

FILE G-17228 Assigned
 Nat **HOLMGREN DAIRY LLC**
 B **ATTN: MIKE HOLMGREN**
 Ad **36605 ROCK CREEK LANE**
FRENCH CREEK, OR 97736

Application No. G17228
 Permit No. G-14674
 Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
<u>6-2-09</u>	<u>1200.00</u>	<u>96641</u>
<u>3-16-10</u>	<u>400.00</u>	<u>99368</u>
<u>11-21-11</u>	<u>75.00</u>	<u>104508</u>
<u>10/7/15</u>	<u>175.00</u>	<u>117652</u>
	Cert. Fee	

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume | Page

FEES REFUNDED

Date	Amount	Receipt No.

Priority JUNE 2 2009
 County HARNEY WM# 10

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address
<u>11/21/2011</u>	WHITBY BROTHERS LAND & LIVESTOCK, LLC 62 W JUNIPER RD MESA WA 99343	NORTHWEST FARM CREDIT SERVICES, FLCA 9530 BEDFORD STREET PASCO WA 99301

DEVELOPMENT

Date

Completion 4-15-2015

Extended to _____

Final Proof received COBU 10-7-15

Proposed Cert. Mailed _____

REMARKS _____

MAP LOCATION _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 2, 2015

WHITBY BROTHERS LAND AND LIVESTOCK LLC
JEB WHITBY
62 W JUNIPER RD
MESA, WA 99343

RE: Application G-17228, Permit G-16674 – Claim of Beneficial Use Fee Return

Permit Holder,

On October 30, 2015, the Department received a check in the amount of \$175.00 for the filing of the Claim of Beneficial Use you submitted on October 7, 2015, for the above referenced file. We are returning your check at this time because the fee was previously paid. The fee required for the filing of the Claim was submitted with the Claim on October 7, 2015.

Enclosed you will find your check in the amount of \$175.00 along with a copy of receipt number 117652, which the Department issued for your check number 1105 for the \$175.00 fee on October 7, 2015.

If you have any additional questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark
Water Rights Specialist
Certificates

cc: file

enclosures

Checklist for Claims of Beneficial Use Received At Customer Service Counter

Date Received 7-Oct-15 CWRE Scott Montgomery

By Jeffrey

File Marked X

Application # G-17228 \$175.00 Fee

Claim Logged X

Transfer # _____ \$175.00 Fee if priority date is after July 9, 1987.

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee or transfer holder (OAR 690-014-0100)

**CLAIM OF
BENEFICIAL USE
for Permits claiming more
than 0.1 cfs and All Transfers**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

**A fee of \$175 must accompany this form for permits
with priority dates after July 8, 1987.**

**A fee of \$175 must accompany this form for
transfer applications filed after July 8, 1987.**

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

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

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

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

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

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

**SECTION 1
GENERAL INFORMATION**

1. File Information

APPLICATION # (G, R, S OR T)	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
G-17228	G-16674	

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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Whitby Brothers Land & Livestock, LLC		PHONE No. (509) 269-4601	ADDITIONAL CONTACT No.
ADDRESS 62 W. Juniper Road			
CITY Mesa	STATE WA	ZIP 99343	E-MAIL Jeb@Whitbyfarms.org

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

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

PERMIT OR TRANSFER HOLDER OF RECORD same		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **August 14, 2015**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Bart Whitby	8/14/2015	owner
Howie	8/14/2015	Farm manager

6. County: **Harney**

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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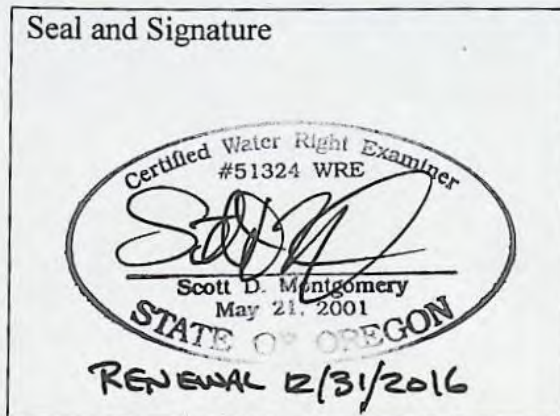
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SALEM, OR

SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

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



CWRE NAME Scott D. Montgomery	PHONE NO. (541) 548-5833	ADDITIONAL CONTACT NO. (541) 420-0401
ADDRESS P.O. Box 767		
CITY Terrebonne	STATE OR	ZIP 97760
E-MAIL Scott@APEandS.com		

Permit or Transfer Holder's of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Jeb Whitty	member	9/29/15
	Amanda Galbreath	Relationship manager NW Farm Credit SW	9/29/15

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SECTION 3

CLAIM DESCRIPTION

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
11	HARN 51959	108933
12	HARN 51938	108931

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

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
11	well	Roaring Springs Canyon Basin
12	well	Roaring Springs Canyon Basin

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

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
11	IR	Alfalfa	March - October	691.2 AF
12	IR	Alfalfa	March - October	691.2 AF
Total Quantity of Water Used				691.2 AF

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

Water is pumped from the wells & conveyed by buried pipe to the POU.

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

5. Variations:

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

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

The permit allows 320.0 acres of irrigation. The water user has only developed 230.4 acres. The location of Well 11 is different than described by permit.

6. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
11	2.88 cfs	4.91 cfs	3.63 cfs	IR	320.0	230.4
12	2.88 cfs	6.12 cfs	2.90 cfs	IR	320.0	230.4

SECTION 3

OCT 07 2015

CLAIM DESCRIPTION

SALEM, OR

1. Point of diversion/appropriation name or number:

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12	HARN 51938	108931

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

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
11	well	Roaring Springs Canyon Basin
12	well	Roaring Springs Canyon Basin

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

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12	IR	Alfalfa	March - October	691.2 AF
Total Quantity of Water Used				691.2 AF

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

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

The permit allows 320.0 acres of irrigation. The water user has only developed 230.4 acres. The location of Well 11 is different than described by permit.

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11	2.88 cfs	4.91 cfs	3.63 cfs	IR	320.0	230.4
12	2.88 cfs	6.12 cfs	2.90 cfs	IR	320.0	230.4

SECTION 4 SYSTEM DESCRIPTION

Are there multiple PODs or POAs?

YES

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

#11

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
33S	31E	WM	9	NE NW			IR	25.5	
				NW NW				32.0	
				SW NW				32.0	
				SE NW				25.7	
				NE SW				28.3	
				NW SW				28.2	
				SW SW				29.5	
				SE SW				29.2	
Total Acres Irrigated								230.4	

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

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B. Diversion and Delivery System Information

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

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1. Is a pump used?

YES

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Fairbanks/Morse	12V8STC	N165958	Turbine	16"	8"

3. Motor Information

MANUFACTURER	HORSEPOWER
GE	300

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
300	50	300'	3'	4.91

5. Provide pump calculations:

$$Q = 7.04 \text{ ft}^4 / \text{hp} \times s = (7.04)(300) = 4.91 \text{ cfs}$$

Total head, ft (430)

$$\text{Total head} = 127' + 300' + 3' = 430'$$

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
48.435 af	48.445 af	2 min	3.63

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

7. Is the distribution system piped?

YES

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	1300 lf	steel	buried
8"	1340 lf	steel	buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
NA			

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
3/4"	40	70	1	1	0.16
3/4"	40	70	1	1	0.16

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Lindsay Zimmatic	1300'	50	850	1.89
Lindsay Zimmatic	1300'	50	850	1.89

12. Additional notes or comments related to the system:

Well 11 is plumbed to Pivots 11 and 12 by two separate 8" buried pipes and is also connected to a 10" buried mainline, as shown on the accompanying final proof map.

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

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

1" threaded bolt hole in north side of pump base

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

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

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

--

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

NO

D. Storage

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

NO

E. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

F. Gravity Flow Canal or Ditch

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

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

NO

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

Reminder: Complete this section if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
639.671 af	639.679 af	2 min	2.90

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

7. Is the distribution system piped?

YES

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	1300 lf	steel	buried
8"	1340 lf	steel	buried
10"	7850 lf	steel	buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
NA			

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
3/4"	40	70	1	1	0.16
3/4"	40	70	1	1	0.16

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Lindsay Zimmatic	1300'	50	850	1.89
Lindsay Zimmatic	1300'	50	850	1.89

12. Additional notes or comments related to the system:

Well 12 is plumbed to a 10" buried mainline that supplies Pivots 11 & 12 from two separate 8" buried pipes, as shown on the accompanying final proof map.

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

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

1" threaded bolt hole in north side of pump base

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

#12

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	If IRRIGATION, # PRIMARY ACRES	If IRRIGATION, # SUPPLEMENTAL ACRES
33S	31E	WM	9	NE NW			IR	25.5	
				NW NW				32.0	
				SW NW				32.0	
				SE NW				25.7	
				NE SW				28.3	
				NW SW				28.2	
				SW SW				29.5	
				SE SW				29.2	
Total Acres Irrigated								230.4	

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

B. Diversion and Delivery System Information

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

1. Is a pump used?

YES

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Fairbanks/Morse	13H9STC	M158296	Turbine	16"	10"

3. Motor Information

MANUFACTURER	HORSEPOWER
US	350

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
350	40	300'	1'	6.12

5. Provide pump calculations:

$$Q = \frac{7.04 \text{ ft}^4/\text{hp} \times s}{\text{Total head, ft}} = \frac{(7.04)(350)}{(402.6)} = 6.12 \text{ cfs}$$

$$\text{Total head} = 101.6' + 300' + 1' = 402.6'$$

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
639.671 af	639.679 af	2 min	2.90

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

7. Is the distribution system piped?

YES

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	1300 lf	steel	buried
8"	1340 lf	steel	buried
10"	7850 lf	steel	buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
NA			

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
3/4"	40	70	1	1	0.16
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MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Lindsay Zimmatic	1300'	50	850	1.89
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12. Additional notes or comments related to the system:

Well 12 is plumbed to a 10" buried mainline that supplies Pivots 11 & 12 from two separate 8" buried pipes, as shown on the accompanying final proof map.

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

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

1" threaded bolt hole in north side of pump base

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

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

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

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

NO

D. Storage

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

NO

E. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

F. Gravity Flow Canal or Ditch

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

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

NO

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

Reminder: Complete this section if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

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SALEM, OR

SECTION 5 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	April 15, 2010		
BEGIN CONSTRUCTION (A)	Not Mentioned	NA	NA
COMPLETE CONSTRUCTION (B)	Not Mentioned	NA	NA
COMPLETE APPLICATION OF WATER (C)	April 15, 2015	March 2015	Metered wells, conveyance, and center pivot sprinklers constructed & applied to beneficial use.

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

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

NO

4. Initial Water Level Measurements:

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

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

March

c. Was the measurement submitted to the Department? YES

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

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT

5. Annual Static Water Level Measurements:

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

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

March

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

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

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

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

- a. Did the permit require the submittal of a pump test? YES
- b. Has the pump test been previously submitted to the Department? NO
- c. Is the pump test attached to this claim? NO
- d. Has the pump test been approved by the Department? NO
- e. Has a pump test exemption been approved by the Department? NO

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

7. Measurement Conditions:

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

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

- b. Has a meter been installed? YES

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
11	McCrometer	13-07070-10	running	48.445 AF	2013
12	McCrometer	13-69931-10	running	639.679 AF	2013

8. Recording and reporting conditions

- a. Is the water user required to report the water use to the Department? YES
- b. Have the reports been submitted? YES

METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC)	WATER USER REPORTING ID
Electronic	64252 & 64253

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

9. Fish Screening

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? NO

10. By-pass Devices

- a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? NO

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

- | | |
|---|-----|
| a. Were there special well construction standards? | NO |
| b. Was submittal of a ground water monitoring plan required? | NO |
| c. Was the water user required to restore the riparian area if it was disturbed? | YES |
| d. Was a fishway required? | NO |
| e. Was submittal of a letter from an engineer required prior to storage of water? | NO |
| f. Was submittal of a water management and conservation plan required? | NO |
| g. Other conditions? | NO |

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

No riparian areas exist in the area of use or appropriation

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Well IDs	HARN 51959 & HARN 51938
Aerial Imagery	NRCS June 2014 aerial imagery

SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

The wells, conveyances, and place of use were tied to approximate property lines using survey industry grade GPS receivers and compared to NRCS aerial imagery downloaded from NRCS Gateway website imported into ESRI ArcMap GIS software with statewide Lambert projection.

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SALEM, OR

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

HARN 51959

7/28/2013

WELL I.D. LABEL#

START CARD #

ORIGINAL LOG #

Page 1 of 2
108933
1019705

(1) LAND OWNER

Owner Well I.D. 11
First Name JEB Last Name WHITBY
Company WHITBY BROTHERS FARM
Address 720 W. JUNIPER RD.
City MESA State WA Zip 99343

(2) TYPE OF WORK

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

(2a) PRE-ALTERATION

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

(3) DRILL METHOD

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

(4) PROPOSED USE

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

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 690.00 ft. Special Standard ☐ (Attach copy)

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
22	0	700	Bentonite	0	7	27	S
			Cement	7	122	162	S

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

Backfill placed from 690 ft. to 700 ft. Material SAND & GRAVEL

Filter pack from 122 ft. to 700 ft. Material GRAVEL Size pea gravel

Explosives used: ☐ Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stil Plstc Wld Thrd
☒ ☐ 16 ☒ 2.5 360 .375 ☒ ☐ ☐ ☐ ☐
Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)
Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type johnson vwire Material stainless

Perf/	Casing/ Screen	Screen Dia	From	To	Screen width	Screen length	# of slots	Tele. pipe size
Screen	Casing	16	360	570	.125			
Screen	Casing	10	570	690	.125			

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
2000		690	20
2400	130	400	5

Temperature 70 °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 HARNEY Twp 33.00 S N/S Range 31.00 E E/W WM
Sec 9 SW 1/4 of the NW 1/4 Tax Lot 1100
Tax Map Number Lot
Lat ° ' " or 42.72778200 DMS or DD
Long ° ' " or -119.08520900 DMS or DD
☐ Street address of well ☒ Nearest address
36605 ROCK CREEK LANE FRENCHGLEN OR 97736

(10) STATIC WATER LEVEL

Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration
Completed Well 6/26/2013 105
Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 145.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
6/26/2013	300	690	2000		105

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil	0	2
sand and gravel pieces	2	12
clay	12	37
gravel	37	50
burnt or brittle clay (brown)	50	70
burnt or brittle clay (brown/red) W/sand	70	97
sticky tan clay	97	145
sand	145	150
clay	150	180
burnt/brittle clay with some fine sand	180	195
white clay	195	237
burnt or brittle clay	237	300
fine brown sand	300	357
fine and med sand brown	357	500
fine and med sand green/black	500	570
fine and med sand with thin clay streaks	570	613
fine and med sand brown	613	687
soft rock (green & redish brown)	687	700

Date Started 5/6/2013

Complete 6/26/2013

(unbonded) Water Well Constructor Certification

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

License Number Date

Signed

(bonded) Water Well Constructor Certification

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

License Number 1818 Date 7/28/2013

Signed DANIEL MCLERAN (E-filed)

Contact Info (optional) Daniel McLeran 208-941-0647

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

HARN 51938

5/24/2013

WELL ID. LABEL # L

START CARD #

ORIGINAL LOG #

108931

1019183

Page 1 of 2

(1) LAND OWNER

Owner Well I.D. 12
First Name JEB Last Name WHITBY
Company WHITBY BROTHERS FARM
Address 720 W. JUNIPER RD.
City MESA State WA Zip 99343

(2) TYPE OF WORK

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

(2a) PRE-ALTERATION

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

(3) DRILL METHOD

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

(4) PROPOSED USE

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

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 540.00 ft. Special Standard ☐ (Attach copy)

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
28	0	10	Bentonite Chips	0	22	2750	P
22	10	540	Cement	22	135	17750	P

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

Backfill placed from ft. to ft. Material

Filter pack from 135 ft. to 540 ft. Material GRAVEL Size pea gravel

Explosives used: ☐ Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stil	Plstc	Wld	Thrd
☒	☐	16	☒	1.5	300	.375	☒	☐	☒	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐

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

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type johnson vwire Material stainless

Perf/	Casing/Screen	Screen	Liner	Dia	From	To	Scr/slot	Slot	# of	Tele/
							width	length	slots	pipe size
Screen	Casing			16	300	540	.125			

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1950	360	400	

Temperature 60 °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 HARNEY Twp 33.00 S N/S Range 31.00 E E/W WM
Sec 10 NW 1/4 of the NW 1/4 Tax Lot 1100

Tax Map Number Lot

Lat " or 42.73478200 DMS or DD

Long " or -119.06507700 DMS or DD

☐ Street address of well ☒ Nearest address

36605 ROCK CREEK LANE FRENCHGLEN OR 97736

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	5/8/2013			124

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 160.00

SWL Date From To Est Flow SWL(psi) + SWL(ft)

5/8/2013 300 540 1950 124

(11) WELL LOG

Material	From	To
topsoil and clay	0	8
gravel	8	9
silt	9	12
clay and gravel	12	20
burnt or brittle clay	20	65
sand	65	88
burnt/brittle clay and fine sand	88	109
sticky tan clay	109	160
burnt/brittle clay and fine sand streaks	160	203
sand	203	205
burnt or brittle clay	205	220
sand	220	222
burnt or brittle clay	222	230
gravel	230	239
burnt/brittle clay and fine sand streaks	239	300
fine sand	300	350
burnt/brittle clay with some fine sand	350	356
sand and gravel pieces	356	377
sand	377	456

Date Started 3/6/2013 Complete 5/8/2013

(unbonded) Water Well Constructor Certification

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

License Number Date

Signed

(bonded) Water Well Constructor Certification

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

License Number 1818 Date 5/24/2013

Signed DANIEL MCCLERAN (E-filed)

Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

WATER SUPPLY WELL REPORT -
continuation page

HARN 51938

WELL I.D. LABEL# L108931

START CARD # 1019183

ORIGINAL LOG #

5/24/2013

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs
----------	------	----	-----	-----------

(5) BORE HOLE CONSTRUCTION

BORE HOLE

SEAL

sacks/
lbs[illegible]

FILTER PACK

From	To	Material	Size
------	----	----------	------

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
--------------	-----	---	------	----	-------	-----	-------	-----	------

(7) PERFORATIONS/SCREENS

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

[illegible]

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

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

Water Quality Concerns

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
----------	------	----	----------	----------	-----------

[illegible]

(11) WELL LOG

Material	From	To
----------	------	----

[illegible]

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Comments/Remarks

T33S R 31E, W.M.



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June 2014 aerial imagery from NRCS Gateway website imported into ArcMap GIS software in statewide Lambert projection.



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

TRANSMITTAL

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

Date: 10/5/15
Attention: COBU
RE: Claim of Beneficial Use

[X] Prints ☐ Plans ☐ Plat ☐ Specifications ☐ Change order x Other

Hello

Attached is a Claim of Beneficial Use & Final Proof map on Permit G-16674 for Whitby Bros Land & Livestock, LLC.

If you have any questions please call or email me.

Copies	No.	Description
1	1	Claim of Beneficial Use (13 pages letter bond)
1	2	Check for 175.00
1	3	Final Proof Map (1 page mylar)
1	4	Well Logs (3 pages letter bond)
1	5	NRCS Aerial imagery (1 pages letter bond)

Signed: _____

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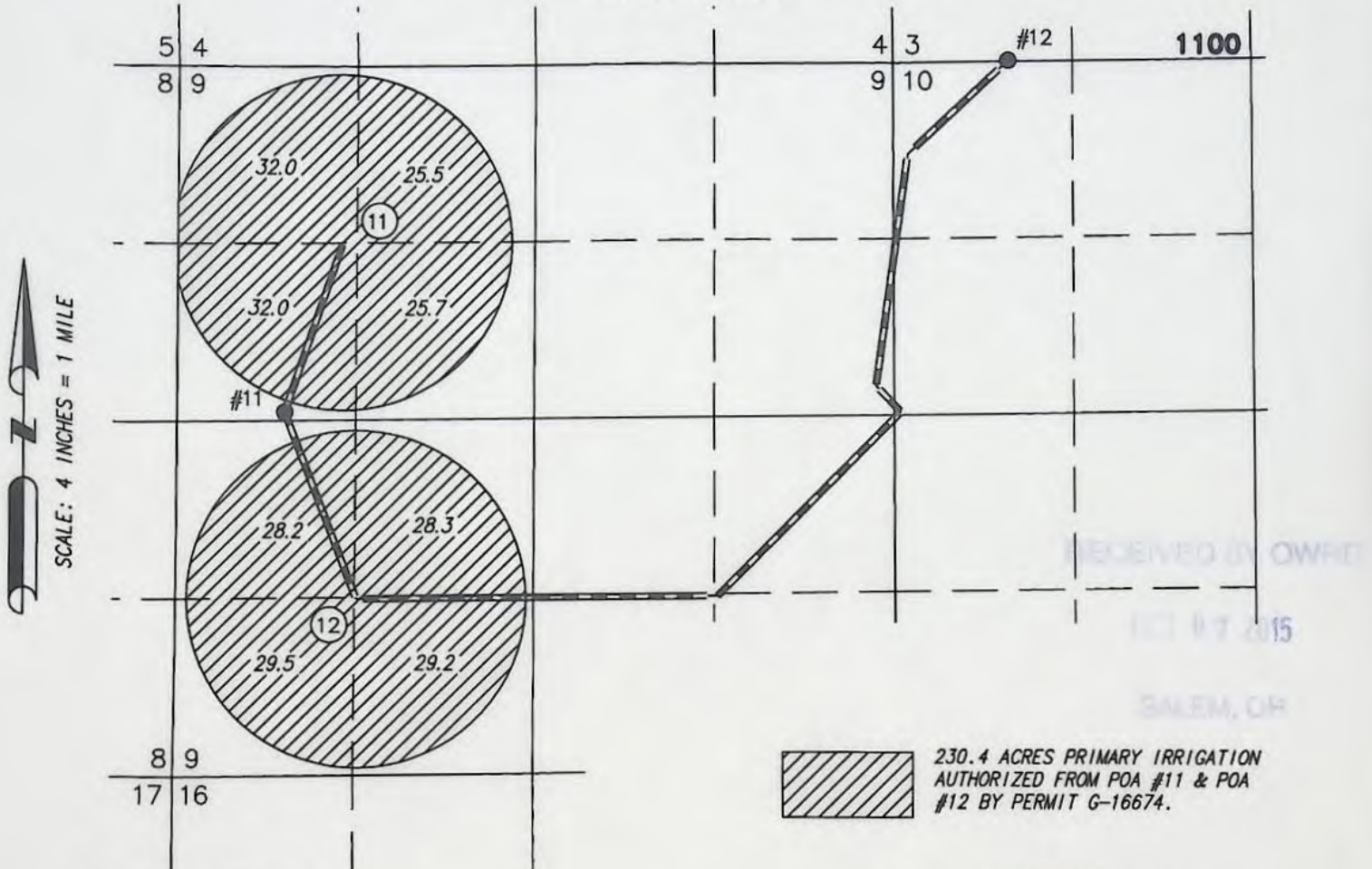
OCT 07 2015

SALEM, OR

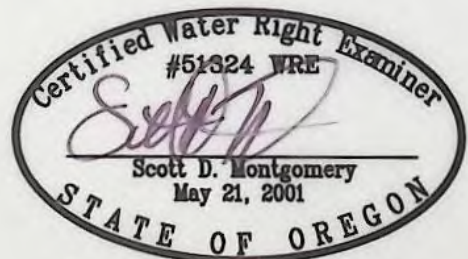
FINAL PROOF MAP

TO ADD POINTS OF APPROPRIATION &
PLACE OF USE FOR APPLICATION G-17228
WHITBY BROTHERS LAND & LIVESTOCK, LLC

TOWNSHIP 33 SOUTH, RANGE 31 EAST, SECTION 9, W.M.
TAX LOT: 1100



- **#11 (HARN 51959)**
LOCATED IN THE SW 1/4 NW 1/4 SECTION 9, T33S R31E,
W.M. AND 2730 FEET NORTH AND 800 FEET EAST FROM
THE SW CORNER OF SAID SECTION.
FLOW METER IS ON PIPE 6.0' NORTH OF WELL.
- **#12 (HARN 51938)**
LOCATED IN THE NW 1/4 NW 1/4 SECTION 10, T33S
R31E, W.M. AND 0 FEET SOUTH AND 860 FEET EAST
FROM THE NW CORNER OF SAID SECTION.
FLOW METER IS ON PIPE 6.0' SW OF WELL.



RENEWAL DATE: 12/31/2016

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

PREPARED FOR:

WHITBY BROS. LAND/LIVESTOCK, LLC
62 W. JUNIPER ROAD
MESA, WA 99343

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.
P.O. BOX 767
(541) 548-5833
TERREBONNE, OR 97760
www.APEandS.com



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

October 13, 2015

WHITBY BROTHERS LAND AND LIVESTOCK
JEB WHITBY
62 W JUNIPER RD
MESA, WA 99343

Reference File: Application G-17228, Permit G-16674

The Water Resources Department received the Claim of Beneficial Use (COBU) on October 7, 2015. The COBU was accompanied by the fee of \$175. The receipt is enclosed.

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

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

http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

For all other questions please call our Customer Service phone: (503) 986-0801.

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

Cc: file



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

December 21, 2012

Northwest Farm Credit Services
Attn: Carolyn Groom
9530 Bedford Street
Pasco, Washington 99301
Phone: 509-542-3720
Fax: 509-542-3730

Re: Application G-15165, Permit G-14026
Application G-17228, Permit G-16674

Carolyn:

Regarding both permits, certificates of Water right have not been issued for either permit.

Application G-15165, Permit G-14026, has a "C" date of October 1, 2005. This is the date that complete application of water to the proposed use was to have been made. Within one year of that date, a Claim of Beneficial Use (COBU) and map prepared by a Certified Water Rights Examiner was to have been submitted to the Department. After reviewing the claim and map, the Department would issue a Certificate of Water Right. The permit holder has applied for an Extension of Time to complete application of water. If approved, this will move the "C" to some time in the future. The COBU would be due 1 year after the new "C" date. This permit is non-cancelled, and the permit holder is working with the Department on the continued development.

Application G-17228, Permit G-16674. This permit was issued April 15, 2012, and has a "C" date of April 15, 2015. The COBU for this permit has not been submitted and is not due until 1 year after the "C" date. This permit is non-cancelled, and there are no immediate time lines to be addressed.

Sincerely,
Jerry Sauter
Water Rights Program Analyst



9530 Bedford Street
Pasco, WA 99301
Phone: 509-542-3720
Fax: 509-542-3730

RECEIVED BY OWRD

December 20, 2012

DEC 20 2012

SALEM, OR

Water Resources Department
Attn: Jerry Sauter, Water Right Services Division
North Mall Office Building
725 Summer St. NE, Suite 1
Salem, OR 97301
Fax: 503-986-0904

Re: Application G-15165, Permit G-14026; Application G-17228, Permit G-16674

Jerry:

Whitby Brothers Land & Livestock, LLC and Northwest Farm Credit Services, FLCA received a letter dated November 22, 2011 stating that the assignment of water rights from Holmgren Dairy, LLC had been recorded. In the past year, we have not received any information indicating that Certificates of Water Rights have been issued for the referenced permits. Please provide us with an update on the status of these permits at your earliest convenience.

Thank you,

A handwritten signature in cursive script that reads "Carolyn Groom".

Carolyn Groom

Financial Specialist

G-15165 PERMIT G-14026 ^{C-DATE 10-1-2015} 2-27-2012 APP FOR EXR. PENDING REVIEW.

G-17228 - PERMIT G-16674 ISSUED 4-15-2012 - C-DATE 4-15-2015



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

November 22, 2011

Northwest Farm Credit Services, FLCA
9530 Bedford St.
Pasco, Washington 99301

Reference: Application G-15165, Permit G-14026 – Application G-17228, Permit G-16674

The assignment from Holmgren Dairy, LLC to Northwest farm Credit Services, FLCA, and Whitby Brothers Land & Livestock, LLC 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 104508 covering the recording fees 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 104508

cc: Watermaster 10
Holmgren Dairy, LLC
Whitby Brothers Land & Livestock, LLC
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File



REQUEST FOR ASSIGNMENT

I, (permit holder, applicant) Whitby Brothers Land & Livestock, LLC, a Limited Liability Company62 W. Juniper Road
(mailing address)Mesa, WA 99343
(City, State, Zip)(509) 269-4601
(Phone)

CHECK ONE

- ☒ hereby assign all my interest in and to application/permit;
- ☐ hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);
- ☐ hereby assign a portion of my interest in and to the entire application/permit;

Application # G-17228, Permit # G 16674;OR GR Statement # _____, GR Certificate of Registration # _____ as
filed in the office of the Water Resources Director. TO:Northwest Farm Credit Services, FLCA(509) 542-37209530 Bedford Street
(address)Pasco, WA 99301
(city, state, zip)Whitby Brothers Land & Livestock, LLC, a Limited Liability Company
(name of new owner)62 W. Juniper Road
(address)Mesa, WA 99343
(city, state, zip)(509) 269-4601
(phone #)

(Note: If there are other owners of the property described in this Application, Permit or Certificate of Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 3 day of Nov 11applicant/permit holder Wald Z. Holze

applicant/permit holder _____

PLEASE DO NOT WRITE IN THIS BOX

This certifies assignment and record change at
Oregon Water Resources Department effective
3:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 104508
For Director by Jerry Sauter, Program Analyst in
Water Rights Division Jerry Sauter

The completed assignment must be submitted to
the Water Resources Department together with a
recording fee of \$75. Additional pages will cost
\$5 per page.

WATER RESOURCES DEPARTMENT
725 SUMMER ST. NE
SALEM, OREGON 97301-2430

RECEIVED

NOV 21 2011

WATER RESOURCES DEPT
SALEM, OREGON



9530 Bedford Street, PO Box 2585, Pasco, WA 99301-2585
Phone 509-542-3720 Fax 509-542-3730

November 18, 2011

Water Resources Department
725 Summer St. NE
Salem, Oregon 97301-2430

Request for Assignment
Permit Number G14026 and G16674

Enclosed are two original, executed Request for Assignment and our check in the amount of \$150 submitted to you for processing.

Northwest Farm Credit Services, FLCA has a security interest in the water rights in connection with the referenced permit. Please forward acknowledgement of the recorded assignments, and copies of all future notices and correspondence in connection with the permits to:

Northwest Farm Credit Services, FLCA
9530 Bedford St.
Pasco, WA 99301

Please contact Carolyn Groom or Mandy Galbreath at (509) 542-3720 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Groom". The signature is written in a cursive, flowing style.

Carolyn Groom
Financial Specialist

Encs.

RECEIVED

NOV 21 2011

**WATER RESOURCES DEPT
SALEM, OREGON**

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HOLMGREN DAIRY LLC
36605 ROCK CREEK LANE
FRENCHGLEN, OR 97736

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

APPLICATION FILE NUMBER: G-17228

SOURCE OF WATER: WELL 11 AND WELL 12 IN ROARING SPRINGS CANYON BASIN

PURPOSE OR USE: IRRIGATION OF 320.0 ACRES

MAXIMUM RATE: 4.0 CUBIC FEET PER SECOND CFS, BEING NO MORE THAN 2.23 CFS
FROM WELL 11 AND 2.23 CFS FROM WELL 12

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 2, 2009

WELL LOCATION:

WELL 11 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T33S, R31E, W.M.; 1320 FEET NORTH
FROM SW CORNER, SECTION 9

WELL 12 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 10, T33S, R31E, W.M.; 1000 FEET EAST
FROM NW CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES

SECTION 9

TOWNSHIP 33 SOUTH, RANGE 31 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to report 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 BegunReference Water Level Determination

Following the first year of water use, the user shall report one static water level measurement in the month specified above which

will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional water levels after the reference level has been determined. 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 reported to the Department.

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

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

The period of non-use or restricted use shall continue until the 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

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

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

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

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

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

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

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

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

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

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

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

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

Issued *APRIL 15 2010*

E. Timothy Ward.

for Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #G-17228

Original mailed to applicant with claim of beneficial use form:

HOLMGREN DAIRY LLC
ATTN: MIKE HOLMGREN
36605 ROCK CREEK LANE
FRENCHGLEN OR 97736

Copies sent to: 1. WRD - File # G-17228
2. WRD - Ken Stahr

Copies Mailed	
By: <u>[Signature]</u>	(SUPPORT STAFF)
on: <u>4/15/10</u>	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 10
4. WRD - Regional Manager (not to SCR): er

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

5.

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies

1.

CASEWORKER : Joel Plahn

Prepared by:
Bebe Hawk
Asst. Wm Dist #10
4-28-09

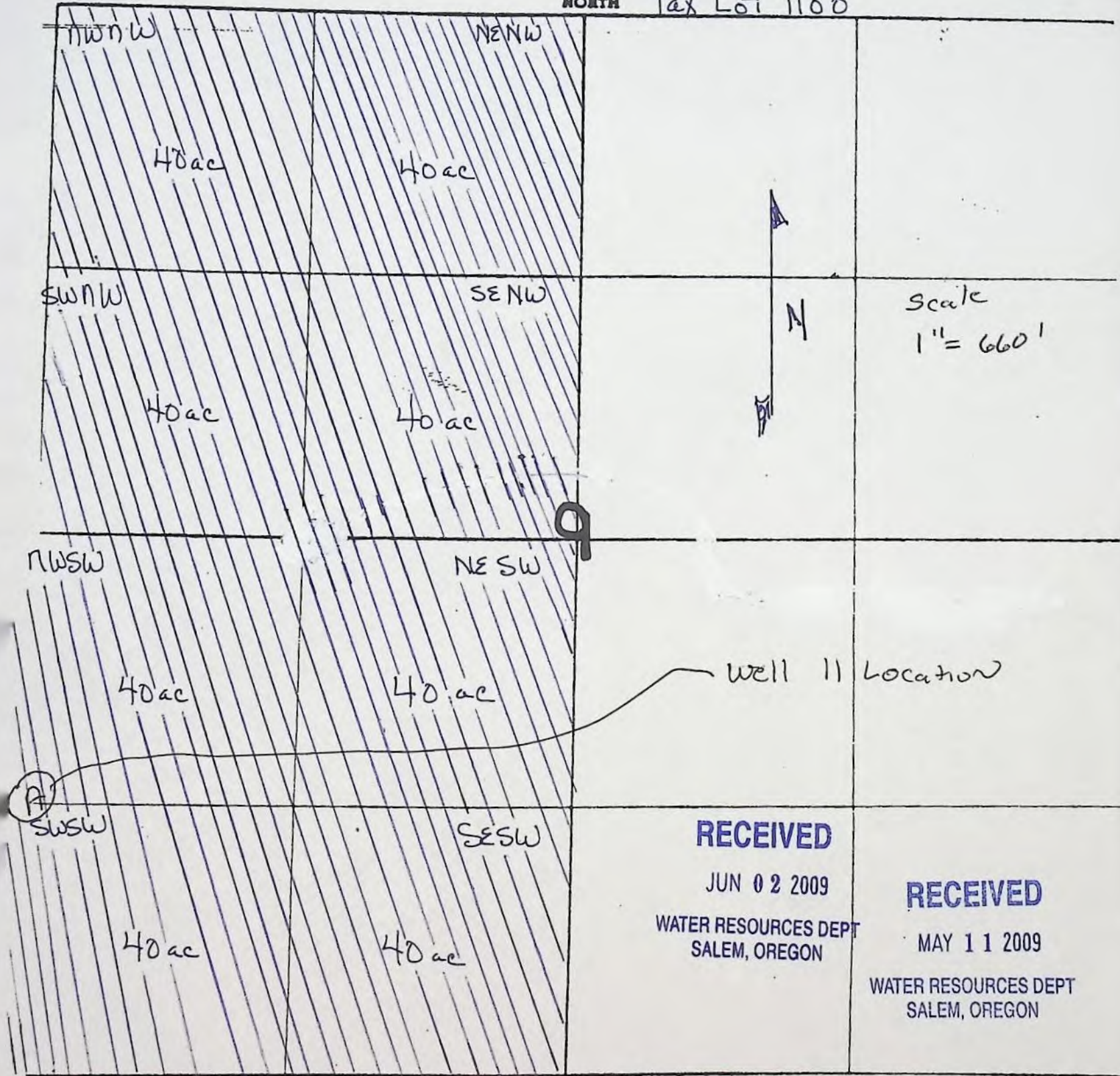
Map A

Gr-17229

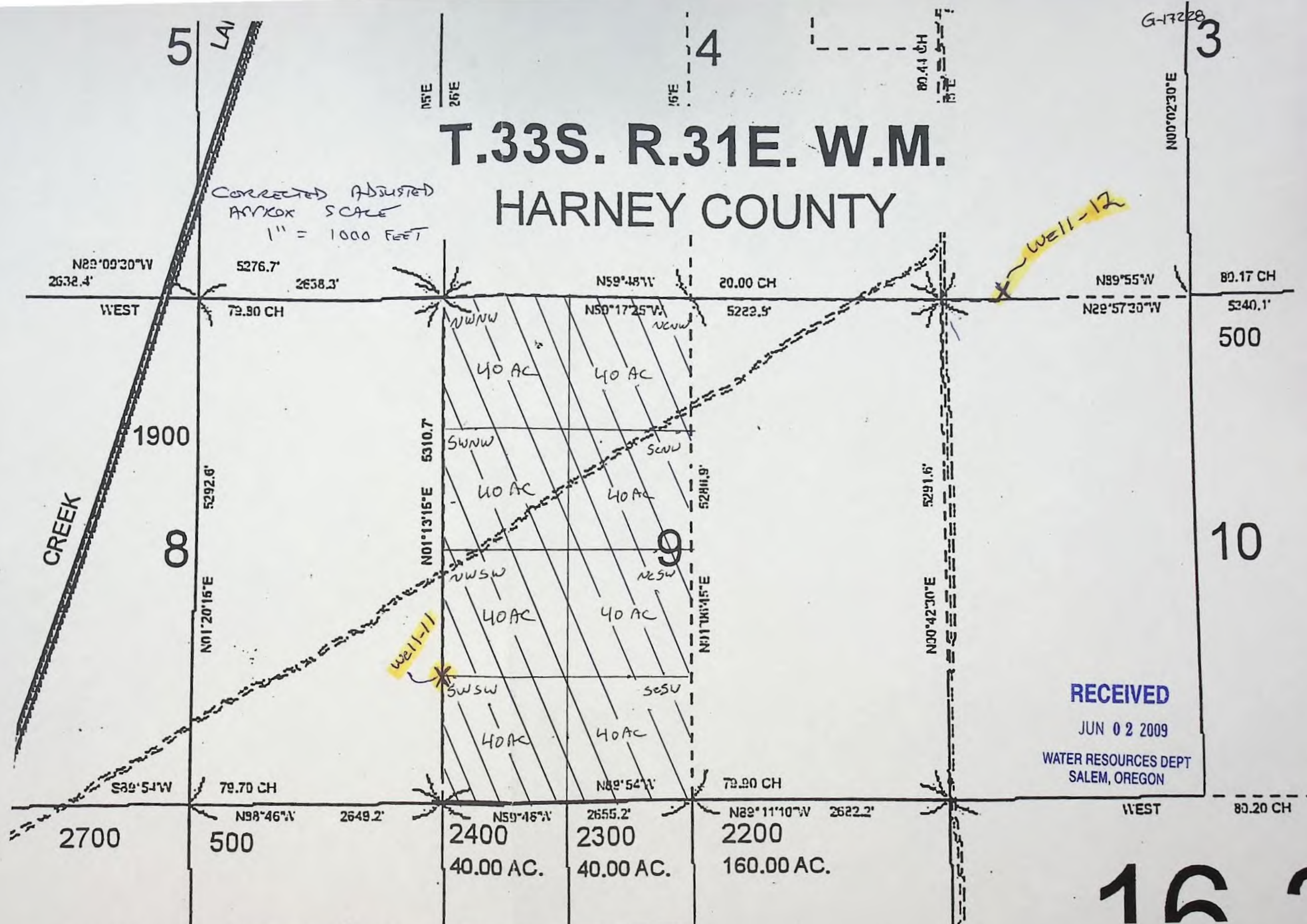
SECTION PLAT

Section 9 Township 33S Range 31E
County of Harney State of Oregon

NORTH Tax Lot 1100



Holmgren Dairy LLC
36605 Rock Creek LN
Frenchglen, Oregon 97736



Well 11 Located 1320' North from SW corner section 9
Well 12 Located 1000' East from NE corner section 9

MAP C



FO Checklist

Application #: G-17228 Applicant: HOLMGREN DAIRY LLC ATTN: MIKE HOLMGREN

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

If new: _____

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A

☒ Affected landowner(s) have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee. ☒ N/A

☒ Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** ☒ N/A ☐ Yes ☐ No

☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☒ Yes ☐ No

If so: 2.23 per well

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

☒ SWW If GW and interference, copy form for Stahr. ☒ N/A

☒ Fees

Base Fee

Water Amount (Q)

\$300 / \$500

1st CFS/AF

200

\$700 / \$1000

_____ Addl @ _____

300

_____ Addl @ _____

200

Add'l ☐ POD/POA ☐ use + _____

_____ +
(base)

_____ =
(Q)

_____ (total exam fee)

EXAM FEE REQUIRED

1200

RECORDING FEE REQUIRED

\$250 / \$300 / \$400

EXAM FEE PAID

- 1200

RECORDING FEE PAID

- 0

STILL OWED

0

STILL OWED

400

☒ FO w/ draft permit; still needed:

- ☒ fees
- ☐ easement
- ☐ st water contract
- ☐ approved dam plans & specs
- ☐ land use approval
- ☐ well construction approval

☒ FO w/ permit # 16674

_____ FO to deny
refund \$ _____

Name: Joel Plahn

Date: 2/4/2010

Peer Reviewer: _____

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

PFO Checklist

Application #: G-17228 Applicant: HOLMGREN DAIRY LLC ATTN: MIKE HOLMGREN

✓ Was the application filed after 10/23/99? (Y) / N (If not, add A date requirement)

✓ POD characteristics identifies as DEQ 303d? Y / N / (NA) If Y, was DEQ cc'd at IR? (If not, copy them on PFO)

✓ IR Date 10-23-09 Public Noticed on 11-26-09 Comments? Y / N _____ Comment eval? _____

✓ IR requested add'l info Y / (N) _____

✓ Is second gw review necessary? Y / (N) NA Complete? Y / N Add'l fees ☐ necessary ☐ collected ☐ needed

✓ Has Water Availability changed from IR? NO If source is Col R, use special w/a lang in RC

✓ Have conflicts been addressed? Y / N / (NA) _____

✓ POD/POU are correct per the map

✓ Prior to permit, applicant must submit ☐ NA ☒ fees ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair

✓ Changes from IR determinations NO _____

✓ Allowed Use/Rate/Season _____ Limit 1/80 Duty 3

✓ Conditions _____

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 0.5 CFS, > 9.2 AF but < 100 AF ☒ Large ≥ 0.5 CFS, ≥ 100 AF

✓ SWW If GW and interference, copy form for Stahr.

✓ Copy to Reg Manager IR WM IO CWRE _____ Agent _____

Fees	Base Fee	Water Amount (Q)
	\$300 / <u>(500)</u>	1 st CFS/AF <u>200</u>
	\$700 / \$1000	_____ Addl @ _____ <u>300</u>
		Add'l ☐ POD/POA ☐ use + <u>200</u>
	_____ + _____ = _____	
	(base)	(Q) (total exam fee)

EXAM FEE REQUIRED	<u>1700</u>	RECORDING FEE REQUIRED	\$250 / \$300 / <u>(400)</u>
EXAM FEE PAID	<u>- 1700</u>	RECORDING FEE PAID	<u>- 0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>400</u>

Name: Joel Plahn

Date: 11/25/2009

Peer Reviewer: Michael

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

well 11
well 12

IR CHECKLIST

Application #: G-17228 Applicant: MIKE HOLMGREN HOLMGREN DAIRY LLC

Use(s): IRRIGATION USE ON 320.0 ACRES Priority Date: June 02, 2009

☒ MU or QM ☒ NA ☐ will complete construction within 20 years
☐ Fujii reviewed recommendations _____

☒ Is the application complete? ☐ No ☒ Yes

☒ ORS 538 prohibits use ☒ No ☐ Yes If so, do not do an IR; return the application & fees to the applicant.

☒ DIV 9 ☐ NA ☐ will likely be available... ☐ will not likely be available... ☒ will, if properly conditioned...

☐ classify as surface water well _____ has PSI with _____

(include basin map if true) well _____ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____

GW conditions 7E

☒ DIVISION 33 ☒ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30
☐ below Bonneville
☐ statewide

☒ SW Availability ☒ NA ☐ 80% live ☐ 50% storage _____ WID: _____

☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoeg Creek (including Mission & Case Creeks)

☒ POU conflict ☐ NA ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate
☐ Yes _____

☒ Use is supplemental, checked for primary rights w/ diff source ☒ NA ☐ Yes limits _____

☒ Use is ☒ allowed ☐ not allowed ☐ limited ☐ OAR ☐ Compact _____

☒ Requested Use/Rate/Season IR 4.0 cfs 3/1-10/31

Allowed Use/Rate/Season OK Limit 1/80 Duty 3

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained _____

☒ Authorized agent specified ☒ NA ☐ needed ☐ Yes _____

☒ Conditions: _____

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF, ☐ Medium > 0.1 and < 0.5 CFS, > 9.2 and < 100 AF, ☒ Large ≥ 0.5 CFS, ≥ 100 AF
Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.
Use "Large" for temp control (including NU), HC exceptions, Tenmile Lake, or if applicant is a government entity
Use "Large-7i" if GW recommends 7i
Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

☒ Stream is withdrawn ☒ NA ☐ No ☐ Yes, allows use/season _____

☒ SWW ☒ NA ☐ above ☐ within _____ (If GW and interference, copy form for Stahr.)

Application #: G-17228 Applicant: MIKE HOLMGREN HOLMGREN DAIRY LLC

✓ Use is within a high priority area for streamflow restoration ☒ NA ☐ No ☐ Yes

✓ Letter format ☒ good ☐ limited ☐ bad ☐ bad w/ rate reduction opportunity ☐ bad w/ HC opportunity

✓ POD is within North Umpqua settlement reach and the spreadsheet was updated ☒ NA ☐ Yes

✓ Forms ☒ NA ☐ DIV 33 ☐ basin map ☐ HC except ☐ spring description other _____

✓ Copy to ☐ NWR ☒ WM # 10 ☐ ODFW ☐ CRIFC
☐ NCR ☐ agent ☐ DEQ ☐ US Fish & Wildlife
☒ ER ☐ CWRE ☐ DOA ☐ NW Planning Council
☐ SWR ☐ State Parks ☐ CTUIR

☐ DOA Food Safety Division
(bottled water)

☐ city _____
(w/in 5-mile muni wells)

✓ Prior to permit, applicant must submit ☒ NA ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair

✓ App and map meet min. requirements ☒ Yes ☐ No _____
(If not, send IR certified)

✓ Scanned images exist for application form and map

<u>✓</u> Fees _____ CFS	Base	<u>500</u>
_____ AF	Up to 1 CFS	<u>200</u>
	_____ Add'l CFS	<u>300</u>
	Up to 20 AF	_____
	_____ Add'l AF @ \$1	_____
	Add'l <u>✓</u> POD/POA _____ use	+ <u>200</u>
	Exam Fee Required =	<u>1200</u>
	Exam Fee Paid	<u>1200</u>
	Still Owed	<u>0</u>

Name: Joel Plahn Date: 10/7/2009

Peer Reviewer: Joel Plahn

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Point of Diversion Characteristics

Right:	App:G 17228 *
Name:	HOLMGREN DAIRY LLC MIKE HOLMGREN

TRSQQ: 33.00S-31.00E-09-SWSW Digital Map of TRSQQ

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB:

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App:G 17228 *

WATER RESOURCES DEPARTMENT**DIVISION 512****MALHEUR LAKE BASIN PROGRAM PROVISION****690-512-0040****Water Availability**

(1) Except as provided in section (3) of this rule, the Department shall not accept an application for permit, or issue a permit, for any use of surface water, or of groundwater the use of which has the potential to substantially interfere with surface water, in the Malheur Lake Basin unless the applicant shows, by a preponderance of evidence, that unappropriated water is available to supply the proposed use at the times and in the amounts requested. The evidence provided shall be prepared by a qualified hydrologist or other water resources specialist and shall include:

(a) Streamflow measurements of gage records from the source or, for use of groundwater, the stream in hydraulic connection with the source; or

(b) An estimate of water availability from the source or, for use of groundwater, the stream in hydraulic connection with the source which includes correlations with streamflow measurements or gage records on other, similar streams and considers current demands for water affecting the streamflows.

(2) The criteria used in determining if the use of groundwater has the potential to substantially interfere with surface water shall be those established in OAR chapter 690, division 9.

(3) This rule shall not apply to issuance of:

(a) Instream water rights;

(b) Permits for storage of water between March 1 and May 31; or

(c) Permits for use of water legally stored.

(d) Permits for Multipurpose Storage under OAR 690-512-0100.

Stat. Auth.: ORS 536.300 & 536.340

Stats. Implemented:

Hist.: WRD 3-1985, f. & cert. ef. 3-28-85; WRD 23-1990, f. & cert. ef. 12-14-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0120; WRD 2-2009, f. 6-18-09, cert. ef. 7-1-09

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-17228

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 33S/31E-9+10

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date September 18, 2009

FROM: Ground Water/Hydrology Section Michael Zwart
Reviewer's Name

SUBJECT: Application G- 17228 Supersedes review of _____
Date of Review(s)

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

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

A. GENERAL INFORMATION: Applicant's Name: Holmgren Dairy, LLC County: Harney

A1. Applicant(s) seek(s) 4.0 cfs from two well(s) in the Malheur Lake Basin,
_____ subbasin Quad Map: Butler Hill

A2. Proposed use: Irrigation, 320 acres Seasonality: March 1 to October 31

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Proposed	11	Volc. Seds./Rock	2.23	33S/31E-9 SW-SW	1320' N from SW cor S 9
2	Proposed	12	Volc. Seds./Rock	2.23	33S/31E-10 NW-NW	1000' E from NW cor S 10
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
11	4557											
12	4557											

Use data from application for proposed wells.

A4. Comments: No proposed construction information was provided except for two local well logs (HARN 900 & 1677) which are constructed fairly differently. Therefore, I am not sure if it is worth my time to guess what construction is being proposed. High production wells seem likely based on these logs.

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

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

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

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

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

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

- B3. Ground water availability remarks: One well log included (HARN 900) is a non-current State Observation Well. The water-level trend was reasonably stable. Nearby wells under file G-15165 have not been measured per the measurement condition and also appear to currently be owned by the applicant. The applicant/permittee should be notified that the wells authorized under that permit will need to be measured in accordance with the permit condition. Therefore, the reference levels that will be established by use of Condition 7E should be adequate here.

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

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
All	Interbedded clay, sand, gravel, sandstone and basalt	☒	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: It appears that the major water-bearing zones are well below the static water level.

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

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

Basis for aquifer hydraulic connection evaluation: There are no nearby surface water sources.

Water Availability Basin the well(s) are located within: No WAB data in this area.

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

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

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

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

Comments: _____

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

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

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

Basis for impact evaluation:

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

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

C6. SW / GW Remarks and Conditions

References Used: Review of file G-15165; regional geologic mapping; local well logs.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

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

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

D3. **THE WELL construction deficiency:**

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

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

_____D5. **THE WELL** a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.b. ☐ I don't know if it met standards at the time of construction.D6. ☐ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNELD7. ☐ Well construction deficiency has been corrected by the following actions: _____

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

MEMO

September 18, 2009

[illegible]



Hydrograph for State Well HARN 900, State Observation Well # 1151

Well Location	33.88S31.88E8AC
Oregon Water Resources Department Well Log ID	HARN 900
Oregon Water Resources Department State Observation Well Number	1151
Well depth, in feet below land surface	570
Land surface elevation, in feet above mean sea level	
Primary use of well	not determined

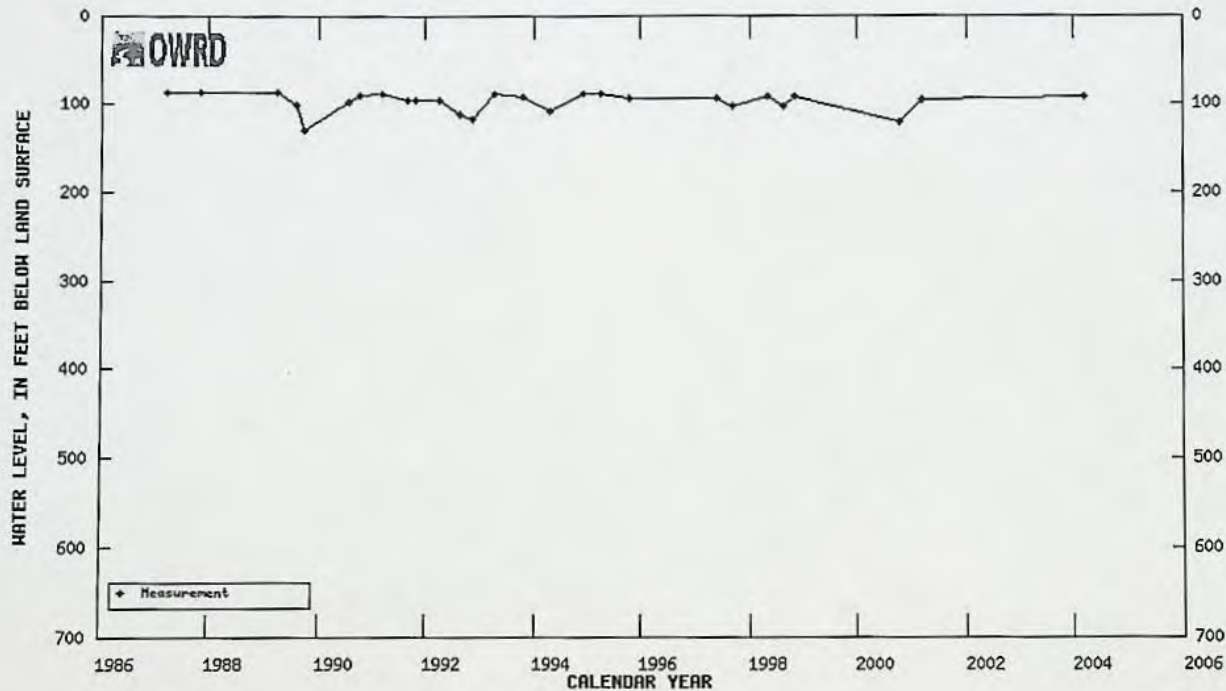


Table showing water-level data for State Well HARN 900, State Observation Well # 1151

Butler Hill



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

BAKE 51941

12-02-2008

Page 1 of 2

WELL LABEL # L 95696

START CARD # 1005766

(1) LAND OWNER

Owner Well I.D. Well #2

First Name DAVID

Last Name MOORE

Company PINE VALLEY RANCH

Address 40117 PINE TOWN LANE

City HALFWAY

State OR

Zip 97834

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud

☐ Reverse Rotary ☐ Other

(4) PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Community

☐ Industrial/ Commercial ☒ Livestock ☐ Dewatering

☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 740.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
12	0	125	Bentonite	0	5	5	S
8	125	740	Cement	5	18	5	S
			Cement	110	125	5	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

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
☒	☒	8	☒	2	125	.25	☒	☒	☒	☒
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐

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

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type Material

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

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

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

600		740	1
500		450	1
400		330	1

Temperature 75 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Baker Twp 8.00 S N/S Range 46.00 E W/W M

Sec 25 NE 1/4 of the NE 1/4 Tax Lot 4100

Tax Map Number

Lot

Lat " or DMS or DD

Long " or DMS or DD

☐ Street address of well ☒ Nearest address

39774 PINE TOWN LANE

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well	12-01-2008			96

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 140

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
12-01-2008	140	150	30			96
12-01-2008	275	310	50			96
12-01-2008	440	475	100			96
12-01-2008	530	575	100			96
12-01-2008	730	740	500			96

(11) WELL LOG

Ground Elevation

Material	From	To
Clay/Gravel	0	10
Brown Clay	10	115
Black Basalt	115	140
Brown Basalt w/Tan Claystone	140	150
Black Basalt w/Tan Claystone	150	170
Black Basalt	170	190
Brown Basalt	190	210
Black/Brown Basalt	210	275
Brown Scoria w/Tan Claystone	275	310
Black Basalt	310	315
Brown/Black Basalt w/Tan Claystone	315	325
Black Basalt	325	360
Brown Basalt	360	380
Black Basalt	380	440
Black/Brown Scoria w/Tan Claystone	440	475
Black Basalt	475	530
Brown Scoria/ Tan Claystone	530	575
Black Basalt	575	605
Brown Scoria	605	620

Date Started 11-24-2008

Completed 12-01-2008

(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 12-02-2008

Electronically Filed

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 544

Date 12-02-2008

Electronically Filed

Signed LARRY BURD (E-filed)

Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.88

12-02-2008

START CARD # 1005766

(5) BORE HOLE CONSTRUCTION

[illegible]

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

[illegible]

(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

Water Bearing Zones

[illegible]

(11) WELL LOG

[illegible]

Comments/Remarks



Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

REPAIR of A RETURN

Application G 17228 County HASLET Priority Date JUNE 2 2009

Township 33 S Range 31 E Section SEE MAP

Amount 4 CFS Use PRIM IRRIG 320 ACRE Watermaster Dist. # 10

Caseworker Assigned

☐ Brook Geffen ☐ Jeana Eastman ☒ Joel Plahn ☐ Kerry Kavanagh ☐ Michele McAleer

☒ Applicant/Organization Name, Mailing Address, and Telephone Number.

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) *NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application (E2).*

☒ The proposed source is or is not (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued. G.W.

☒ Property ownership indicated. STATES YES!

☐ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

☐ If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ Groundwater development section (Page 3 and 4, Section B) or a well log report. REPAIRED
INCLUDED WELL LOGS

☒ Proposed use of water. If supplemental, list primary acreage.

☒ Enclosed Supplemental Form for each proposed use.

☒ Form I (Irrigation)

☐ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

☒ Amount of water from each source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

☒ Period of use

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

☒ Project schedule (If system is already completed, indicate "existing").

☐ For Standard reservoir applications proposing to store more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required. In addition, the map must be prepared by a CWRE.

☒ All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

☒ You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*

☒ The map must meet all the minimum requirements of OAR 690-310-0050. REPAIRED

- ☒ Township, Range, Section
- ☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- ☒ Place of use; 1/4, 1/4's and tax lot clearly identified
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
- ☒ Location of each diversion point, well or dam by reference to a recognized public land survey corner
- ☒ Reference corner on map
- ☒ North Directional Symbol
- ☒ Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture
- ☒ Each point of diversion coordinate
- ☐ Other _____

☒ Fees: Amount of water requested 4 CFS

Base Fee \$ 500

Additional Use @ _____

1st CFS/AF 200

Total Exam Fees \$ 1200

3 Addtn'l CFS/ AF @ 100 = 300

Total Paid \$ 1200

1 Addtn' POA @ 200 = 200

Amount Due \$ REC FEE DUE

Reviewed by: HTM

Date: JUNE 2, 2009

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-17228

Final Order

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

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

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

Application History

On June 2, 2009, Holmgren Dairy LLC., submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 15, 2009. The protest period closed January 29, 2010, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the total rate per well as 2.23 CFS.

Order

Application G-17228 is therefore approved with these modifications to the Proposed Final Order. **Upon payment of outstanding fees in the amount of \$400**, a permit shall be issued authorizing the proposed water use.

Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.

DATED February 18, 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

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

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

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

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HOLMGREN DAIRY LLC
36605 ROCK CREEK LANE
FRENCHGLEN, OR 97736

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

APPLICATION FILE NUMBER: G-17228

SOURCE OF WATER: WELL 11 AND WELL 12 IN ROARING SPRINGS CANYON BASIN

PURPOSE OR USE: IRRIGATION OF 320.0 ACRES

MAXIMUM RATE: 4.0 CUBIC FEET PER SECOND CFS, BEING NO MORE THAN 2.23 CFS
FROM WELL 11 AND 2.23 CFS FROM WELL 12

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 2, 2009

WELL LOCATION:

WELL 11 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T33S, R31E, W.M.; 1320 FEET NORTH
FROM SW CORNER, SECTION 9

WELL 12 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 10, T33S, R31E, W.M.; 1000 FEET EAST
FROM NW CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES

SECTION 9

TOWNSHIP 33 SOUTH, RANGE 31 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), 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 report 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

Reference Water Level Determination

Following the first year of water use, the user shall report one

static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional water levels after the reference level has been determined. 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 reported to the Department.

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

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

The period of non-use or restricted use shall continue until the 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

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

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

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

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

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

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

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

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

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

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

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

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

Issued

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #G-17228

Original mailed to applicant with claim of beneficial use form:

HOLMGREN DAIRY LLC
ATTN: MIKE HOLMGREN
36605 ROCK CREEK LANE
FRENCHGLEN OR 97736

Copies sent to: 1. WRD - File # G-17228
2. WRD - Ken Stahr

Copies Mailed	
By:	(SUPPORT STAFF)
on:	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 10
4. WRD - Regional Manager (not to SCR): er

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

5.

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies

1.

CASEWORKER : Joel Plahn

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-17228

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$400.00. Please include your application number on your check made out to the Oregon Water Resources Department.

Proposed Final Order

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

Application History

On June 2, 2009, Holmgren Dairy LLC submitted an application to the Department for the following water use permit:

- Amount of Water: 4.0 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION OF 320.0 ACRES
- Source of Water: WELL 11 AND WELL 12 IN ROARING SPRINGS CANYON BASIN
- Area of Proposed Use: HARNEY COUNTY WITHIN SECTION 9, TOWNSHIP 33 SOUTH, RANGE 31 EAST, W.M.

On October 23, 2009, the Department mailed the applicant notice of its Initial Review, determining that "The appropriation of 4.0 CFS from Well 11 and Well 12 in Roaring Springs Canyon Basin for irrigation of 320.0 acres is allowable during the full period requested, March 1 through October 31 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On October 27, 2009, 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.

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

- recommendations by other state agencies
- 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 ground water 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 Malheur Lake Basin Program allows irrigation.

Well 11 and Well 12 in Roaring Springs Canyon Basin are not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

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

The Department finds that the amount of water requested, 4.0 CFS, is an acceptable amount.

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

Conclusions of Law

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

The proposed use requested in this application is allowed in the Malheur Lake Basin Program, or a 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.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED December 15, 2009

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **January 29, 2010**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in 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;
- If you are the applicant, the protest fee of \$300 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$600 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **January 29, 2010**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$150. If a hearing is scheduled, an additional fee of \$350 must be submitted along with a request for intervention.

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

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

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a prima facie case upon default.

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

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

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

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HOLMGREN DAIRY LLC
36605 ROCK CREEK LANE
FRENCHGLEN, OR 97736

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

APPLICATION FILE NUMBER: G-17228

SOURCE OF WATER: WELL 11 AND WELL 12 IN ROARING SPRINGS CANYON BASIN

PURPOSE OR USE: IRRIGATION OF 320.0 ACRES

MAXIMUM RATE: 4.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 2, 2009

WELL LOCATION:

WELL 11 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T33S, R31E, W.M.; 1320 FEET NORTH
FROM SW CORNER, SECTION 9

WELL 12 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 10, T33S, R31E, W.M.; 1000 FEET EAST
FROM NW CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SECTION 9

TOWNSHIP 33 SOUTH, RANGE 31 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), 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 report 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

Reference Water Level Determination

Following the first year of water use, the user shall report one

static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional water levels after the reference level has been determined. 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 reported to the Department.

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

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

The period of non-use or restricted use shall continue until the 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

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

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

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

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

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

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

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

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

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

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

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

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

Issued

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

4-28-09

G-17228

SECTION. PLAT

Section

Q

Township

33.5

Page

31E

County of _____

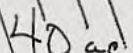
Harney

State of

Oregon

NORTH

Tax Lot 1100



RECEIVED

JUN 02 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 11 2009

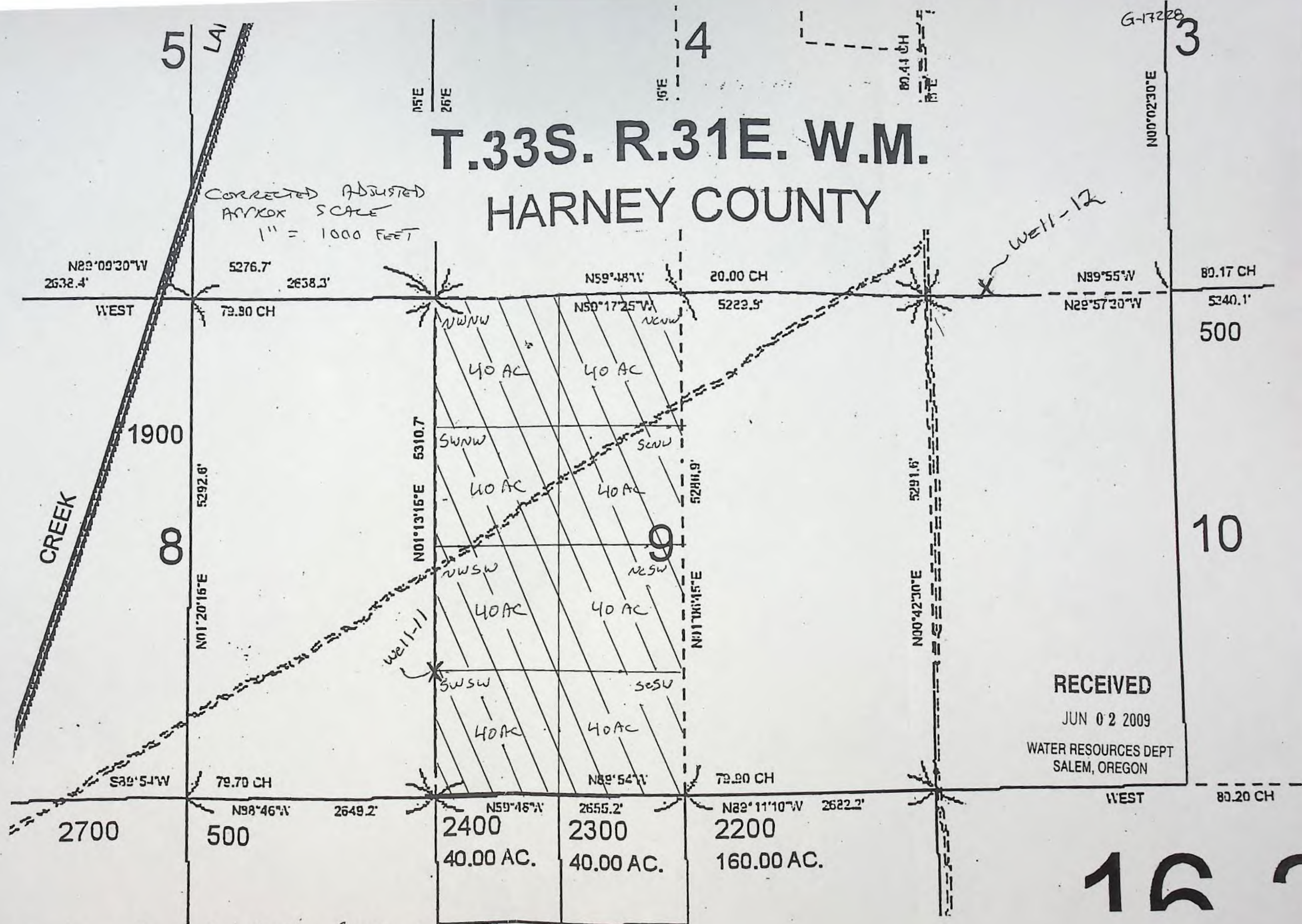
WATER RESOURCES DEPT
SALEM, OREGON

Hölmgren Dairy LLC
36605 Rock Creek LN

27. 1. 1. (1000) 04421

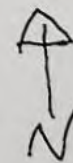
T.33S. R.31E. W.M.
HARNEY COUNTY

CORRECTED ADJUSTED
APPROX SCALE
1" = 1000 FEET



well 11 Located 1320' North from SW corner section 9
well 12 Located 1000' East from NE corner section 9

MAP C



Mailing List for PFO Copies

Application #G-17228

PFO Date December 15, 2009

Original mailed to applicant:

~~H~~OLMGREN DAIRY LLC, 36605 ROCK CREEK LANE, FRENCHGLEN, OR 97736

Copies sent to:

- ~~1.~~ WRD - File # G-17228
- ~~2.~~ Water Availability: Ken Stahr

PFO and Map Copies sent to:

- ~~3.~~ WRD - Watermaster # 10
- ~~4.~~ Regional Manager: er

Copies Mailed	
By:	YCB
	(SUPPORT STAFF)
on:	12/17/09
	(DATE)

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

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies

CASEWORKER : Plahnjm



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

HOLMGREN DAIRY LLC
ATTN: MIKE HOLMGREN
36605 ROCK CREEK LANE
FRENCHGLEN, OR 97736

October 23, 2009

Reference: File G-17228

Dear Applicant:

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

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether 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 application requested the appropriation of 4.0 cubic feet per second (CFS) from Well 11 and Well 12 in Roaring Springs Canyon Basin for irrigation of 320.0 acres from March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 11 and Well 12 in Roaring Springs Canyon Basin for irrigation is allowable under the Malheur Lake Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

The Department has determined, based upon OAR 690-009, that the proposed ground water use will not have the potential for substantial interference with any surface water source.

Summary of Initial Determinations

The appropriation of 4.0 CFS from Well 11 and Well 12 in Roaring Springs Canyon Basin for irrigation of 320.0 acres is allowable during the full period requested, March 1 through October 31 of each year.

Because of these favorable determinations, the Department can now move your application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

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.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, November 6, 2009**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. **Before water use may begin** under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. **Prior to using water** from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), 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 report 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

Reference Water Level Determination

Following the first year of water use, the user shall report one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional water levels after the reference level has been determined. 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 reported to the Department.

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

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

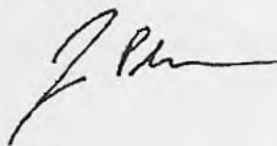
The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can 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.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0815 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Joel Plahn, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Plahn', with a long horizontal stroke extending to the right.

Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17228
GW

APPLICATION FACT SHEET

Application File Number: G-17228

Applicant: HOLMGREN DAIRY LLC

County: Harney

Watermaster: 10

Priority Date: June 2, 2009

Source: WELL 11 AND WELL 12 IN ROARING SPRINGS CANYON BASIN

Use: IRRIGATION OF 320.0 ACRES

Quantity: 4.0 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 1 STRS DR.INTO CATLOW VALLE

Point of Diversion or Well Location(s):

WELL 11 - SWSW, SECTION 9, T33S, R31E, W.M.;1320 FEET NORTH FROM SW
CORNER, SECTION 9

WELL 12 - NWNW, SECTION 10, T33S, R31E, W.M.;1000 FEET EAST FROM NW
CORNER, SECTION 10

Place of Use:

NE ¼ NW ¼ 40.0 ACRES
NW ¼ NW ¼ 40.0 ACRES
SW ¼ NW ¼ 40.0 ACRES
SE ¼ NW ¼ 40.0 ACRES
NE ¼ SW ¼ 40.0 ACRES
NW ¼ SW ¼ 40.0 ACRES
SW ¼ SW ¼ 40.0 ACRES
SE ¼ SW ¼ 40.0 ACRES

SECTION 9

TOWNSHIP 33 SOUTH, RANGE 31 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 6, 2009

PUBLIC NOTICE DATE: Tuesday, October 27, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, November 26, 2009

Prepared by:
Babe Hawk
Asst. Wm Dist #10
4-28-09

Map A

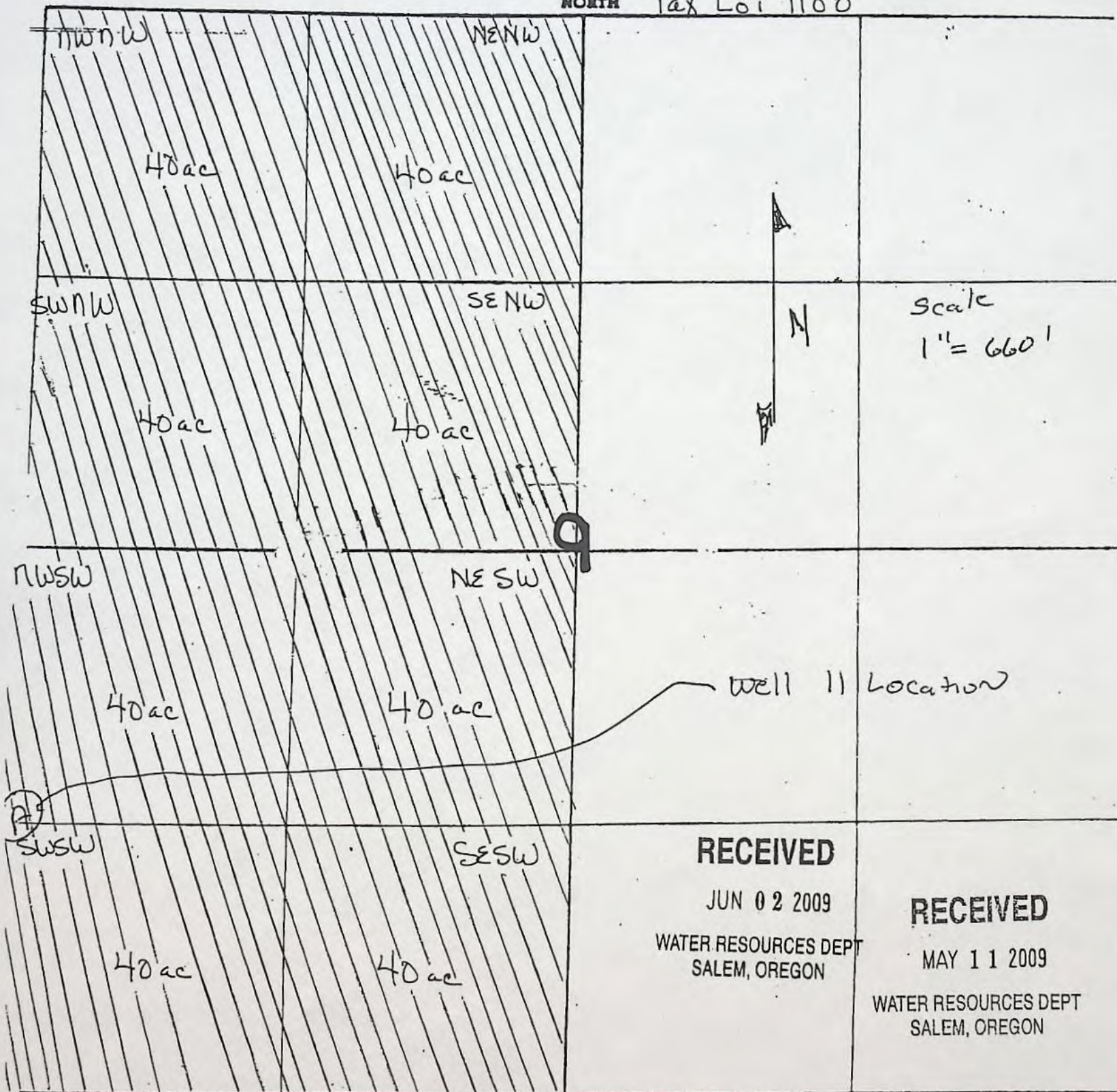
Gr-17228

SECTION PLAT

Section 9 Township 33S Range 31E

County of Harney State of Oregon

NORTH Tax Lot 1100



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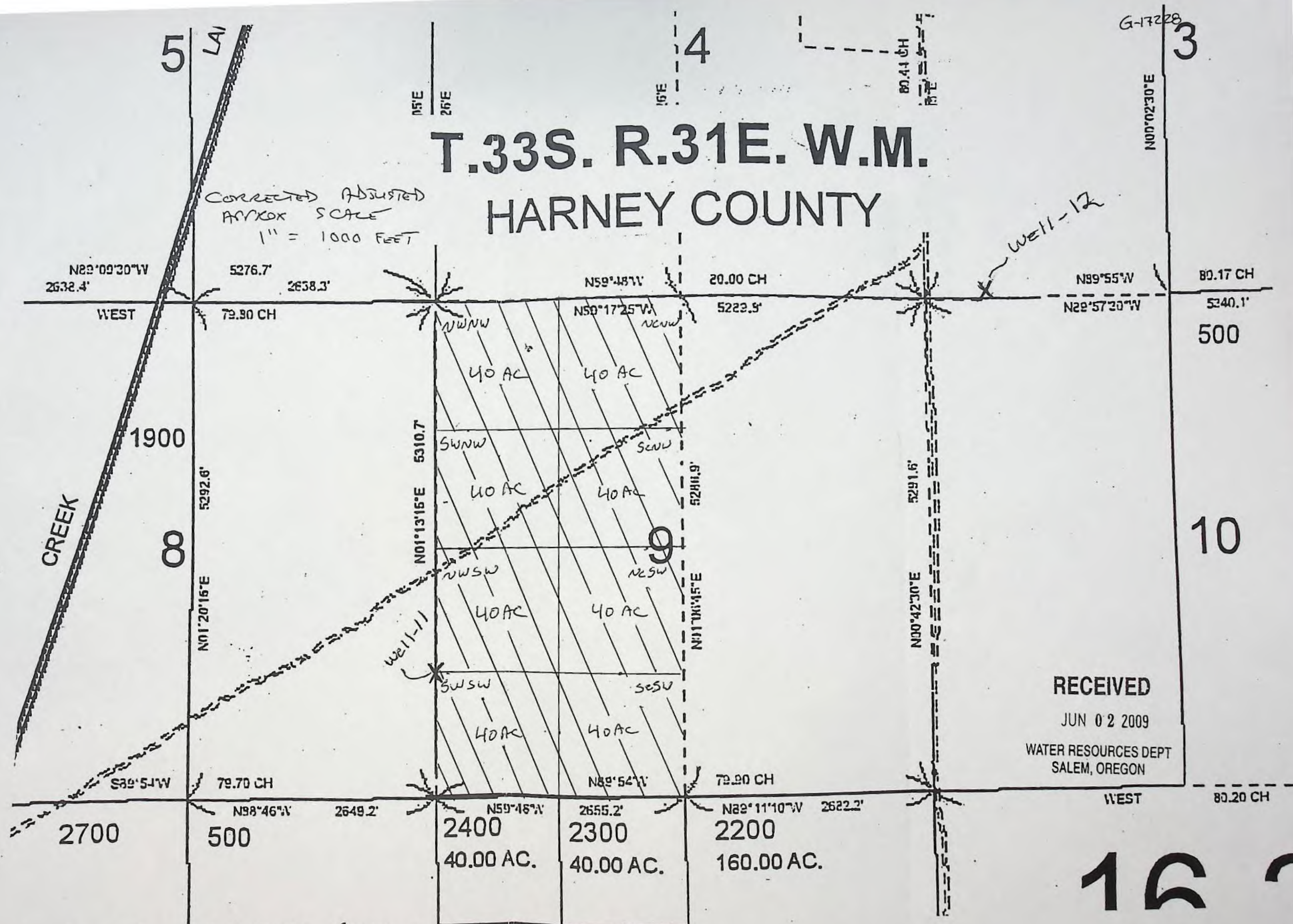
MAY 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

Holmgren Dairy LLC
36605 Rock Creek LN
Frenchtown, Oregon 97731

T.33S. R.31E. W.M. HARNEY COUNTY

CORRECTED ADJUSTED
APPROX SCALE
1" = 1000 FEET



Well 11 Located 1320' North from SW corner Section 9
Well 12 Located 1000' East from NE corner Section 9

Mailing List for IR Copies

Application #G-17228

IR Date: October 23, 2009

Original mailed to applicant:

~~1~~ HOLMGREN DAIRY LLC ATTN: MIKE HOLMGREN, 36605 ROCK CREEK LANE,
FRENCHGLEN, OR 97736

Copies sent to:

- ~~1~~ WRD - File # G-17228
- ~~2~~ WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

- ~~3~~ WRD - Regional Manager (not SCR): ER
- ~~4~~ WRD - Watermaster # 10
- ~~5~~ Department of Agriculture

Copies Mailed
By: <u>TCB</u>
(SUPPORT STAFF)
on: <u>10/22/09</u>
(DATE)

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

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

Caseworker: Joel Plahn

COPYSH.T.IR



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

Application for a Permit to Use Ground Water

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

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last
 Mailing address: _____

City State Zip
 Phone: _____
Home Work Other
 *Fax: _____ *E-Mail address: _____

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B. Organizations

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

Name of organization: Holmgren Dairy LLC
 Name and title of person applying: Mike Holmgren - Owner
 Mailing address of organization: 36605 Rock creek Ln
Frenchglen Oregon 97736
City State Zip
 Phone: 541-589-3490 541-493-2510
Day Evening
 *Fax: _____ *E-Mail address: CBarChay@gmail.com

* Optional information

For Department Use

App. No. _____ Permit No. _____ Date _____

2. PROPERTY OWNERSHIP

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

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

☐ No (Please check the appropriate box below.)

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

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

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

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

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WATER RESOURCES DEPT
SALEM, OREGON

3. GROUND WATER DEVELOPMENT**A. Well Information**

Number of well(s): 2

Name of nearest surface water body: Rock Creek Reservoir (T-35E, R 29E)

Distance from well(s) to nearest stream or lake: 1) ± 13 miles

2) _____ 3) _____ 4) _____

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

2) _____ 3) _____ 4) _____

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 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: UNKNOWN till Permit

Address: _____

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Completion date: _____

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
		Proposed Perforated							
11	12-16"	0.250	UNK	UNK	UNK	UNK	UNK	Flow meter	
12	12-16"	0.250						Access Port	
		Mostly UNKNOWN UNTILL we Receive Permit.							

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

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

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

N/A

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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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Completion date: _____

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
	perforated	perforated							
11	12-16"	.250	See Attached well logs of other wells on the Property					Flow meter	
12	12-16"	.250						Access port	

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

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

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

N/A

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

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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)

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? _____
(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: _____
(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: _____
(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

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

☐ Pump (give horsepower and pump type): _____

☐ Other means (describe): _____

B. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☐ Pipe (give diameter and total length):

Diameter _____ Length _____

☐ Other (describe) _____

Ground Water/4

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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)
11	UNKNOWN		1000		UNKNOWN
12			1,000		

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 4 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 31
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 320 acres
 (This number should be consistent with your application map.)

5. WATER MANAGEMENT**RECEIVED**

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A. Diversion

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

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

WATER RESOURCES DEPT
SALEM, OREGON**B. Transport**

How will you transport water to your place of use?

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

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C. Application/Distribution MethodWhat equipment will you use to apply water to your place of use? Pivot

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.

Low Pressure Sprinkler Package on a Center Pivot.
This is the most practical & efficient way to irrigate this Acreage

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: Soon after water rights are grantedProposed date construction will be completed: UnknownProposed date beneficial water use will begin: within 1 year.**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.

Well 11 Located 1320' North. from SW corner Section 9
Well 12 Located 1000' East From NE corner Section 9.

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8. MAP REQUIREMENTS

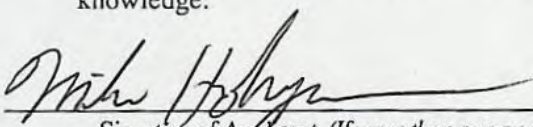
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place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

9. SIGNATURE

By my signature below I confirm that I understand:

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

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


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

4-30-09

Date

Before you submit your application be sure you have:

- ☒ Answered each question completely.
- ☒ Attached a legible map which includes township, range, section, — MAP A
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, — MAP B
or title insurance policy, to meet this requirement.
- ☒ Included a check payable to the Oregon Water Resources Department
for the appropriate amount. The Department's fee schedule can be
found at www.wrd.state.or.us or call (503) 986-0900. ✓ # 1226

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SALEM, OREGON

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SALEM, OREGON



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: 320 Acres

Secondary: _____ Acres

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

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

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

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

960 acre-feet

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

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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: _____

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G-17228

Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Holmgren Dairy LLC
Mailing Address: 36685 Rock Creek LN
City: Frenchglen State: OR Zip: 97736 Day Phone: 541-493-2510

This application is related to a Measure 37 claim. ☐ Yes ☐ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	(1/4)	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
33	31	9	NW	1100	EFRL	☐ Diverted ☐ Conveyed ☒ Used	Irr.
33	31	9	SW	1100		☐ Diverted ☐ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 4 CFS ☐ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other _____

Briefly describe: _____

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SALEM, OREGON

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

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WATER RESOURCES DEPT
SALEM, OREGON

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

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.010 EPCU-1
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

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Name: Darrell Johnson Jr. Title: Planning Assistant
 Signature: [Signature] Phone: (503) 573-8174 Date: 28 April 09
 Government Entity: Huamey County Planning Dept.

WATER RESOURCES DEPT
SALEM, OREGON

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

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Receipt for Request for Land Use Information

WATER RESOURCES DEPT
SALEM, OREGON

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

THIS SPACE RESERVED FOR RECORDER'S USE

20070814

After recording return to:
 HOLMGREN DAIRY, LLC
 93049 LAMPA LANE
 MYRTLE POINT, OR 97458

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

HOLMGREN DAIRY, LLC
 93049 LAMPA LANE
 MYRTLE POINT, OR 97458

SWD

STATE OF OREGON } ss
 County of Harney

I certify that the within instrument was received
 for record on the 13 day of April
 2007 at 3:10 o'clock P.M. and
 recorded Macrofilm number 20070814

Deed Records of said County.
 Maria Iturriaga, County Clerk
 By: [Signature] Deputy

STATUTORY WARRANTY DEED

MARK JOSEPH OWENS and CELESTE MARIE OWENS, as tenants by the entirety Grantor(s)
 hereby convey and warrant to HOLMGREN DAIRY, LLC, an Oregon Limited Liability Company,
 Grantee(s) the following described real property in the County of HARNEY and State of Oregon free of encumbrances
 except as specifically set forth herein:

Land in Harney County, Oregon, as follows:

In Twp. 33 S., R. 31 E., W.M.:

Sec. 3: Lots 3 and 4, S1/2NW1/4, SW1/4.

Sec. 4: Lots 1, 2, 3 and 4, S1/2N1/2, SW1/4, SE1/4.

Sec. 8: E1/2.

Sec. 9: All.

Sec. 10: W1/2.

CODE # 16-2 ACCT. # 20193
 CODE # 16-2 ACCT. # 20198
 CODE # 16-2 ACCT. # 20199
 CODE # 16-2 ACCT. # 20200
 CODE # 16-2 ACCT. # 20192

MAP # 33S 31E TL 700
 MAP # 33S 31E TL 800
 MAP # 33S 31E TL 900
 MAP # 33S 31E TL 1000
 MAP # 33S 31E TL 1100

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WATER RESOURCES DEPT
 SALEM, OREGON

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

The true and actual consideration for this conveyance is **PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR.**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 10 day of April, 2007.

[Signature]
 MARK JOSEPH OWENS

Exhibit B
 Pg 1 of 3

RECEIVED

JUN 02 2009

LEGAL DESCRIPTION

WATER RESOURCES DEPT
SALEM, OREGON

TRACT 1:

Beginning at a point 18.79 chains South and 1 chain East of the quarter post on the Township line between Sections 31, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon and Section 6, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence North 5° East to the North boundary of the Myrtle Point-Lampa County Road and the true point of beginning; thence continuing North 5° East 400 feet, more or less, to the intersection with the center line of a ditch running in a Westerly direction; thence Westerly following the center line of said ditch 900 feet; thence due South 300 feet, more or less, to the intersection of the North boundary of the Myrtle Point-Lampa County Road; thence Easterly along the North boundary of said road to the true point of beginning

ALSO: Beginning at the Southwest corner of the NW 1/4 of the NE 1/4 of Section 6, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence East along the South line of said NW 1/4 of the NE 1/4 66.6 feet to an iron pipe on the West boundary of a roadway; thence North along said roadway 42 feet to the true point of beginning; thence West 162 feet; thence North 164 feet, more or less, to the South right of way line of the Myrtle Point-Lampa County Road; thence Easterly along said County Road right of way to its intersection with the West boundary of the aforementioned roadway; thence Southerly along said roadway to the true point of beginning.

ALSO: That portion of the following described parcels lying East of the following described line: Beginning at a point 18.79 chains South and 1 chain East of the quarter post on the Township line between Sections 31, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon and Section 6, Township 29 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence North 5° East 27.50 chains, more or less, to the Coquille River and the end of said line:

PARCEL I: That part of Section 31, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, lying Southerly of the low water line of the Coquille River.

EXCEPTING THEREFROM:

Beginning at the Southwest corner of that tract formerly owned by P. W. Laird which is described in deed to adjoining lands owned by Amelia P. Lafferty as being situated 18.79 chains South 5.25, chains East of the quarter section corner on the South boundary of Section 31, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon; thence North 36° East 2937.0 feet along the line between Amelia P. Lafferty and P. W. Laird to a myrtle tree 14 inches in diameter marked with a cross, which said myrtle tree is the Southeast corner of the tract to be conveyed; thence North 66° West 282 feet, more or less, to the low water line on the left bank of the Coquille River; thence upstream along the low water line approximately North 75° East 450 feet, more or less, to a point where said low water line is intersected by the line between the land of Amelia P. Lafferty and P. W. Laird; thence South 38° West 285 feet, more or less, along said boundary line to the place of beginning.

PARCEL II: That part of the SW 1/4 of Section 32, Township 28 South, Range 12 West of the Willamette Meridian, Coos County, Oregon, lying Southwesterly of the low water line of the Coquille River.

Exhibit B
Pg 2 of 3

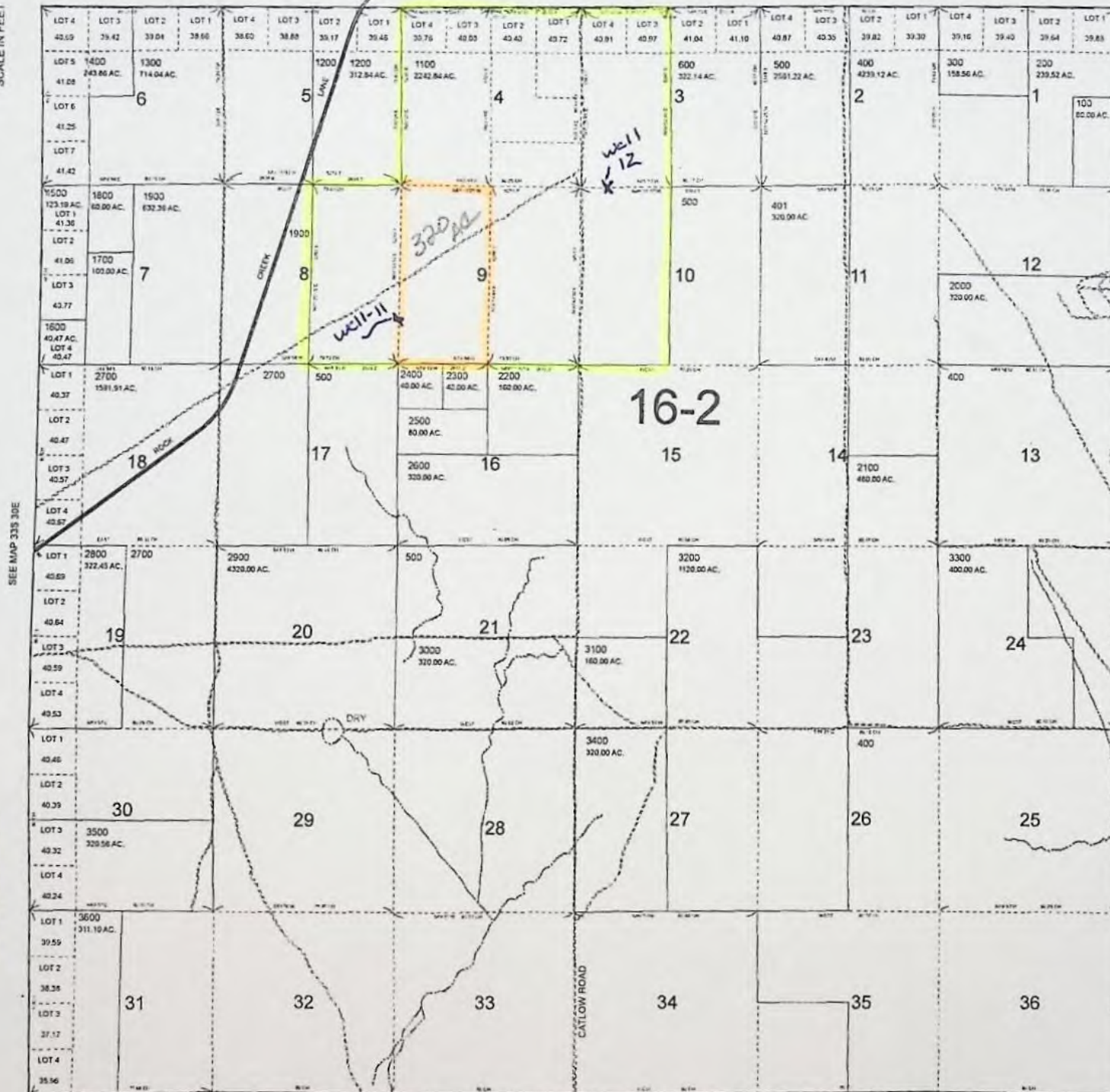
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.33S. R.31E. W.M.
HARNEY COUNTY
1" = 2000'

Map B

33S 31E

SCALE IN FEET
0 2,000 4,000



CANCELLED NO.
700 (2008)
800 (2008)
900 (2008)
1000 (2008)

RECEIVED

MAY 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JUN 02 2009

WATER RESOURCES DEPT
SALEM, OREGON

PRINTED ON
May 19, 2008
33S 31E

SEE MAP 34S 31E

64-7228

NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, 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)

State Well No. 335/31E-46a

State Permit No.

(1) OWNER:

Name CATLOW VALLEY FARMS CORPORATION
Address 2650 WASHINGTON BLVD OGDEN UTAH

(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 ☒
16" Diam. from +1 ft. to 355 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 action

Yield: 1850 gal./min. with 85 ft. drawdown after 36 hrs.

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

Artesian flow g.p.m.

Temperature of water 54° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Grout

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 20 in.

Diameter of well bore below seal 16 in.

Number of sacks of cement used in well seal 25 sacks

Number of sacks of bentonite used in well seal sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons
of water lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Flange 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 ft. to ft.

(10) LOCATION OF WELL:

County HARNEY Driller's well number

NE 1/4 11W1/4 Section 4 T. 33S R. 31E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 98 ft.

Static level 90 ft. below land surface. Date 10-21-77

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 16"

Depth drilled 591 ft. Depth of completed well 591 ft.

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

MATERIAL	From	To	SWL
Top Soil	0	2	
Yellow Hard Pan	2	4	
Sandy yellow CLAY	4	98	90
Yellow Sand & WATER	98	120	
Yellow CLAY	120	160	
Yellow CLAY w/ Fine Sand	160	180	
Yellow CLAY	180	310	
Coarse Sand & Fine Gravel	310	312	
Hard yellow CLAY	312	345	
Coarse Brown Sand & Gravel	345	346	
Dark yellow CLAY w/ Sand	346	350	
Hard yellow Rock w/ Sand	350	409	75'
Med. Hard yellow Rock	409	490	
Hard yellow Rock w/	490	581	
Fine Sand & Gravel			90'
Solid Yellow Rock	581	591	

Work started 10-17 1977 Completed 12-29 1977

Date well drilling machine moved off of well 1-4 1978

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] James A. White Date 1-18, 1978
(Drilling Machine Operator)

Drilling Machine Operator's License No. 554

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 H. G. H. LAND DRILLING CO.
(Person, firm or corporation) (Type or print)

Address PO Box 9 LAVERNE ORE

[Signed] James A. White
(Water Well Contractor)

Contractor's License No. 577 Date 1-18, 1978

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-43056-119

JUN 02 2009

WATER RESOURCES DEPT

Exhibit A Pg 1 of 3

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)

State Well No.

State Permit No.

(1) OWNER:

Name Richman Financial Corp.
Address 2650 Cassin BL
Ogden Utah

(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 ☐
Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
20" Diam. from 0 ft. to 20 ft. Gage 1375
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

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

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

Field: gal./min. with ft. drawdown after hrs.

" " " " " "

" " " " " "

Flow test NO gal./min. with ft. drawdown after hrs.

San flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 24 in.

Diameter of well bore below seal 30 in.

Number of sacks of cement used in well seal sacks

How was cement grout placed?

(10) LOCATION OF WELL:

County Harney Driller's well number

Section 8 T.33S R.31E W.M.

Bearing and distance from section or subdivision corner well is
in center of E 1/2 Sec. 8

(11) WATER LEVEL: Completed well.

Depth at which water was first found ft.

Static level ft. below land surface. Date

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 20"

Depth drilled 450 ft. Depth of completed well not completed

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

MATERIAL	From	To	SWL
Top soil	0	3	
Clay brown	3	15	
Sandstone brown med hard	15	42	
Sandstone red hard	42	71	
basalt brown med hard	71	95	
clay grey sticky	95	110	
basalt red med hard	110	121	
clay grey sticky	121	130	
Sandstone grey	130	170	
clay white (chalk like)	170	174	
Sandstone grey	174	200	
" Red	200	210	
" grey	210	220	
" Red	220	296	
clay blue green	296	400	
clay grey brown with sand	400	430	
clay blue green with sand	430	450	

Temp. A 1/10

Work started 6/17 1978 ended 1/10 1979

Date well drilling machine moved off of well 1/10 1979

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] Robert J. Osborn Date 1/30, 1979

(Drilling Machine Operator)

Drilling Machine Operator's License No. 1100

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 Osborn Drilling

(Person, firm or corporation)

(Type or print)

Address 524 Rd 44 PASCO Wn.

[Signed] Robert J. Osborn

(Water Well Contractor)

Contractor's License No. 708 Date 1/30 1979

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45058-110

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

RECEIVED

WATER WELL REPORT

Gr-17228

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

JAN 23 1981

STATE OF OREGON

WATER RESOURCES DEPT
SALEM, OREGON

(Please type or print)

(Do not write above this line)

State Well No. 335-312-8 ac

State Permit No. deepening

910
Harn

(1) OWNER:

Name Catlow Valley Farms
Address Ogden, Utah

(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 ☐
Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
16" Diam. from 0 ft. to 200 ft. Gage 350
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Factory Sawn

Size of perforations 3 1/2 in. by 1/8 in.
3200 perforations from 100 ft. to 200 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? Aqua Sales
Yield: 1600 gal./min. with 147 ft. drawdown after 40 hrs.

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

Discharge flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used cement
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 20 in.
Diameter of well bore below seal 16 in.
Number of sacks of cement used in well seal 22 sacks
How was cement grout placed? pumped

Was a drive shoe used? ☒ Yes ☐ No Flugs 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

(10) LOCATION OF WELL:

County Harney Driller's well number
SW 1/4 NE 1/4 Section 8 T.33 S.R. 31E 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 87 ft. below land surface. Date 1/21/80
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 16"

Depth drilled 570 ft. Depth of completed well 570 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
Blue silt	436	440	89
Black rock, hard	440	455	89
Black rock, med hard	455	480	89
Black rock, hard	480	510	89
Rock, grey	510	515	89
Rock, black, hard	515	525	89
Sandstone, black	525	535	89
Rock, black, hard	535	550	89
Rock, grey, hard	550	555	89
Gravel conglomerate	555	560	89
Rock, grey, hard	560	570	89

The existing well had been drilled
to 436'. The well was deepened
to 570'.

Work started 10/21 1970 Completed 12/28 1980

Date well drilling machine moved off of well 12/28 1980

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] Harold Woodruff Date 1/21, 1981
(Drilling Machine Operator)

Drilling Machine Operator's License No. 1188

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 H.D. Woodruff Drilling
(Person, firm or corporation) (Type or print)

Address Box 1043 Burns, OR

[Signed] Margie J. Woodruff
(Water Well Contractor)

Contractor's License No. 717 Date 1/21, 1981

JUN 02 2009

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45656-119

WATER RESOURCES DEPT
SALEM, OREGON

Exhibit A Pg 3 of 3



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

May 14, 2009

Holgrem Dairy, LLC
Attn: Mike Holmgren
36605 RockCreek Lane
Frenchglen, Oregon 97736

Dear Mike Holmgren:

The Water Resources Department has received your application to use water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this checklist, so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact Herb Mosgar at the address above or by telephone at 503-986-0804.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Cc: OWRD Fiscal

Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

- ☐ Groundwater development section (Page 3 and 4, Section B) or a well log report. *Must be completed, a well driller may be able to provide this information. The Department cannot determine availability of groundwater without knowing the intended aquifer.*
- ☐ You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.
- ☐ The map must meet all the minimum requirements of OAR 690-310-0050.
 - ☐ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
 - ☐ Location of each diversion point, well or dam by reference to a recognized public land survey corner
 - ☐ Reference corner on map
 - ☐ Each point of diversion coordinate

- ☐ Fees: Amount of water requested 4 cfs

Base Fee \$ 500

1st CFS/AF \$ 200

3 Addtn'l CFS/ AF @ \$100 = \$ 300

1 Addtn' POA @ \$ 200 = \$ 200

Additional Use @ _____ = _____

Total Exam Fees \$ 1200

Total Paid \$ 1200

Amount Due \$ _____

Amount Returned \$ 1200

Reviewed by: Herb Mosgar

Date : May 14, 2009

Groups\wr\Customer Service Group\templates\standard app checklist

3-6-2009 jks

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **96641**

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

INVOICE # _____

RECEIVED FROM: C Bar C Ranch
BY: _____

APPLICATION	717228
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1226 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1200.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203 GROUND WATER	\$ <u>1200.00</u>	0204 RECORD FEE \$
0205 TRANSFER	\$	

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **96641** DATED: 10-2-09 BY: 1567

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

99368

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

INVOICE #

RECEIVED FROM:

C BAR C Ranch

BY:

APPLICATION

G-17278

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

1427

☐

TOTAL REC'D

\$ 400.00

1083 TREASURY

4170 WRD MISC CASH ACCT

0407

COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

46111

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$ 400.00

0205

TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY

0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER

(IDENTIFY)

0607 TREASURY

0467 HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

99368

DATED:

3-11-10

BY:

[Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **104508**

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

INVOICE # _____

RECEIVED FROM: Northwest Farm
BY: Credit Services

APPLICATION	<u>See Below</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 66018335 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 150.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	<u>G-15/653 F</u>	\$
0410 RESEARCH FEES	<u>G-172283</u>	\$
0408 MISC REVENUE: (IDENTIFY)	<u>(2) Assignments</u>	\$ <u>150.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	<u>\$75.00 each</u>	\$
0240 EXTENSION OF TIME		\$

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **104508**

DATED: 11-21-11 BY: 2PR

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 117652

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

INVOICE # _____

RECEIVED FROM: <u>Whitby Brothers Land</u>	APPLICATION <u>G-17228</u>
BY: <u>and Livestock LLC</u>	PERMIT _____
	TRANSFER _____

CASH: ☐ CHECK: # 1105 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 175.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$ _____	
OTHER: (IDENTIFY) _____	\$ _____	
0243 I/S Lease _____	0244 Muni Water Mgmt. Plan _____	0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$ _____
0410 RESEARCH FEES		\$ _____
0408 MISC REVENUE: (IDENTIFY) _____		\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____		\$ _____
0240 EXTENSION OF TIME		\$ _____
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ _____	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT		0220 \$ _____
0200 OTHER (IDENTIFY) <u>COBU</u>		\$ <u>175.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 117652

DATED: 10-7-15 BY: Manu

Whitby Brothers Land & Livestock, LLC**1105**

OWRD

Date	Type	Reference	Original Amt.	Balance Due	9/29/2015 Discount	Payment
9/24/2015	Bill	15-079	175.00	175.00		175.00
					Check Amount	175.00

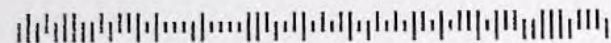
RECEIVED BY OWRD

OCT 07 2015

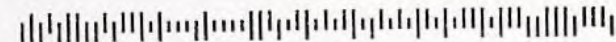
SALEM, OR

KeyBank Checking

175.00



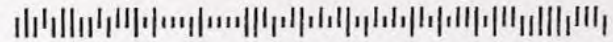
G-17228
WHITBY BROTHERS LAND & LIVESTOCK, LLC
62 W JUNIPER RD
MESA WA 99343



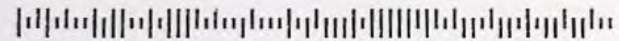
G-17228
WHITBY BROTHERS LAND & LIVESTOCK, LLC
62 W JUNIPER RD
MESA WA 99343



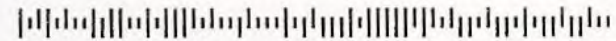
G-17228
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MESA WA 99343



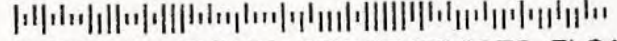
G-17228
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62 W JUNIPER RD
MESA WA 99343



NORTHWEST FARM CREDIT SERVICES, FLCA
9530 BEDFORD STREET
PASCO WA 99301



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