. Water requirements are influenced by several factors, including rate of gain, pregnancy, lactation, activity, type of diet, feed intake, and environmental temperature. These requirements are met by water consumed from wells, ponds, fountains, etc., as well as moisture found in feedstuffs.

Table 1 lists estimated water intakes for lactating beef cows, dry beef cows, and bulls. Table 2 lists estimated water intakes for growing and finishing beef cattle. Water requirements of cattle can also be estimated based on ambient temperatures and feed intake (Table 3). Table 4 lists the water requirements for sheep. Table 5 lists recommended water intakes for dairy cattle. Table 6 lists the water requirements for swine. Table 7 lists the water requirements for horses.

Table 1. Estimated daily water intakes (gallons per head per day) for lactating beef cows, bred cows, dry cows, and bulls.

Month	Monthly Average Temp (°F)	Lactating Cows	Dry Cows, Bred Cows, and Heifers	Bulls
- - gallons per head per day - -				
January	36	11.0	6.0	7.0
February	40	11.5	6.0	8.0
March	50	12.5	6.5	8.6
April	64	15.5	8.0	10.5
May	73	17.0	9.0	12.0

June	78	17.5	10.0	13.0
July	90	16.5	14.5	19.0
August	88	16.5	14.0	18.0
September	78	17.5	10.0	13.0
October	68	16.5	8.5	11.5
November	52	13.0	6.5	9.0
December	38	11.0	6.0	7.5

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WATER RESOURCES DE
SALEM, OREGON

Adapted from GPE-1400, Water Requirements for Beef Cattle.

Table 2. Water requirements of growing and finishing beef cattle (gallons per head per day).

		Growing Cattle			Finishing Cattle			
Month	Avg. Temp.	400 lb	600 lb	800 lb	600 lb	800 lb	1000 lb	1200 lb
(°F)		gallons per head per day						
January	36	3.5	5.0	6.0	5.5	7.0	8.5	9.5
February	40	4.0	5.5	6.5	6.0	7.5	9.0	10.0
March	50	4.5	6.0	7.0	6.5	8.0	9.5	10.5
April	64	5.5	7.0	8.5	8.0	9.5	11.0	12.5
May	73	6.0	8.0	9.5	9.0	11.0	13.0	14.5
June	78	6.5	8.5	10.0	9.5	12.0	14.0	16.0
July	90	9.5	13.0	15.0	14.5	17.5	20.5	23.0
August	88	9.0	12.0	14.0	14.0	17.0	20.0	22.5
September	78	6.5	8.5	10.0	9.5	12.0	14.0	16.0
October	68	5.5	7.5	9.0	8.5	10.0	12.0	14.0
November	52	4.5	6.0	7.0	6.5	8.0	10.0	10.5
December	38	4.0	5.0	6.0	6.0	7.0	8.5	9.5

Adapted from GPE-1400, Water Requirements for Beef Cattle.

Table 3. Water consumption estimates for beef cattle based on thermal environment and dry matter intake.

Thermal Environment	Water Requirements
>95°F	8 to 15 pounds of water per pound of DM intake
77 to 95°F	4 to 10 pounds of water per pound of DM intake
59 to 77°F	3 to 5 pounds of water per pound of DM intake (young and lactating animals require 10 to 50% more water.)
29 to 59°F	2 to 4 pounds of water per pound of DM intake
Less than 29°F	2 to 3 pounds water per pound of DM intake (increases of 50 to 100% occur with a rise in ambient temperature following a period of very cold temperatures, e.g. a rise from -5° to 30°F.)

Adapted from Effect of Environment on Nutrient Requirements of Domestic Animals, 1981, NRC.

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WATER RESOURCES DEPT
SALEM, OREGON

Table 4. Daily water requirements of sheep.

Class of Animal	Gallons/Day
Rams	2
Dry Ewes	2
Ewes with Lambs	3
5-20 pound Lambs	0.1 to 0.3
Feeder Lambs	1.5

Adapted from MWPS-3, Sheep Housing and Equipment Handbook.

Table 5. Water consumption of dairy cattle.^a

Class of Cattle	Age or Condition	Gallons Per Day ^b
- - - Drinking Water Only - - -		
Holstein Calves	1 month	1.3 to 2.0
Holstein Calves	2 months	1.5 to 2.4
Holstein Calves	3 months	2.1 to 2.8
Holstein Calves	4 months	3.0 to 3.5
Holstein Heifers	5 months	3.8 to 4.6
Holstein Heifers	15 to 18 months	5.9 to 7.1
Holstein Heifers	18 to 24 months	7.3 to 9.6
Jersey Cows	30 lbs milk/day	13.0 to 15.5
Guernsey Cows	30 lbs milk/day	13.8 to 16.0
Ayrshire, Brown Swiss, and Holstein Cows	30 lbs milk/day	14.5 to 17.0
Ayrshire, Brown Swiss, and Holstein Cows	50 lbs milk/day	24.0 to 27.0
Dry Cows	Pregnant, 6 to 9 months	9.0 to 13.0
- - - Water Intake From Feed and Drinking Water - - -		
Milk Cows	4.5 to 5.0 lbs/lb milk produced daily	

^a Adapted from Dairy Reference Manual, Pennsylvania State University.

^b Consumption at air temperatures of 50 to 80°F, intake depends upon water content of the forage ration. Higher levels apply to an all hay ration. One gallon of water weighs 8.34 pounds. A cubic foot of water weighs 62.4 pounds.

Table 6. Water intake for various classes of swine.

**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

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.

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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JAN 27 2021

OWRD

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

JAN 27 2021

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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2021 JAN 22 10:00 AM

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# L 109714
START CARD # 1017527
ORIGINAL LOG #

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 Stl 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			
Dia	From	To	Material	From	To	Amt	sacks/lbs
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 Stl 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/Screen	Casing/Screen	Dia	From	To	Scrn/slot width	Slot length	# of slots

(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:

Site Name: Vandenbrink Test Well

Page 1 of 1

MORR 52027

L 109714

01S24E-22

long South

45 464, -119.804

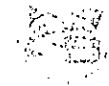
Morrow

1780

Umatilla

1393

J. Hackett



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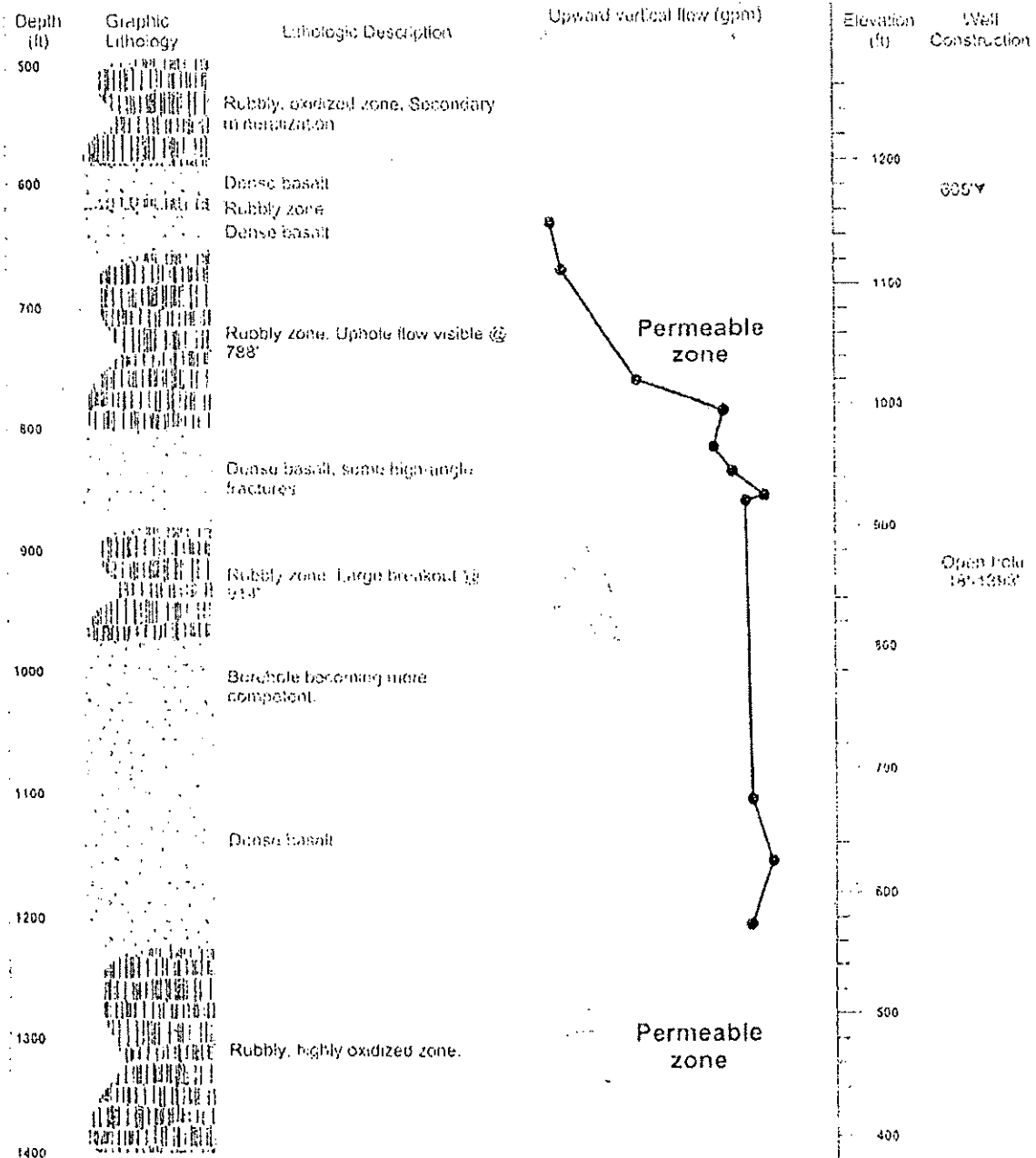


Figure 1. Results of borehole EM flowmeter logging in MORR 52027.

WATER SUPPLY WELL REPORT -
continuation page

MORR 52027

WELL I.D. LABEL# L109714

START CARD # 1017527

ORIGINAL LOG #

1/17/2013

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
								
								
								
								

Material From To Amt sacks/lbs

(5) BORE HOLE CONSTRUCTION

[illegible]

FILTER PACK			
From	To	Material	Size

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
									
									
									
									
									
									
									
									

(7) PERFORATIONS/SCREENS

[illegible]

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

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

Water Quality Concerns

[illegible]

(10) STATIC WATER LEVEL

[illegible]

(11) WELL LOG

[illegible]**Comments/Remarks**[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.

well #2 well went bad
WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

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DEC 21 1977

State Well No.

State Permit No.

WATER RESOURCES DEPT.

SALEM, OREGON

124E-3500

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JAN 27 2021

(1) OWNER:

Name MARVIN PADDBERG

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:

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? 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° 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 Burd 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 Burd well Drilling
(Person, firm or corporation) (Type or print)

Address Portland Ore

[Signed] Jerry Burd
(Water Well Contractor)

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

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)

APR 11 1977

State Well No.

(Do not write above this line)

SALEM, OREGON

(1) OWNER:

Name MARVIN PADDERS
Address 10NC 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:

Threaded ☐ Welded ☐

" Diam. from EXISTING ft. Gage
" 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?

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.

(9) CONSTRUCTION:

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: ft.

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County MORROW Driller's well number
NE 1/4 NE 1/4 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

(12) WELL LOG:

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.

MATERIAL	From	To	SWL
BROWN SCORIA	493	505	142
BLACK BASALT	505	620	
GREY "	620	730	
BLACK + BROWN w/ SS	730	750	
Black	750	835	
Black + BROWN w/ SS	835	875	
Black	875	918	
Black + BROWN w/ SS	918	935	
Black	935	1070	
Black + BROWN w/ SS	1070	1120	
Black	1120	1140	

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JAN 25 1977

OWED

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] Jerry Bird 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 Jerry Bird well Drilling
(Person, firm or corporation) (Type or print)

Address P.O. Box 917, Portland, OR

[Signed] Jerry Bird
(Water Well Contractor)

Contractor's License No. 544 Date 3-24, 1977

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STATE OF OREGON
WATER SUPPLY WELL REPORT

JAN 23 2003

well #4

WELL I.D. # L 62874
START CARD # 151919

JAN 23 2003

(as required by ORS 537.765) WATER RESOURCES DEPT.
Instructions for completing this report are on the back page of this form.(1) LAND OWNER
Name Marvin Padberg Well Number _____
Address 64746 Rhea Cr. Rd.
City Gene 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 460 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____HOLE SEAL
Diameter From To Material From To Sacks or pounds
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' 0.25 ☒ ☐ ☒ ☐
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 ☐ Bailer ☒ Air ☐ Flowing
Yield gal/min Drawdown Drill stem at Time
1000 + _____ 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 or S Range 24 E or W. WM.
Section 35 SE 1/4 NE 1/4
Tax Lot 3500 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Rhea 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
<u>90 -</u>	<u>95</u>	<u>2</u>	<u>31'</u>
<u>210</u>	<u>250</u>	<u>500</u>	<u>173</u>
<u>430</u>	<u>450</u>	<u>1000 +</u>	<u>173</u>

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
<u>Soil</u>	<u>0</u>	<u>12</u>	
<u>gravel</u>	<u>12</u>	<u>18</u>	
<u>Black Basalt</u>	<u>18</u>	<u>90</u>	
<u>Black & Brown Basalt</u>	<u>90</u>	<u>95</u>	<u>31'</u>
<u>Black Basalt</u>	<u>95</u>	<u>110</u>	
<u>Black & Brown Basalt</u>	<u>110</u>	<u>170</u>	
<u>Brown Basalt</u>	<u>170</u>	<u>190</u>	
<u>Black & Brown Basalt</u>	<u>190</u>	<u>200</u>	
<u>Brown Basalt</u>	<u>200</u>	<u>210</u>	
<u>Black & Brown Scoria</u>	<u>210</u>	<u>250</u>	<u>173</u>
<u>Brown Scoria</u>	<u>250</u>	<u>260</u>	
<u>Black Basalt</u>	<u>260</u>	<u>355</u>	
<u>Black & Brown Basalt</u>	<u>355</u>	<u>360</u>	
<u>Black Basalt</u>	<u>360</u>	<u>400</u>	
<u>Black & Brown Basalt</u>	<u>400</u>	<u>410</u>	
<u>Black Basalt</u>	<u>410</u>	<u>430</u>	
<u>Brown Basalt w/ yellow</u>			
<u>clay stone</u>	<u>430</u>	<u>450</u>	
<u>Black Basalt</u>	<u>450</u>	<u>460</u>	

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 1200 Date 1-20-03

(bonded) Water Well Constructor Certification:

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

Signed _____ WWC Number _____ Date _____

TO: Water Rights Section

Sept. 11, 2000

FROM: Groundwater/Hydrology Section

Michael Zwart

Reviewer's Name

SUBJECT: Application G-15198

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. _____ will, or _____ have the potential for substantial interference with the nearest
 - b. _____ will not _____ surface water source, namely _____; or
 - c. ☒ will if properly conditioned, adequately protect the surface water from interference:
 - i. ☒ The permit should contain condition #(s) 7B;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. _____ will not _____ and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 7C;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL a. ☐ was, or constructed according to the standards in effect at the time of
 b. ☐ was not original construction or most recent modification.
 c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199____.
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199____.
(Signature)

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-15198

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T1S/R24E-35aad

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water Files Date: September 11, 2000

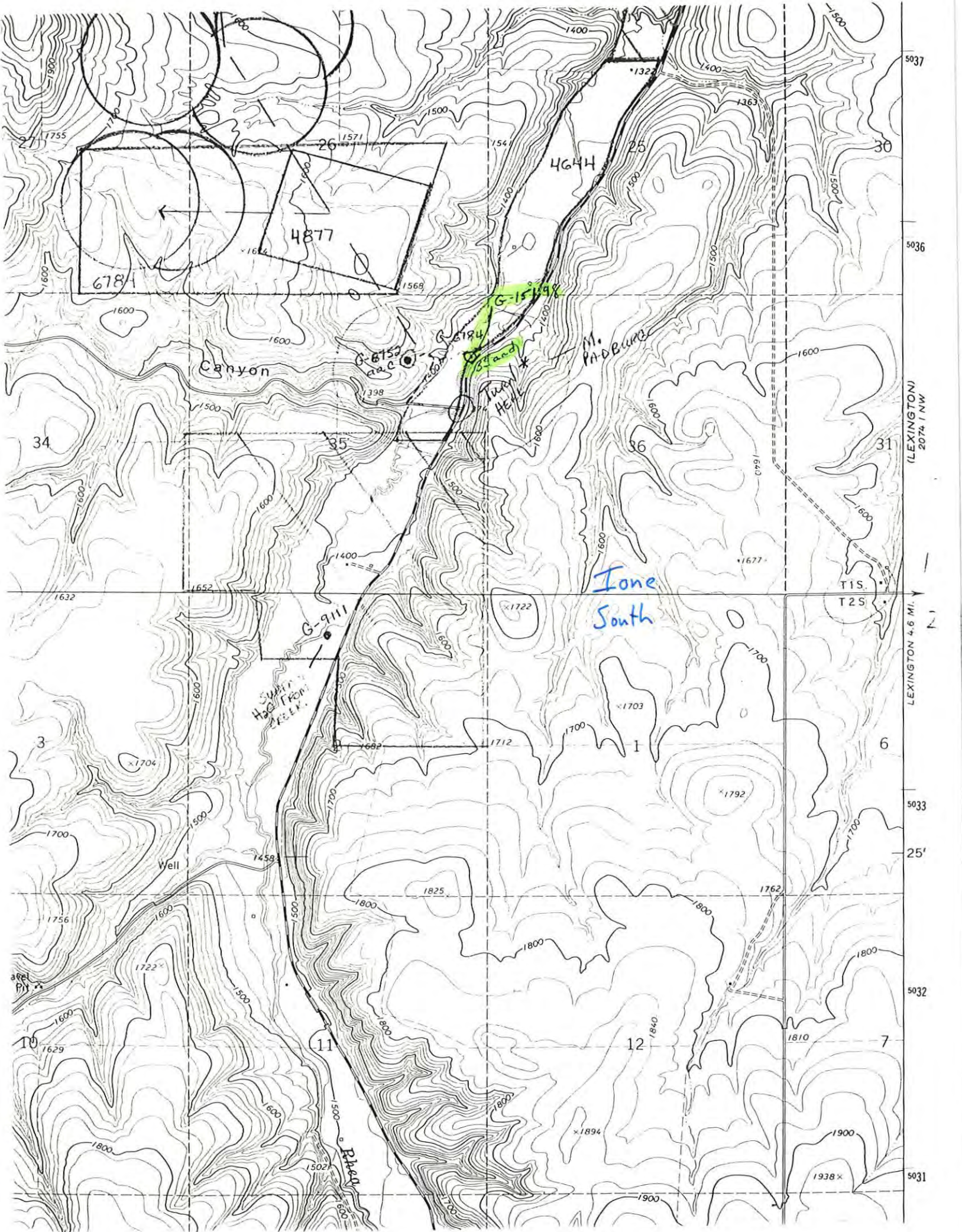
From: Michael J. Zwart

Subject: Application Review: G-15198, Marvin Padberg

This application proposes to use about 1.49 cfs from one well for primary irrigation of 119.2 acres. The well (MORR 1735, deepened: MORR 37) is completed to a depth of 1140 feet and penetrates a semiconfined to confined aquifer developed in basalt of the Columbia River Basalt Group.

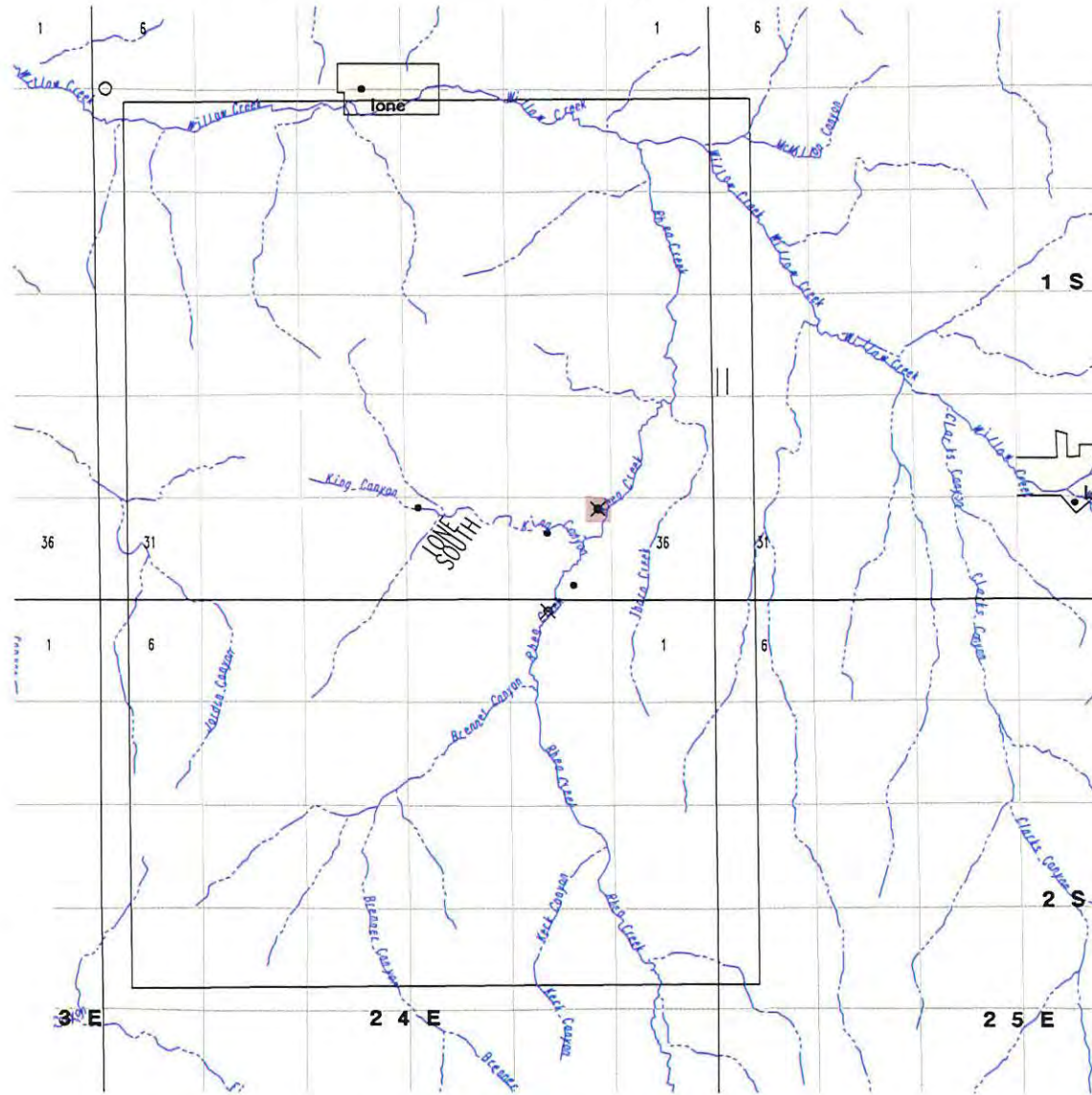
The well is about 100 feet from Rhea Creek. There is no potential for substantial interference with surface water, based on the semiconfined to confined aquifer penetrated.

I recommend permit conditions 7B and 7C.



Wells in the vicinity of application G 15198

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



WELLS WITHIN 1 MILE OF G 15198

DO 2
ID 1
IR 4

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15198

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	4644	G 4369	1.00S24.00E35NENE IR	1.5100	C
1	G	4877	G 4592	1.00S24.00E35NENE IR	1.4900	C
1	G	6784	G 6296	1.00S24.00E35NENE IR	2.2300	C
1	G	8752	G 8701	1.00S24.00E35NENE IR	5.2000	C
2	G	9111	G 8447	2.00S24.00E 2NENW IC	1.5000	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 15198

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	12467	G 11413	1.00S24.00E 7NWNW 4EG

APPLICATION G 15198 FALLS WITHIN THESE QUAD(S)

IONE SOUTH

WORK ORDERWork Order #: **R12 026 11****Water Right Contract Work**

This Work Order hereby incorporates by reference all of the terms and conditions contained in the Price Agreement between the State of Oregon acting by and through Oregon Water Resources Department and **Pacific Hydro-Geology Inc.**

Contractor Data	Water Resource Data
Project Contact: Greg Kupillas	Project Officer: R.Craig Kohanek
Company: Pacific Hydro-Geology Inc.	Title: Certificate Advisor
Address: 18487 S. Valley Vista Rd, Mulino, OR 97042	Address: 725 Summer Street NE, Suite A
Phone: (503) 632-5016	Phone: (503) 986-0823
E-Mail: phggek@bctonline.com	Fax: (503) 986-0903
	E-Mail: ron.C.Kohanek@wrd.state.or.us

Work Order Effective Date: **February 27, 2013**

Part I. General Information. This Work Order is in effect between the contractor and the Department for the processing of water right applications as described in the Master Agreement

Part II. Work; Acceptance Criteria; Deliverables and Delivery Schedule: – See Exhibit A (Statement of Work for delivery schedule).

Part III. Special Considerations. There is no Special Consideration related to this Work Order.

Part IV. Payment Provisions. Unless otherwise specified, payments related to this Work Order shall be made only upon receipt and approval of the final product - The Product includes all deliverables - the Final Check List, Electronic and Paper Reports.

Payment for this work shall be processed upon receiving related invoice and the completed Deliverable Cover Sheet.

Part V. Travel and Other Expenses.

Agency shall not reimburse Contractor for any travel expense under this Contract.

Part VI. Contract Amendments.

The Agency reserves the right to amend the Contract for the Anticipated Amendments, listed below, in accordance with the rules of OAR 125-246-0560.

ANTICIPATED AMENDMENTS

None. Unless specified by the Agency.

RECEIVED
FEB 27 2013
WATER RESOURCES DEPT
SALEM, OREGON

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
☐	Transfer Application	_____
☐	Certificate Request	_____
<u>xx</u>	Extension of Time Request	<u>Permit G-13962</u>

Applicant Information		Applicant's Representative/Contact
Name: (Please Print)	<u>John and Janna Vanden Brink</u>	<u>William Porfily</u>
Address:	<u>P.O. Box 165</u>	<u>P.O. Box 643</u>
	<u>Ione, OR 97843</u>	<u>Stanfield, OR 97875</u>
Phone:	<u>(541)422-7035</u>	<u>(541) 449-1327</u>
Fax		<u>(541) 449-1327</u>
E-Mail Address:		<u>bporfily@my180.net</u>

RECEIVED BY OWRD
JAN 14 2013

I understand the following:

- There is a non-refundable application fee of **\$125.00** per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates 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 application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Signature: _____

Name: John Vanden Brink

OWRD USE ONLY

Contractor Assigned:	Total Amount Paid: \$ <u>125.00</u>
OWRD Approval:	

R12026-11

Exhibit A
Reimbursement Authority Process
Itemized Estimate Sheet
For
Extension of Time Application

Application Number: G-15198

Permit Number : G-13962

Name of Applicant: John and Janna Vanden Brink

	Item	Time
1	Review of application for completeness.	0.5
2	Evaluation of Criteria for Evaluating Permit Extension Application	2.0
3	Preparation of PFO/FO	4.5
4	Other Factors	0.0
Total Estimated Time:		7.0

Estimated date of completion of the Proposed Final Order: Five weeks or see Applicant Agreement date

Total estimated cost is 7.0 hours at \$90.00 per hour = \$630.00

Contractor shall notify OWRD in advance if more than 7.0 hours is needed to complete the work described in the Statement of Work above.

Invoices for this Work Order shall be sent to:

Salem Opsifa
Oregon Water Resources Department
Loan Servicing Specialist
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED
FEB 27 2013
WATER RESOURCES DEPT
SALEM, OREGON

CONTRACTOR, YOU WILL NOT BE PAID FOR SERVICES RENDERED PRIOR TO NECESSARY APPROVALS.

Agency may terminate this Work Order:

- a. Immediately upon written notice if the Department fails to receive funding from the Applicant.
- b. Upon receiving a written Termination Notice from the Applicant.

Contractor will be paid for all work performed up to the time of the written Termination Notice but not to exceed the total amount of this Work Order.

ACCEPTANCE OF TERMS BY CONTRACTOR:

Gregory E. Kupillas
Name
Gregory E. Kupillas 2/27/2013
Signature Date

APPROVED BY AGENCY:

Tracy Loudon 3-13-13
Tracy Loudon Date
Administrator
Administrative Services
Oregon Water Resources Department

Reviewed as to Legal Sufficiency by Assistant Attorney General Date
(All work orders more than \$75,000 must be approved by the AG's Office)

RECEIVED
FEB 27 2013
WATER RESOURCES DEPT
SALEM, OREGON

18487 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5983 Fax
(503) 632-5016 Phone

Pacific Hydro-Geology Inc.

Fax

To: Joan Smith

From: Greg Kupillas

Fax: 503.986.0902

Pages: 4

Phone: 503.986.0898

Date: February 27, 2013

Re: Signed Work Order R12 036 11, Vanden Brink, Extension for Permit G-13962

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Joan,

The signed work order is attached. Please call me at (503) 632-5016 if you have any questions.

Greg

RECEIVED

FEB 27 2013

WATER RESOURCES DEPT
SALEM, OREGON

68K

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Extension of Time**

Application Number: G-15198

Permit Number: G-13962

Name of Applicant: John and Janna VandenBrink

Proposed Timeline

March 8, 2013	Completion of PFO/FO-- but not before the end of the Public Notice comment period and receipt of any comments
Completion of contract work: Submittal of processing notes, Review checklist, PFO/FO.	

All deliverables must be in Microsoft Word

Estimate

	Item	Time
1	Review Permit Conditions	0.5
2	Evaluation of Criteria for Evaluating Permit Extension Application	2.0
3	Preparation of PFO/FO	4.5
4	Other Factors. _____	—
Total Estimated Time:		7.0

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the application, permit conditions, and Criteria for approval of Application. Pay particular attention to the compliance to Permit conditions and the complexity of the request.

Name of Consultant: «Consultant» *Pacific Hydro-Geology Inc.*Authorized Representative: *Bryan E. Kneib*Date: *2/1/2013*

18477 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5983 Fax
(503) 632-5016 Phone

Pacific Hydro-Geology Inc.

Fax

To: Joan Smith

From: Greg Kupillas

Fax: 503.986.0903

Pages: 2

Phone: 503.986.0898

Date: February 1, 2013

Re: Estimate for Extension for Permit G-13962, VandenBrink

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Joan,

The completed estimate form is attached. Please call me at (503) 939-3167 if you have any questions.

Greg

GEK

REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **John and Janna Vanden Brink** hereafter Applicant, hereafter known together as the parties.

OWRD Information

Contact: **R. Craig Kohanek**
Address: 725 Summer Street, NE, Suite A
Salem, OR 97301-1266
Phone: 503 986-0823
Fax: 503 986-0901

Email: ron.c.kohanek@wrd.state.or.us

Applicant's Information

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

Agent Information

Contact: **William Portfily**
Address: P.O. Box 643
Stanfield, OR 97875
Phone: 541-449-1327
Fax: 541-449-1327

Email: bporfily@my180.net

Purpose The purpose of this Agreement is to expedite the processing of the **Extension of Time Application**.
(Application Number G-15198; Permit Number G-13962 :)

1. **Authority** The OWRD has been authorized pursuant to HB 2551(2003 Oregon Laws) to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** John and Janna Vanden Brink and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
5. **Consideration.**
 - a. John and Janna Vanden Brink shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$840.00**. John and Janna Vanden Brink agrees to pay the full amount of **\$840.00** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Subcontracts.** OWRD intends to undertake the work described in this Agreement by assigning the work to a contractor from its established pre-qualified contractor pool.

7. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.
8. **Confidentiality.** John and Janna Vanden Brink agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
9. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, **Pacific Hydro-Geology Inc.** (Contractor) and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.
10. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.
11. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
12. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.
13. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
14. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
15. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
16. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: _____
Name/Title:

Date

For OWRD: _____
Tracy Loudon – Administrator

Date

Mail signed Agreement to:

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

Exhibit A
Statement of Work

Application Number: G-15198

Permit Number: G-13962

Name of Applicant: **John and Janna Vanden Brink**

**Reimbursement Authority Process
Itemized Estimate Sheet
For
Extension of Time Application**

	Item	Time
1	Review Permit Conditions	0.5
2	Evaluation of Criteria for Evaluating Permit Extension Application.	2.0
4	Preparation of PFO/FO	4.5
5	Other Factors	0.0
Total Estimated Time:		7.0

Total estimated cost is 7.0 hours at \$120.00 per hour = \$840.00

Completion of Draft Proposed Order: **March 8, 2013**

**Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

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Salem, OR 97301-1266
Phone: 503 986-0823
Fax: 503 986-0901

Email: ron.c.kohanek@wrdd.state.or.us

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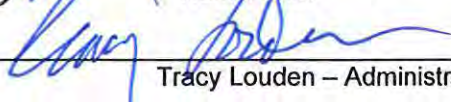
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10. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.
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16. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:


Name/Title:

2-18-13
Date

For OWRD:


Tracy Loudon – Administrator

2-26-13
Date

Mail signed Agreement to:

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

R12 026 11

Applicant's Agreement

2 of 3

App Revised: 7/28/11

Exhibit A

Statement of Work

Application Number: G-15198

Permit Number: G-13962

Name of Applicant: **John and Janna Vanden Brink**

**Reimbursement Authority Process
Itemized Estimate Sheet**
For
Extension of Time Application

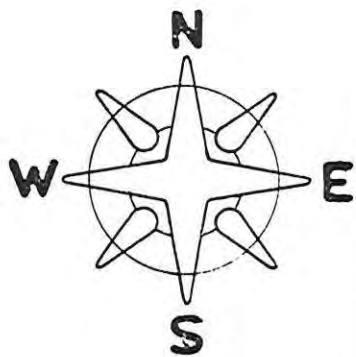
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Total Estimated Time:		7.0

Total estimated cost is 7.0 hours at \$120.00 per hour = \$840.00

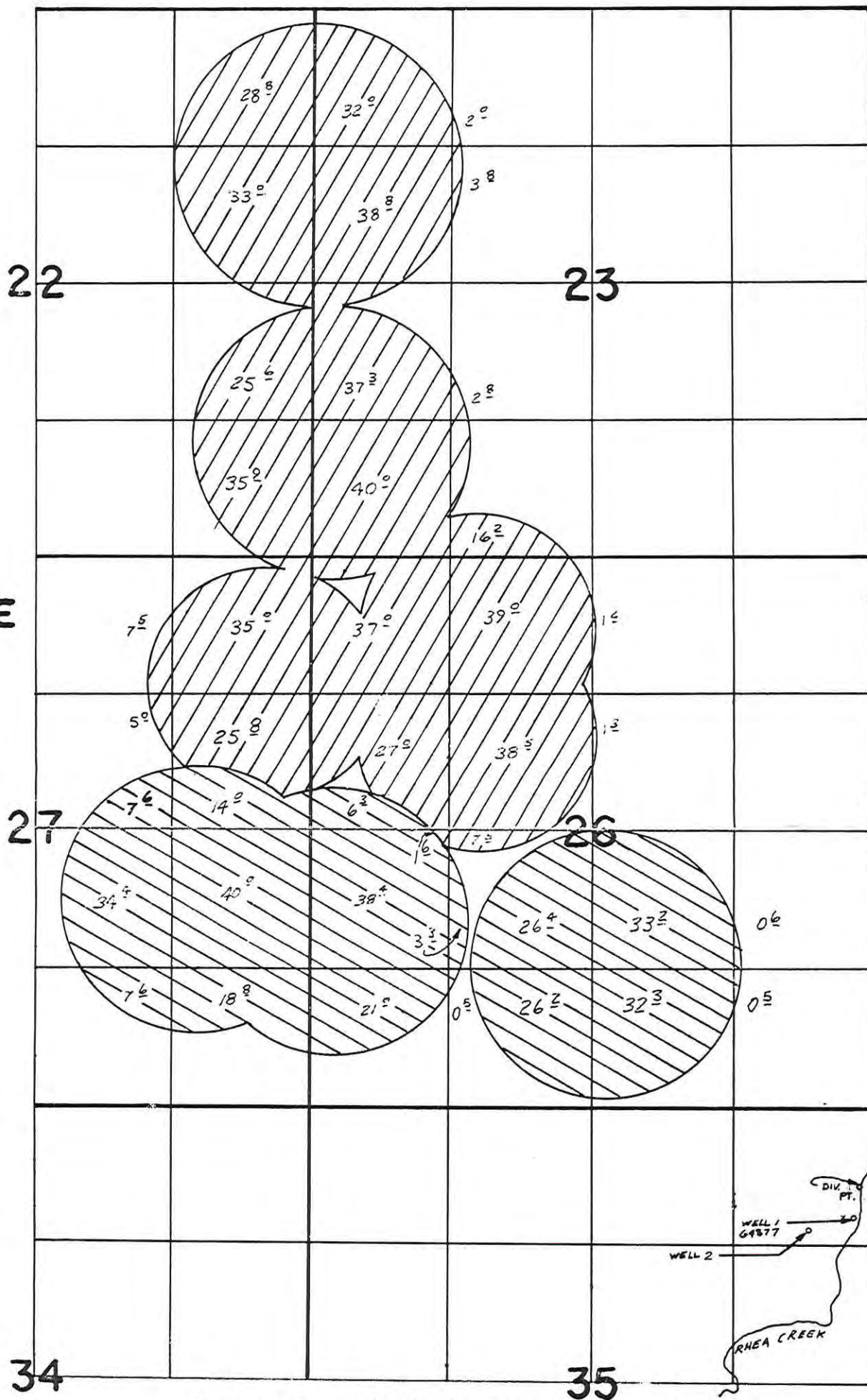
Completion of Draft Proposed Order: **March 8, 2013**

**Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

T. 1S., R. 24E., W.M.



Scale: 4" = 1 mi.



WELL 1 LOCATED 1050' S. & 210' W. FROM NB COR SEC 35
 WELL 2 LOCATED 1180' S. & 620' W. FROM NB COR SEC 35
 DIV. PT. LOCATED 750' S. & 140' W. FROM NE COR SEC 35



Primary irrigation from Wells 1 & 2
 Suppl' from Rhea Cr.



Suppl' from Well 2
 Suppl' from Rhea Cr.

Application No. 51315
 Permit No. 44568

THIS MAP PREPARED BY:

John A. Smith
 FROM INFORMATION FURNISHED BY
 THE APPLICANT

G-8152
per G-8701