

DON C FRISBEE
FRISBEE, EMILIE 6116 SW Riverpoint Lane
~~1324 SW CORBETT HILL CIR~~
PORTLAND, OR 97219 97239

Certificate No.

Stream Index, Page No. 5

VIA, Sugar Creek Misc.

Date of approval 7-8-76

Extended to 10-1-02

Extended to 10-1-02

Form "C" filed

Date certificate issued

Date	To Whom	Address	Volume	Page
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REMARKS

Date	Amount	Receipt No.
4/5/94	466.00	110757-5
9-18-00	100.00	4027

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

FOR Jim 2005

DATE Wed. Dec. 7 TIME 145 AM

FROM ASST. JIM CHAMBERS

FIRM WTRMSTR/MIL - FR TR

PHONE (541) - 938 - 6886

☐ FAX AREA CODE NUMBER EXTENSION

☐ MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	☒	PLEASE CALL	☒
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE RETURN #1 RUSH #2 #3 #4 #5

1st # G 13808

2nd # G 13283

Co Bu

Run TEST YES

SIGNED _____

FORM 4007
MADE IN U.S.A.

MESSAGE

Paul Dewey

Ph # 541-317-1993

Fax # 541-388-5410

MEMORANDUM

TO: DOUG WOODCOCK, GROUND WATER SECTION MANAGER
FROM: GERRY CLARK, CERTIFICATE SECTION
SUBJECT: PUMP TEST – APPLICATION G-13658, PERMIT G-12583
DATE: FRIDAY, SEPTEMBER 19, 2008

The attached pump test is being forwarded for your review.



Oregon Water Resources Department PUMP TEST COVER SHEET

**Well Owner:**

Name Don Frisbee
Address 67887 Three Creeks Rd.
City, State, Zip Sisters, OR 97759
County Deschutes

Well Location:

Twnshp 15 (N or S), Range 10 (E or W)
Section 20 1/4, 1/4, 1/4 NE NE
Well Depth 330' Date Drilled 5-4-99
Owner's Well No. (if any) 27958
POD-ID _____

Water Right Information:

Application No. _____ Permit No. _____ Certificate No. _____
Is this well used for more than one water right? _____ (Y/N) If Yes, fill out numbers below:
App. No. _____ Permit No. _____ Cert. No. _____
App. No. _____ Permit No. _____ Cert. No. _____

Pump Test:

Test conducted by Keith Newton Well Owner? N (Y/N)
Company Newton Pump
Address 1921 N. Hwy 97 Date of Test 9-12-2003
City, State, Zip Redmond, OR 97756

Method of Discharge Measurement sprinklers
Method of Water Level Measurement probe
Depth of Air Line (if used) _____
Pump Type (Turbine, Submersible, etc.) 5HP submersible
Was pump test conducted during normal use of the well N (Y/N)

Description of point from which water level was measured ground level
Is measuring point above or below ground level? _____
Distance between measuring point and ground level (correction factor) _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance 800'
Approximate elevation difference 10'
Is well elevation above or below the surface water body? above

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>9:00</u>	Depth to Water: <u>206'9"</u>	(ft/in)
Time: <u>9:30</u>	Depth to Water: <u>"</u>	(ft/in)
Time: <u>10:00</u>	Depth to Water: <u>"</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>10:00</u>	Discharge Rate: <u>42GPM</u>	(gpm)
Time: <u>11:00</u>	Discharge Rate: <u>"</u>	(gpm)
Time: <u>12:00</u>	Discharge Rate: <u>"</u>	(gpm)
Time: <u>1:00</u>	Discharge Rate: <u>"</u>	(gpm)
Time: <u>2:00</u>	Discharge Rate: <u>"</u>	(gpm)

Pump turned on: Date: 9-12-03 Time: 10:00AM Pump turned off: Date: 9-12-03 Time: 2:00PM
Total pumping time: 4 hours, 0 minutes.

Note: Well must be idle for at least 16 hours prior to the test.

RECEIVED

OWRD 11/90

OCT 02 2003

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
WATER SUPPLY WELL REPORT

(as required by ORS §37.765)

MAY 12 1999

WELL I.D.# L 27958
START CARD# 120137

Instructions for completing this report are on the last page of this form. **OTHER RESOURCES DEPT.**
SALEM, OREGON

(1) OWNER: _____ Well Number _____
Name Don Frisbee
Address 1500 SW 1st Ave.
City Portland State OR. Zip 97201

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

(3) DRILL METHOD:

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

(4) PROPOSED USE:

☒ Domestic	☐ Community	☐ Industrial	☐ Irrigation
☐ Thermal	☐ Injection	☐ Livestock	☐ Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 330 ft
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
12	0	1845	Bentone	0	1845	19
8	1845	260				
6	260	330				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other Pard in Dry
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:								
	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8	+15	18	24	25	☐	☐	☐
						☐	☐	☐
						☐	☐	☐
						☐	☐	☐
						☐	☐	☐
Liner:	6	-10	24	18	25	☐	☒	☐
						☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Factory

☐ Screens Type _____ Material _____

From _____ To _____ Slot _____ Number _____ Diameter _____ Tele./pipe _____

220 260 4 385 6

From	To	Slot	Number	Diameter	Tele./pipe	Casting	Lines
220	260	4	385	6		☐	☒
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump	☐ Bailor	☒ Air	☐ Flowing Artesian
Yield gal/min	Drawdown	Drill stem at	Time
25+	0	310	1 hr

Temperature of water 48° Depth Artesian Flow Found _____
 Was a water analysis done? ☐ Yes By whom _____
 Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
 Depth of strata: _____

(9) **LOCATION OF WELL** by legal description:

County Deschutes Latitude _____ Longitude _____
Township 15 N or S Range 10 E or W. W.M.
Section 20 NE 1/4 NE 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 67887 Three
Creeks Rd. Sisters, Ore.

(10) STATIC WATER LEVEL:
180 ft. below land surface. Date 5-4-99
 Artesian pressure lb. per square inch. Date

(11) **WATER BEARING ZONES:**

Depth at which water was first found 221

From	To	Estimated Flow Rate	SWL
221	226	25+	1P5

(12) WELL LOG: _____
Ground Elevation _____

[illegible]

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~~OCT 02 2003~~

~~WATER RESOURCES DEPT.~~
~~SALEM, OREGON~~

Date started 5-3-99 Completed 5-4-99

(unbonded) Water Well Constructor Certification:

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

Member Jeff Randall WWC Number _____
Signed _____ Date 5-4-99
(handed) WWC Constructor Certification: _____

[illegible]

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

Signed Doug Fisher WWC Number 1255
Date 5-4-99

Claim of Beneficial Use

Permit G-12583, Application G-13658
To Appropriate Public Waters

Don. C. Frisbee
01324 SW Corbett Hill Circle
Portland, OR 97219

GENERAL INFORMATION: I visited the site (at 67887 Three Creek Road, Sisters) on 30 September 2003, after the irrigated area had been mapped on 26 September 2003. The resident caretaker, Tim Clasen (541-549-8034), showed me the irrigated area, the well, and approximate location of the buried mainlines. There are two active wells in the mapped area. The irrigation well is situated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 20, and the well for the residence is situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$. This application of groundwater is supplemental to 52.5 acres of surface water rights (Squaw Creek, priority dates 1882 and 1905).

SURVEY TIE: The survey area is referenced to the brass cap found at the North Quarter Corner of Section 20 (per Minor Partition 89-10 by PLS 1938, filed 7/3/1989, Deschutes County CS00581). The irrigated area was mapped using a Geodimeter 600Pro Robotic Total Station.

TYPE OF USE: Irrigation of pasture and tree seedlings.

PLACE OF USE: Primary Rights: 0.32 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.34 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$. Supplemental Rights: 11.61 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.79 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 0.38 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 15 South, Range 10 East, Willamette Meridian, Deschutes County, Oregon. (Tax Lots 100 & 200, Map 15-10-20)

EXTENT OF USE: 15.44 acres

PERIOD OF USE: March 1 through October 31

PRIORITY DATE: April 5, 1994

SOURCE: 8" diameter well, 330' deep, in the Squaw Creek Basin.

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OCT 02 2003

WATER RESOURCES DEPT.
SALEM, OREGON

DIVERSION POINTS: The irrigation well (ID # 27958) is situated in the NW ¼ NE ¼ of Section 20, approximately 948' south and 993' east of the North Quarter Corner of Section 20. The static water level was at 180' below the surface when the well was drilled by Aiken Well Drilling on May 3-4, 1999. Elevation of the well head is at approximately 3315' asl, and Squaw Creek, which is about a half mile from the well site, is at approximately 3310' asl, as interpolated from USGS 1:24000 topographic maps.

The pump test conducted on 12 September 2003 showed a depth to water of 206'9", with no drawdown at a flowrate of 42 GPM.

PUMP: The pump is a 5hp Aermotor submersible, model A+35-500.

METER: The flowmeter is an Aquamaster Model 600B 8/00, serial #24111, manufactured by Jennings, Inc. The panel displays GPM and total usage (Gallonsx100). At the time of the site visit, the meter was not displaying the flow rate due to a weak battery. Mr. Clasen said that the usual flow was around 45 GPM.

SYSTEM: Water is pumped out of the well into a system of 2 ½" mainlines. These lines supply 18 zones and total approximately 1600'. The operating pressure at the wellhead backflow prevention device is approximately 60 psi, according to Mr. Clasen.

The zones are served by 2" diameter plastic pipe with Hunter PGP rotary sprinklers (#11 nozzle) rated at 7.5 GPM. Each zone runs for about 2 hours every other day. A portion of the site is irrigated by a water gun.

SYSTEM CAPACITY: The duty of water for the permit is 1/80 cfs per acre and 3 acre-feet for each acre irrigated during the irrigation season of each year. Since a total of 15.44 acres were found to have been beneficially irrigated under Permit No. G-12583, the maximum Q allowed is:

$$(15.44 \text{ acres} \times 1/80 \text{ cfs}) \times 7.48 \text{ gal.} \times 60 \text{ sec.} = 86.62 \text{ gpm}$$

The system is capable of delivering 42 gpm per attached pump test.

SITE CONDITIONS: The irrigated area shown on the map entitled "Final Proof Survey- Claim of Beneficial Use" that accompanies this report grows a mix of native grasses, sedges, and other native herb species. A portion of the irrigated pasture in the NE ¼ NE ¼ has been planted with approximately 400 pine seedlings. Mr. Clasen indicated that tree planting is an ongoing project, and more will be planted next year.

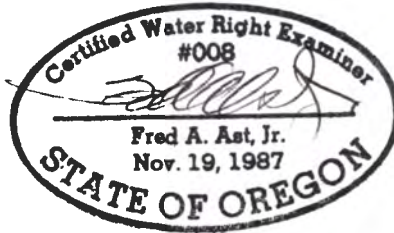
RECEIVED

OCT 02 2003

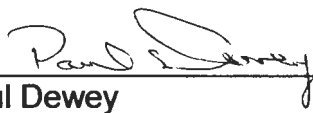
WATER RESOURCES DEPT.
SALEM, OREGON

The final proof survey of the use was found to be completed under the terms and conditions of Permit No. G-12583. This final proof survey was completed by me on 30 September 2003, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

 9/30/03
Fred Ast, CWRE



I, Paul Dewey, agent for Don. C. Frisbee, agree to the findings of the CWRE and do submit this site report and map as my Claim Of Beneficial Use of the water as provided under the terms and conditions of my Permit No. G-12583.


Paul Dewey

RECEIVED

OCT 02 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department

MEMO

January 16, 1996

TO Application G-13658

FROM GW: K. Lite
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☒ Yes

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

☐ No

☒ Yes

Use the Scenic Waterway condition (Condition 7J).

☐ No

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

☒

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

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

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

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

13658

TO: Water Rights Section

January 16, 1996

FROM: Groundwater/Hydrology Section K. L. Itte

Reviewer's Name

SUBJECT: Application G- 13658

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

(Signature)

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

_____, 199__.

(Signature)

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13658

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 15S/10E-20

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW
conditions 7B & 7J

Reviewer: K. Lite

WATER RESOURCES DEPARTMENT MEMORANDUM

Frisbee

TO: Groundwater/Hydrology Files

Date 1/16/96

FROM: Ken Lite

SUBJECT: Groundwater Application G- 13658

Applicant(s) seek 518 gpm (1.155 cfs) from 1 wells in the
Deschutes basin
Squaw Creek sub basin
sub basin.

Pertinent 7 1/2 - minute quads

Sisters

Well construction update

4/29/97

Desc 50594

Well 1 WRD# not yet drilled T 15S R 10E S 20 Q ab County DeschutesLegal Description 870' south and 850' east of the N 1/4 corner of section 20proposed Well is ~ 2000 ft from Squaw Creek (river/stream)

Well is _____ ft from _____ (river/stream)

proposed Well elevation ~ 3315 ft. River/stream elevation ~ 3280 ft.Well elevation - river/stream elevation 35'Well depth not yet drilled SWL NA on _____

Sealed to _____ Depth first water found _____

Cased to _____ Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types NAConfined or unconfined? unconfined Direct hydraulic connection? not at nearest reachPotential to cause substantial interference? NO

Well _____ WRD# _____ T _____ R _____ S _____ Q _____ County _____

Legal Description _____

Well is _____ ft from _____ (river/stream)

Well is _____ ft from _____ (river/stream)

Well elevation _____ ft. River/stream elevation _____ ft.

Well elevation - river/stream elevation _____

Well depth _____ SWL _____ on _____

Sealed to _____ Depth first water found _____

Cased to _____ Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types _____

Confined or unconfined? _____ Direct hydraulic connection? _____

Potential to cause substantial interference? _____

Conditioned water rights in area: G-12875, G-13262, G-13434, G-13581Other nearby water rights of record: G-11857, G-13262, G-13434, G-13581Density of nearby wells: rural residential

Comments Well will be constructed into water bearing zones within Cascade lava flows. Nearby state Observation well (#116) has exhibited approximately 18' of decline in past 10 years; decline is probably due to climatic conditions. Groundwater flow is towards the northeast with nearest discharge at Springs in Squaw Creek; approximately 7 miles distance. Water level in area wells is below surface water at nearest reach.

References used: Recommend conditions 7B & 7J.

References USGS/WRD data; Taylor (unpublished Geol. map); Squaw Creek Streamflow data; well report # Desc 311.



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

April 2, 2004

DON AND EMILIE FRISBEE
6116 SW RIVERPOINT LANE
PORTLAND OR 97239

← Yes. This is their
new & current address
per Mr. Frisbee by
telephone on
4-8-04. 

REFERENCE: File G-13658, Permit G-12583

Our office is in receipt of a notice from the U.S. Post Office stating that you have a new mailing address. Since you have moved/changed your mailing address, please inform this office of your new address and telephone number. You have a file pending issuance of a certificate to appropriate water and we need something in writing to put into your file to verify your new address. If you have sold the land, please inform us of this fact by completing and returning the enclosed Assignment Form with the required fees so this file can be assigned to the new owner in order to pursue this process. If you don't have any more interest in this application, we need a letter stating such so we can close the file.

If you have any questions please feel free to contact the caseworker that is handling your file, Lisa Juul. She can be reached at (503) 986-0808; or myself at (503) 986-0806.

Sincerely,

TIMMIE C. BRANDT
Office Specialist I

TCB
Enclosure - Assignment Form



return
to sender

fee due 70¢

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

U.S. POSTAL SERVICE
PS FORM 3547

Oregon Water Resources Department
725 Summer St NE Suite A
Salem, OR 97301-1271

ADDRESS SERVICE REQUESTED

PRESORTED
FIRST CLASS



FIRST

FRISBEE 972193109 1B03 21 01/31/04
FORM 3547
FRISBEE
6116 SW RIVERPOINT LN
PORTLAND OR 97239-5908
|||||

PERMIT #G-12583

DON AND EMILIE FRISBEE
324 SW CORBETT HILL CIRCLE
PORTLAND, OR 97219

13658

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13658

Final Order
Extension of Time for Permit Number G-12583

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Application History

On SEPTEMBER 11, 2000, DON and EMILIE FRISBEE submitted an application to the Department for an extension of time for permit number G-12583. The Department issued permit number G-12583 on JULY 8, 1996. The permit called for completion of construction of the water development project by OCTOBER 1, 1998, and complete application of water to the full beneficial use by OCTOBER 1, 1999. In accordance with OAR 690-320-0010(8), on JANUARY 27, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2002. The protest period closed MARCH 12, 2004. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and/or 539.010(5).

Order

The extension of time for Application Number G-13658, Permit Number G-12583, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2002. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2002.

DATED: March 25, 2004


Paul R. Cleary, Director

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DON C AND EMILIE FRISBEE
01324 SW CORBETT HILL CIRCLE
PORTLAND, OREGON 97219

(503) 636-3029

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13658

SOURCE OF WATER: ONE WELL IN SQUAW CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 40.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 51.5 ACRES

RATE OF ALLOWED USE: 1.155 CUBIC FEET PER SECOND (CFS), BEING 0.511 CFS FOR PRIMARY IRRIGATION AND 0.644 CFS FOR SUPPLEMENTAL IRRIGATION

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 5, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 20, T15S, R10E, W.M.; 870 FEET SOUTH AND 850 FEET EAST FROM THE N 1/4 CORNER OF SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	0.4 ACRE	21.0 ACRES
NW 1/4 NE 1/4	10.7 ACRES	30.0 ACRES
SW 1/4 NE 1/4	27.8 ACRES	0.5 ACRE
SE 1/4 NE 1/4	2.0 ACRES	
SECTION 20		
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.		

SEE NEXT PAGE

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

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

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

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

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

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

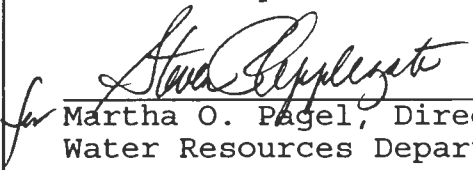
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 8, 1996


Martha O. Pagel, Director
Water Resources Department

0121036

2003

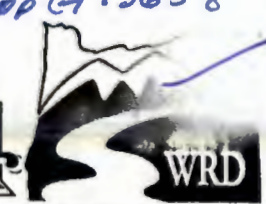
Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER

19227

Hpp 67 13608

2004



Facility					
POD-ID	37515				
October - 2003	720,000				
November - 2003	-				
December - 2003	-				
January - 2004	-				
February - 2004	-				
March - 2004	-				
April - 2004	-				
May - 2004	720,000				
June - 2004	720,000				
July - 2004	720,000				
August - 2004	720,000				
September - 2004	720,000				
TOTAL *	4320,000				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: meter. If use is irrigation, total number acres irrigated 10-12

I certify this information is true and accurate to the best of my knowledge. pump runs 10hrs per Day @ approx 35 gpm

Signature

Caretaker

Title

Frisbee

Reporting Entity

2/10/05

Date

Tim Clasen

Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2004 has ended! All water use reports for October 2003 to September 2004 are requested to be submitted. During the past year we transferred our data to a new computer system, and have developed a website from which you may submit your data, if you so choose. In some cases the references numbers for points of diversion may have been changed. If this creates a problem for you, please contact me. If you would like to use the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by December 31, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter. Mary Grainey



DON

FRISBEE

TIM CLASSEN

<http://www.wrd.state.or.us>

FRISBEE RANCH

PO BOX 1633

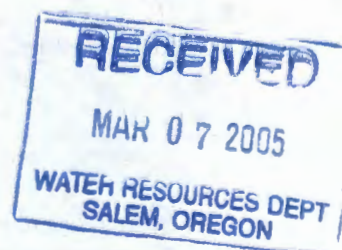
SISTERS

OR 97759

User-ID 19227

Password: 19227

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
37515		0 G	12583	G 13658	4/5/1994	IR	L	15 S	10 E	20	NWNE	0.511	C P A WELL	SQUAW CR
37515		0 G	12583	G 13658	4/5/1994	IS	L	15 S	10 E	20	NWNE	0.644	C S A WELL	SQUAW CR



USER-ID

19227

NOTE: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

Mailing List for Extension FO Copies

Application #G-13658
Permit #G-12583

FO Date: March 25, 2004

Original mailed to:

Applicant: Don & Emilie Frisbee
1324 SW Corbett Hill Circle
Portland, OR 97219

Copies Mailed

By: 
(SUPPORT STAFF)

on: 3/25/03
(DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-13658 / Permit #G-12583
2. WRD - Watermaster District: #11 - Jeremy Giffin, Bend
3. WRD - Regional Manager: SCR - Kyle Gorman, Bend
4. ODFW - Biologist District: #7 - Steve Marx, Bend
5. DEQ - Regional Office: Eastern - Dick Nichols, Bend
6. WRD - Steve Brown, Certificates - Salem
7. WRD - Jonnine Fuss, Salem...*Permit record update*

Other interested parties:

8. Paul D. Dewey
1539 NW Vicksburg
Bend, OR 97701
9. Fred A. Ast, Jr. CWRE #008
250 West Cascade Avenue
PO Box 751
Sisters, OR 97759

CASEWORKER: LJJ

3-22-04

Div 320

Extension "Final Order" Checklist

Application # G-13658 / Permit # G-12583

Permit Holder's Name Don & Emilie Frisbee
1324 SW Corbett Hill Circle, Portland, OR 97219

- ✓ 1. Date Extension Request submitted: 9-11-2000
- ✓ 2. Date permit was issued: 7-8-96
- ✓ 3. Original "B" Date from permit: 10-1-98
(Date for completion of construction)
- ✓ 4. Original "C" Date from permit: 10-1-99
(Date for complete application of water)
- ✓ 5. Extension PFO Date: 1-27-04
- ✓ 6. WRD recommends extending "B" Date to: 10-1-2002
and extending the "C" Date to: 10-1-2002
- ✓ 7. Protest Deadline Date from PFO: 3-12-04
- ✓ 8. Any written Protests or written Comments received within the Protest period? Yes / No
- ✓ 9. Conditions from Extension PFO? No

CC: Paul D. Dewey
1539 NW Vicksburg
Bend, OR 97701

Ⓢ

Fred A. Ast, Jr CWRE #008
250 West Cascade Ave.
PO Box 751
Sisters, OR 97759

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application	)	
for an Extension of Time for	)	
Permit #G-12583, Water Right	)	PROPOSED FINAL
Application #G-13658	)	ORDER
(Don C. and Emilie Frisbee)	)	

Permit Information

Application File #G-13658 / Permit #G-12583

Basin: #05 - Deschutes Basin / Watermaster District: #11

Date of Priority: April 5, 1994

Authorized Use of Water

Source of Water:	One Well in the Squaw Creek Basin
Purpose or Use:	Primary irrigation of 40.9 acres and supplemental irrigation of 51.5 acres
Maximum Rate:	1.155 cubic foot per second (cfs), being 0.511 cfs for primary irrigation and 0.644 cfs for supplemental irrigation

**This Extension of Time request is being processed in accordance
with Oregon Administrative Rule Chapter 690, Division 320.**

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #G-12583, water right Application #G-13658. A copy of Permit #G-12583 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1998, to October 1, 2002; and
- grant the extension for complete application of water from October 1, 1999, to October 1, 2002.

AUTHORITY

ORS 537.230 and ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5).

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-320-0010(6) provides in pertinent part that the Water Resources Department may extend the time limits to complete construction or to apply the water to a beneficial use upon showing of good cause for the untimely completion.

FINDINGS OF FACT

Background

1. Permit #G-12583 was granted by the Water Resources Department on July 8, 1996. The permit authorizes the use of up to 1.155 cfs of water from one well, within the Squaw Creek Basin, being 0.511 cfs for primary irrigation of 40.9 acres and 0.644 cfs for supplemental irrigation of 51.5

acres. It specified that construction of the water development project should be completed by October 1, 1998, and that complete application of water was to be made on or before October 1, 1999.

2. The permit holder submitted an "Application for Extension of Time" to the Department on September 11, 2000, requesting the time in which to complete construction of the water system be extended from October 1, 1998, to October 1, 2002, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12583 be extended from October 1, 1999, to October 1, 2002. This is the first extension of time request for Permit #G-12583.

Review Criteria *[OAR 690-320-0010(6)]*

As set forth under OAR 690-320-0010(6), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. The good cause determination shall consider the requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

Other Governmental Requirements *[ORS 537.230(2)]*

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

Start of Construction *[ORS 537.630]*

4. Construction of the well and water system began within the time specified in the permit, being July 8, 1997.

Financial Investment *[ORS 539.010(5)]*

5. As of September 11, 2000, the permit holder had invested a total of \$13,260.84 into the project, consisting of construction of the original well, installation of a pump, construction of a replacement well, installation of a meter, and installation of an underground irrigation system to a portion of the land. An additional \$25,000 investment is anticipated for the completion of this project.

¹ ORS 537.248 applies to reservoir permits only.

Reasonable Diligence and Good Faith of the Appropriator *(ORS 537.230(1) and 539.010(5))*

6. On or prior to October 1, 1999, the following had occurred: construction of the original well was completed; the pump was installed; construction of a replacement well was completed; a meter was installed; and a portion of the underground irrigation system was installed.
7. As of September 11, 2000, the permit holder had appropriated approximately 0.019 cfs of water from the replacement well for irrigation of 5.0 acres under Permit #G-12583.
8. Delay of full beneficial use of water was due, in part, to the longer than expected time needed to install the underground water distribution pipes which delayed the remaining phases of the project. The failure of the original well and pump also contributed to the delay of development. Water could not be appropriated under Permit #G-12583 until a replacement well was constructed. Furthermore, the permit holders were led to believe their former caretaker had accomplished full development of the permit when, in fact, he had not.

The Market and Present Demands for Water *(ORS 539.010(5))*

9. While the permit holders maintain water right certificates (#61002 and #61003) to store and maintain water in a reservoir for recreation purposes, they do not hold any other irrigation rights in addition to Permit #G-12583.
10. Permit #G-12583 has a priority date of April 5, 1994, and is junior to instream water rights located on the Deschutes River.
11. Permit #G-12583 was issued on July 8, 1996, and is subject to regulation or mitigation for scenic waterway flows in the Deschutes Basin and the Water Resources Commission Deschutes Mitigation Program (ORS 390.835(9) and OAR Chapter 690, Division 505).
12. Because there are no other reasonable alternative sources of water, such as surface water rights from the Deschutes River, a demand exists for the use of the water under Permit #G-12583.

Fair Return Upon Investment *[ORS 539.010(5)]*

13. Use from the permitted water development will result in reasonable returns against the investment made in the project to date.

Duration of Extension *[OAR 690-320-0010(7), ORS 539.010(5)]*

14. As of September 11, 2000, the remaining work to be completed consists of completion of construction and complete application of water to beneficial use.
15. Unforeseen events extended the length of time needed to fully develop and perfect Permit #G-12583, caused mainly by the longer than expected time needed to install the underground water distribution pipes which delayed the remaining phases of the project. The failure of the original well and pump also contributed to the delay of development. Furthermore, the permit holders were led to believe their former caretaker had accomplished full development of the permit when, in fact, he had not.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(k).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. Permit #G-12583 is junior to instream water rights located on the Deschutes River.
5. Permit #G-12583 is subject to regulation or mitigation for scenic waterway flows.
6. Given the permittee's current water situation and their demonstrated need for the water, there is presently a demand and market for the use of water under Permit #G-12583.

7. In addition to the demand for water by the permittee, there may be competing demands for the water used under Permit #G-12583. However, these competing demands may be addressed either through the Commission's comprehensive Deschutes Basin Mitigation Program, the direct regulation of water use under the permit, or through administrative actions by the Water Resources Commission as required by OAR Chapter 690, Division 505.
8. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2) and ORS 537.630(1).
9. Given the amount of development left to occur as of September 11, 2000, the Department has determined that the permittee's request to have until October 1, 2002, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #G-12583 is both reasonable and necessary.

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit #G-12583 from October 1, 1998, to October 1, 2002; and

Extend the time for complete application of water to beneficial use under Permit #G-12583 from October 1, 1999, to October 1, 2002.

DATED: January 27, 2004


Dwight French
Water Rights Section Manager

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

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8), you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a. Your name, mailing address and telephone number;
 - b. Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting your protest, if known; and
 - f. The \$250 protest fee required under ORS 536.050(1).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **Friday, March 12, 2004.**
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503) 986-0801. Address all other correspondence to:

**Water Rights Section
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503) 986-0901**

This document was prepared by Lisa J. Juul. 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 may contact me by telephone at (503) 986-0808.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulon. Her telephone number is (503) 986-0824.

If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at (503) 986-0801.

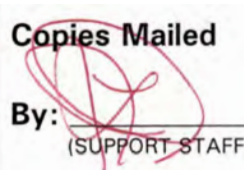
Mailing List for Extension PFO Copies

Application #G-13658
Permit #G-12583

PFO Date: January 27, 2004

Original mailed to:

Applicant: ✓ **Don C. and Emilie Frisbee**
1324 SW Corbett Hill Circle
Portland, OR 97219

Copies Mailed
By:  (SUPPORT STAFF)
on: <u>1-27-04</u> (DATE)

For Extension PFO's - Copies sent to:

1. ✓ WRD - Appl. File #G-13658 / Permit #G-12583
2. ✓ WRD - Watermaster District: #11 - Jeremy Giffin, Bend
3. ✓ ODFW Biologist District: #7 - Steve Marx, Bend
4. ✓ DEQ Regional Office: Eastern - Dick Nichols, Bend

Other interested parties:

5. ✓ **Paul D. Dewey**
1539 NW Vicksburg
Bend, OR 97701
6. ✓ **Fred A. Ast, Jr., CWRE #008**
250 West Cascade Avenue
PO Box 751
Sisters, OR 97759

CASEWORKER: LJJ

S:\groups\wr\extensions\P F O\Work_320 rules\g13658.wpd

... per Division 540 Rules

EXTENSION REVIEW CHECKLIST for PFO

Application #: G - 13658 / Permit #: G - 12583

Permittee's Name: Don C. & Emilie Frisbee

Permittee's Mailing Address: 1324 SW Corbett Hill Circle, Portland OR 97219

POD Location: Township 15 S Range 10 E Section 20 $\frac{1}{4}$ $\frac{1}{4}$ NWNE

Stream Basin: Squaw Cr County: Deschutes

- ✓ 1. Has the applicant completely filled out the *updated* Extension Application form? Yes / No ✓ \$100.00 - Yes on 9-11-00
***If "No"..... has certified request for the new extension form been sent? Yes / No
- ✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
- ✓ 3. Date Permit was issued: July 8, 1996 (priority = 4-5-94)
- ✓ 4. Source: One Well in Squaw Creek Basin
- ✓ 5. Use: Primary IR of 40.9 ac & Suppl IR of 51.5 ac
- ✓ 6. "Q": 1.155 cfs (being 0.511 cfs for Primary & 0.644 cfs for Suppl.)
- ✓ 7. Original "B" Date: 10-1-98 Original "C" Date: 10-1-99
Original "A" Date: 7-8-97
- ✓ 8. Conditions of Permit: Yes → 7j ^{Scenic Waterway} Condition included in permit
Before Water Use begins → install meter (& ^{shall} Keep record monthly of water use once it begins.
Prior to Certificate → submit results of pump test.
- ✓ 9. Extension request received: 9-11-2000 Request Number (...1st, 2nd, 3rd): 1st
- ✓ 10. Last Authorized "B" Date: 10-1-98 Last Authorized "C" Date: 10-1-99
- ✓ 11. Proposed "B" Date: 10-1-2002 Proposed C Date: 10-1-2002
- ✓ 12. Amount Invested to date: \$13,260.⁸⁴ Estimated Total Cost: \$38,260.⁸⁴ approx.
Remaining Cost: \$25,000.⁰⁰ approx.

- Permit # G-12583 is junior to LSWK's on the Deschutes River.
- Permit # G-12583 is subject to regulation/mitigation for SWW flows.

✓ 13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit ☒ Yes / ☐ No *Meter installed in Sept. of 2000.*

***If "No"..... What permit terms and/or conditions have not been met?

- Original well construction began on 9-25-96. - Well did NOT work.
- drilled replacement well in May 1999.

→ OK - "A" date met.

• Water Use Reports Submitted

✓ 14. Work on the water development project completed to date includes: 12% - 5.0 ac irrig out of 40.9 - Pri

- Well Constructed (completed) on 9-30-96. *7.5 Pump installed in 1998.*
- *NOTE: When pump installed, well did not work - so after consulting WRD New Well drilled May 1999.

- Application of water began (but NOT complete) by Oct. 1, 1999.

- Meter installed in September of 2000

✓ 15. The work remaining to be completed consists of: installation of underground irrigation system to a portion of the lands. ** Max use = 0.019 cfs (See Amended Water Use Report for 2000-2001 submitted on 1-6-03)*

• Irrigating remaining lands

• Completing the distribution system.

✓ 16. Progress in perfecting the permit is being held up by: _____

- Failure of first well & pump.

- Installation of underground irrig. system more difficult & lengthy than expected.
- As a result, all remaining phases of project were delayed as well.

- Changeover in caretakers caused gap of information & direction on completion of system & use of water.

✓ 17. The applicant ☒ has / ☐ has not pursued perfection of the right in good faith and with reasonable diligence.

✓ 18. Based on the written record, the Department finds there is / ☒ is not good cause to approve the extension request.

✓ 19. Conditions to be included on Extension PFO: No

Extension "PFO" Dates

Mailing / Issuance Date: 1-20-04

Protest Deadline Date: 3-5-04

Reviewer's Name: [Signature] Date: 1-12-04

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DON C. FRISBEE
851 SW SIXTH
PORTLAND, OREGON 97204

confirms the right to store the waters of AN UNNAMED SPRING AREA, a tributary of SQUAW CREEK, in CIRCLE E RESERVOIR, appropriated under Permit 43043, for the purpose of RECREATION.

The right to store these waters has been perfected under Reservoir Permit R-7253. The date of priority is MARCH 13, 1978. The amount of water entitled to be stored each year under such right is not more than 0.3 ACRE-FOOT.

The reservoir is located as follows:

NE 1/4 NE 1/4
SECTION 20
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed this date MAY 11, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61002

R-57160.BWB

STATE OF OREGON
COUNTY OF DESCHUTES
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DON C. FRISBEE
851 SW SIXTH
PORTLAND, OREGON 97204

confirms the right to use the waters of AN UNNAMED SPRING AREA AND CIRCLE E RESERVOIR CONSTRUCTED UNDER PERMIT R-7253, a tributary of SQUAW CREEK, for the purpose of RECREATION.

The right has been perfected under Permit 43043. The date of priority is MARCH 13, 1978. The right is limited to not more than 0.01 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 20, T 15 S, R 10 E, W.M.; 140 FEET SOUTH AND 190 FEET WEST FROM NE CORNER SECTION 20.

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

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

NE 1/4 NE 1/4
SECTION 20
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director,
affixed this date MAY 11, 1989.

/s/ WILLIAM A. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 61003

57161.BWB

Paul D. Dewey Attorney At Law

1539 NW Vicksburg
Bend, Oregon 97701
(541) 383-3470

September 8, 2000

Mr. Steve Brown
Oregon Water Resources Dept.
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210

Re: Frisbee Groundwater Right Application G-13658; Permit G-12583

Dear Mr. Brown:

This letter is to confirm our conversation of August 10 in which you agreed to waive the October 1, 2000, deadline for the final proof on the above groundwater right, pending determination of the Frisbees' request for an extension on completion of construction and application of water to a beneficial use. Enclosed is a copy of this request for an extension. As stated in the request, the Frisbees did begin construction on the project within the required period, but because of a changeover in caretakers on the property and other problems, the construction was not completed and not all of the water was applied.

If for some reason the request for an extension is denied, then you agreed that we could submit the final proof on what construction has been completed and on what water has been applied to a beneficial use. We would be allowed a reasonable time within which to submit the final proof documents.

Thank you again for your assistance and understanding on this matter. Please give me a call if you have any questions.

Very truly yours,



PAUL D. DEWEY

PDD:ao

Enclosure

cc: Don and Emilie Frisbee

RECEIVED

SEP 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **40277**

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

INVOICE # _____

RECEIVED FROM: Emilie Frisbee TIEE
BY: _____

APPLICATION	613658
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 25-80 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

ew) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

PCA # 66111

0240 OTHER (IDENTIFY) Extension

100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **40277**

DATED: 9/11/00 BY: S. Henderson

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **40277**

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

INVOICE # _____

RECEIVED FROM: Emilie Frisbee TEE
BY: _____

APPLICATION	G13658
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 25-80 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

0240 OTHER (IDENTIFY) Extension

100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

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LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **40277**

DATED: 3/11/00

BY: S. Henderson

Paul D. Dewey Attorney At Law

1539 NW Vicksburg
Bend, Oregon 97701
(541) 383-3470

September 8, 2000

Mr. Dallas Miller
Oregon Water Resources Dept.
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210

Re: Frisbee Groundwater Right Application G-13658; Permit G-12583

Dear Mr. Miller:

Please find enclosed the Frisbees' request for an extension of time within which to complete construction and application of their groundwater to a beneficial use. This letter is also to confirm our conversation of August 10 when you stated that this request for an extension was timely.

As you suggested, I also contacted Mr. Steve Brown of your Department who confirmed that he would waive the deadline for the filing of the final proof, pending a determination on this request for an extension.

Thank you again for your consideration on this matter. Give me a call if you have any questions on this request for an extension or if you require further information.

Very truly yours,



PAUL D. DEWEY

PDD:ao

Enclosure

cc: Don and Emilie Frisbee

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WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, DON C. AND EMILIE FRISBEE
NAME

01324 SW CORBETT HILL CIRCLE PORTLAND OR 97219 (503) 636-3029
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13658, Permit No. G-12583, do hereby request that the time in which to:

☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, ? *, be extended to October 1, 2002.
* The Permit does not give this date. The Permit only requires completion of the well by Oct. 1, 1998. It does not specify a date for completion of the entire system.

and/or the time in which to:

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2002.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit (yes/no)?

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? Qualified Yes - See A) and B), attached.

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WATER RESOURCES DEPT.
SALEM, OREGON

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

See Attached Sheet

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

See Attached Sheet

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

Within the past year, the Frisbees have accomplished the installation of a meter on the well and some additional work on the underground irrigation system. There has been no prior extension
See Attached Sheet for #4 and invoices.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

Prior to the past year, the Frisbees accomplished construction of the well system and installation of an underground irrigation system running from the well to a pasture area due south of the well. There has been no prior extension
See Attached Sheet for #4 and invoices

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

The Frisbees have accomplished beneficial use of water under the Permit to the extent of approximately 5 acres.

4-Cost of project to date ^{Approx} \$13,000. Estimated remaining cost to complete the project \$25,000.
See Attached Sheet and invoices

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

See Attached Sheet

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

N/A

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

N/A

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

See Attached Sheet

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

See Attached Sheet

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Page 3 of 5

A) Has there been any change in this market since the permit was issued?

To our knowledge there has not been any change in these markets since the Permit was issued.

B) Have these changes, if any, affected the economic feasibility of your project?

We are not aware of any changes which have affected the economic feasibility of the project.

7-Are there other present competing demands for water in your community?

Other demands for water in the community are those typical where development is occurring, but there is little, if any new development within one mile of the well, as most of this land is owned by the U.S. Forest Service.

A) Has there been any change in these demands for water since the permit was issued?

We are not aware of any change in these demands for water since the permit was issued.

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

We are not aware of alternative sources of water that may be available to satisfy the competing demands. We are aware, however, of irrigation districts installing conservation measures to save on surface water losses.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

We are not aware of any adverse effects on the Frisbees' source of water that may have been caused by recent changes in the use of water in the community.

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? _____

See Attached Sheet

9-If the extension request is denied, is the current level of water use economically feasible?

See Attached Sheet

There are also approximately 50 acres of surface water rights (Squaw Creek) associated with this acreage, but most are 1905 "flood" rights (35 acres). The remaining 11 acres of 1882 rights are not adequate for an economic use of the property, if the permit for which we are requesting an extension is denied.

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


Signature

Sept. 8, 2000
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

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WATER RESOURCES DEPT.
SALEM, OREGON

2. A. 1) Construction of well to begin within one year from permit issuance (permit issuance date of July 8, 1996): Construction began on September 25, 1996.
- 2) Completion of construction of the well on or before October 1, 1998: Completion of well was on September 30, 1996. (Note that when a pump was installed in 1998 the well did not work, so after contacting OWRD, a new well was drilled in May of 1999.) (Well reports are attached.)
- 3) Complete application of the water to the use on or before October 1, 1999: Application of the water was begun before October 1, 1999, but it was not completed.
- 4) Install a meter or other suitable measuring device before water use may begin, and keep a complete record of the amount of water used each month: Meter installed in September of 2000.

B. Not all of the above applicable conditions have been complied with primarily because of a changeover in caretakers. The Frisbees do not live on the property and rely on their caretakers to manage the property. The Frisbees just recently discovered that a prior caretaker did not meet the applicable conditions and apparently when that caretaker was moving in 1999 and a new caretaker was taking over, it was not communicated what was remaining to be done on the water permit. A water system was installed in 1999, but work on it was not completed. Having recently discovered the problem, the Frisbees have had a meter installed and have ordered further development of the water system.

In addition, there have been delays due to the first well/pump failure, and the water system being installed (underground) is more complex than originally thought.

The Frisbees will be in compliance with the requirement of application of the water by October 1, 2002.

4. Some of the expenses incurred to date (invoices attached) are:

\$2,904.00	well drilling
3,009.61	pump and materials
390.00	well test
5,610.00	redrilling of well
308.74	pump materials
<u>1,038.49</u>	well test and new materials
\$13,260.84	

5. A. The Frisbees' original intent was to phase in this project over several years. Though originally they intended to phase in the project over a time period allowed within the permit, the initial phase of the project revealed that the time frame

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WATER RESOURCES DEPT.
SALEM, OREGON

needed to be longer. The initial phase of the project involved installation of underground pipes, which took longer than anticipated to install and get running. Accordingly, the remaining phases of the project were delayed.

- D. Unforeseen events delayed full development of the water system and use of the water. A changeover of caretakers resulted in a gap of information and direction on completion of the water system and use of the water. The former caretaker of the Ranch who had responsibility for fulfilling this permit had begun the development of the water system and use of the water, but had not completed them when he decided to leave his employment. The Frisbees understood that the system and use of the water were complete, and the new caretaker did not discover the problem.

Additionally, the failure of the original well/pump (apparently due to the shallow depth) delayed full development.

6. The near and long-term markets for the end products from the beneficial use of the water are difficult to quantify. They include forage for horses on the ranch as well as trees which will not have much in the way of near-term market value, but would have a long-term market value in approximately 90 years. Irrigation has proven necessary to get seedlings started, both due to the dry conditions in the area and due to gophers. The application of the water not only aids the growth of the trees, but also repels the gophers.
8. The income or use from the water development project authorized by this permit will provide reasonable returns against the investment in the project. These returns are difficult to quantify, and will probably not be in the form of generated income or a steady flow of returns. Rather, the benefit will be more in the nature of a value enhancement because of the potential for forest products as well as for enhancement of the beauty of the property and increased wildlife habitat.
9. If the extension request is denied, the current level of water use would not meet all of the Frisbees' needs. The needs currently being met are only those associated with a few acres for livestock forage. Additional irrigated acres are needed for the livestock as well as for the tree farm. Furthermore, there is a need to expand the irrigation use for the aesthetics of the area.

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WATER RESOURCES DEPT.
SALEM, OREGON

2ND WELL

WELL I.D. # L 27958
START CARD # 120157

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

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

☐ Pump
 ☐ Bailer
 ☒ Air
 ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
250	0	310	1 hr.

Temperature of water 48°
 Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well

Johnson Well Drilling Co.
1690 NW 87th CT
Redmond, OR 97756
541-548-2327

Invoice

DATE	INVOICE #
10/15/96	165

BILL TO:

Frisbee, Don
1500 SW First Ave., Rm. 1005
Portland, OR 97201
503-228-0101

RECEIVED
OCT 17 1996
DON C. FRISBEE

P.O. NUMBER	TERMS	PROJECT
S.C. 83406	Net 15	

QUANTITY	DESCRIPTION	RATE	AMOUNT
120	12" and 8" bore	20.00	2,400.00
71	6" .250 blank casing	0.00	0.00
50	6" .250 perforated casing	0.00	0.00
20	Bentonite (sacks)	0.00	0.00
22	Cement (sacks)	7.00	154.00
5	Sand grout (yards)	70.00	350.00
Well I.D. # L03970			

Thank you for your business.

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TOTAL \$2,904.00

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WATER RESOURCES DEPT.
SALEM, OREGON

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NEWTON PUMP, INC.

*Pumps are our Business
- not a Sideline*

PHONE 548-3502

REDMOND, OREGON 97756

A SERVICE CHARGE OF 1½% PER MONTH WILL BE CHARGED ON ALL BALANCES PAST DUE AFTER 30 DAYS COSTS PLUS REASONABLE ATTORNEY FEES TO BE ADDED IN CASE OF SUIT FOR COLLECTION.

Customer's Order No.	WELL PUMP-SISTERS	Date	11-6	19	98	
Name	DON FRISBEE					
Address	1500 SW FIRST AVE. ROOM 1005 PORTLAND, OR. 97201					
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT
K			X			

QUAN.	DESCRIPTION	PRICE	AMOUNT
1.	AERMOTOR A+35SS500-S2	5HP 230V	
	SUB. PUMP UNIT 14/DELUXE CONTR		
	BOX, SUPERTECTION INSURANCE NO.		
A-111722	S/N C98, 2C98 09.0570		
		\$	2034 00
120'	# 10/4 FLAT SUB. CABLE-SPUR		115 00
105'	1/4" NYLON AIR LINE-SPACE		25 00
105'	2" GALV. PIPE, 3-COPING		219 00
1	2" CHECK VALVE		38 00
1	S-20 6" x 2" PRESS-CAP		234 00
1	W.A. # 45400 BA 1 1/4"		—
40 ^{60mm} 65	SPRINKLER 7/32" x 3/8" NOZZLE		110 00
1	SPRINKLER BASE - WELDING		20 00
1	1 1/4 x 24" N, 1 1/4 x 10" N, 90° EL. COPING		20 18
1	2 x 1 1/2" B. RED 1 1/2 x 1 1/4 BUSH		7 98
1	AE200, 1- AB200 CAMLOCK HSE FIRM		36 45
	INSTALLATION OF pump TOTAL		150 00

177

All claims and returned goods **MUST** be accompanied by this bill.

LIABILITY OF \$ 3,009.61

REC'D BY

NEWTON PUMP, INC.

*Pumps are our Business
- not a Sideline*

1921 N. 6TH

PHONE 548-3502

REDMOND, OREGON

A SERVICE CHARGE OF 1½% PER MONTH WILL BE CHARGED ON ALL BALANCES PAST DUE AFTER 30 DAYS CO PLUS REASONABLE ATTORNEY FEES TO BE ADDED IN CASE OF SUIT FOR COLLECTION.

[illegible]

509

All claims and returned goods **MUST** be accompanied by this bill.

REC'D BY

3923 N.E. 37th Street • Redmond, OR 97756

549-3576

548-1245

INVOICE NO. SC 120137

SOLD TO Don Frisbee		SHIPPED TO	
STREET & NO. 1500 S.W. 1 ST Ave.		STREET & NO.	
CITY Portland	STATE Ore.	ZIP 97201	

[illegible]

A SERVICE CHARGE OF 2% (OR A MINIMUM OF \$2.00) WILL BE CHARGED ON ALL ACCOUNTS 30 DAYS OR MORE PAST DUE.

INVOICE

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SEP 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

A SERVICE CHARGE OF 1½% PER MONTH WILL BE CHARGED ON ALL BALANCES PAST DUE AFTER 30 DAYS COSTS PLUS REASONABLE ATTORNEY FEES TO BE ADDED IN CASE OF SUIT FOR COLLECTION.

506

REC'D BY

©1996, Moore® All Rights Reserved

WATER RESOURCES DEPT.
SALEM, OREGON

NEWTON PUMP, INC.

Pumps are our Business

- not a Sideline

PHONE 548-3502

REDMOND, OREGON 97756

1921 N. HWY. 97

SEP 11 2000

WATER RESOURCES DEPT.
A SERVICE CHARGE OF 1.0% PER

A SERVICE CHARGE OF 1 1/2% PER MONTH WILL BE CHARGED ON ALL BALANCES PAST DUE AFTER 30 DAYS COSTS PLUS REASONABLE ATTORNEY FEES TO BE ADDED IN CASE OF SUIT FOR COLLECTION.

[illegible]

506

All claims and returned goods **MUST be accompanied by this bill.**

50139

REC'D BY

NEWTON PUMP, INC.

Pumps are our Business

- not a Sideline

PHONE 548-3502

REDMOND, OREGON 97

1921 N. HWY. 97

A SERVICE CHARGE OF 1 1/2% PER MONTH WILL BE CHARGED ON ALL BALANCES PAST DUE AFTER 30 DAYS COST PLUS REASONABLE ATTORNEY FEES TO BE ADDED IN CASE OF SUIT FOR COLLECTION.

IRRIGATION WORK

Customer's Order No.	SISTERS.	Date	11-1 1998	
Name	DON FRISBEE			
Address	1500 SW FIRST AVE. SUITE 1005 PORTLAND, OR 97201			

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT
K			X			

QUAN.	DESCRIPTION	PRICE	AMOUNT
	ADDITIONAL BOOM TRUCK - LABOR TO TEST WELL APRIL 2-99 AND DRL FROM BAD WELL & INSTAL IN NEW WELL ON 6-1-99.		425 00
MATERIALS:			
130'	2" GALV. PIPE, 7-CORPINGS	281 14	
240'	1/4" AIR LINE	24 00	
245'	# 8/4 FAT SUB. CABLE - 5 PACE	312 00	
1	2" CHECK VALVE	38 00	
1	8' PITLESS ADPT. CAP.	69 00	
1	2" UNION, 1 1/4 X 1 BUSH, 2" TEE	27 90	
2	2" X 6" NIP, 2" PLUG	11 35	
3	1" PVC CORPINGS, 90° EL, 1/4" ADPT	7 60	
WELL	330'		
SET	240		
SNL	180		
8x6 H	260'		
TOTAL		\$	1195 99

506

All claims and returned goods MUST be accompanied by this bill.

AIKEN DRILLING
AIR LINE 240' LONG
E-0130

REC'D BY

Newton Pump Inc.

PHONE 548-3502

PUMPS ARE OUR BUSINESS . . . NOT A SIDELINE

Don Frisbee
1500 S.W. First Ave. Suite #1005
Portland, OR 97201

11-2-95

[illegible]

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SEP 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

IRRIGATION MAN 2861
TIM CLASEN
P.O. BOX 1633
SISTERS, OR 97759

Red to

CUSTOMER'S ORDER NO.	DEPT. 549-0034	DATE: 8-2-99
NAME: D Frisbee		
ADDRESS: Three Creeks Rd		
CITY, STATE, ZIP: Sisters		

SOLD BY:	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RTD.	PAID OUT
----------	------	--------	--------	----------	-----------	----------

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	Install		
2	- Approx 600' 2 1/2" mainline		
3	- 2" Backflow device to		
4	shut off code required		
5	- 2" electric valves		
6	- 120 Hunter heads		
7	- pump start w/ a		
8	12 zone Roundup controls		
9	outdoor mount		
10	Coverage area - west		
11	pasture, NW pasture newly		
12	seeded to fence line		
13	- 3 years parts + labor		
14	warranty		
15	total installed price		2860 -
16			
17			
18			

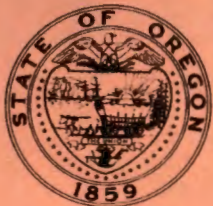
RECEIVED BY:

KEEP THIS COPY FOR YOUR RECORDS
©1998 REDIFORM® 5L320

RECEIVED

SEP 11 2000

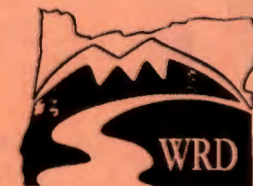
WATER RESOURCES DEPT.
SALEM, OREGON



2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



USER-ID 19227

G13658

Facility	well				
POD-ID	19227 37515 1415				
October - 2000					
November - 2000					
December - 2000					
January - 2001					
February - 2001					
March - 2001					
April - 2001					
May - 2001	28800 g				
June - 2001	36000 G				
July - 2001	36000 G				
August - 2001	36000 G				
September - 2001	28800 G				
TOTAL *	165600 G				

RECEIVED

MAR 11 2002

WATER RESOURCES DEPT.
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: H2O mtr. If use is irrigation, total number acres irrigated approx 30

I certify this information is true and accurate to the best of my knowledge.

Tim Clasen

Signature

Caretaker

Title

Frisbee Ranch Sisters

Reporting Entity

3-07-02

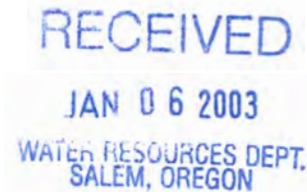
Date

Paul D. Dewey Attorney at Law

1539 NW Vicksburg
Bend, Oregon 97701
(541) 317-1993

January 2, 2003

Ms. Mary Grainey
Oregon Water Resources Department
Commerce Building
158 12th Street, NE
Salem, OR 97301-4172



**Re: Annual Water Use Reporting; Frisbee Groundwater Permit G-12583;
Application G-13658**

Dear Ms. Grainey:

I am writing in response to your request for a water use report for the Frisbees' groundwater right for October 2001 to September 2002. This letter is to explain the numbers on the enclosed report for 2001-2002, plus to explain and provide corrected numbers for the years of 2000-2001 and 1999-2000. I am also waiting to confirm our conversation on the 31st in which you gave us permission to file this report in early January.

2001-2002

The total use for the year was 5,126,200 gallons. To determine the monthly usage this total was divided by eight for the months of October 2001 and March through September of 2002. In our conversation you requested that from now on we make monthly readings at the same time each month.

2000-2001

Last year we reported a total usage of 165,600 gallons, with 28,800 gallons estimated for May and September and 36,000 gallons estimated for June – August. It turns out that these numbers were in error and we are resubmitting the form with the more correct numbers. First of all, the meter was misread as 165,600 gallons which was off at least by a factor of 10, so the total should have been 1,656,000 gallons. The amounts of usage for May through September were estimates based on this total amount.

In addition, it turns out that for a period of time the meter was not working because of a broken wire apparently caused by mice chewing through the wire. As a result, the total of 1,656,000 is low.

1999-2000

When I submitted this information to the Water Resources Department in 2000 I put in question marks for the volume during March through September of 2000 because the meter was not

Ms. Mary Grainey
Oregon Water Resources Department
January 1, 2003
Page 2

RECEIVED
JAN 06 2003
WATER RESOURCES DEPT.
SALEM, OREGON

means for estimating what use probably occurred in those months when the groundwater right was applied. A conservative estimate based on usage in 2000-2001 (conservative because of the meter not working for a time because of the broken wire), is an average monthly use of 331,200 gallons per month during that year.

Please let me know if you have any questions on the above. Thank you for your assistance.

Very truly yours,

PAUL D. DEWEY

PDD:ao

cc: Don and Emilie Frisbee
Robert and Denise Frisbee
Tim and Marie Clasen

2001

Oregon Water Resources Department
October 2001 through September 2002
Annual Water Use - Monthly Quantities Form

USER-ID 19227

2002



Facility					
POD-ID	37515				
October - 2001	640,775				
November - 2001	NA				
December - 2001	NA				
January - 2002	NA				
February - 2002	NA				
March - 2002	640,775				
April - 2002	640,775				
May - 2002	640,775				
June - 2002	640,775				
July - 2002	640,775				
August - 2002	640,775				
September - 2002	640,775				
TOTAL *	5,126,200 G				

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JAN 06 2003
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* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated Approx 10-12 Acres
I certify this information is true and accurate to the best of my knowledge.

Paul Dewey
Signature

Attorney
Title

FRISBEE
Reporting Entity

1/2/03
Date

PAUL DEWEY
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



2000
1999
2000

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

2001
USER-ID 19227

2000
2001



Facility ☐ POD-ID ☐	37515				
October - 1999	-				
November - 1999	NA				
December - 1999	NA				
January - 2000	NA				
February - 2000	NA				
March - 2000	-				
April - 2000	-				
May - 2000	288,000				
June - 2000	360,000				
July - 2000	360,000				
August - 2000	360,000				
September - 2000	288,000				
TOTAL *	1,656,000 G*				

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* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER If use is irrigation, total number acres irrigated Approx

I certify this information is true and accurate to the best of my knowledge. * This figure is low due to a broken wire 5-7Acres

Paul Dewey
Signature

Attorney
Title

FRISBEE
Reporting Entity

1/2/03
Date

PAUL DEWEY
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



1999

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

USER-ID 19227

2000



Facility ☒ POD-ID ☒	37515				
October - 1999	—				
November - 1999	NA				
December - 1999	NA				
January - 2000	NA				
February - 2000	NA				
March - 2000	331,200				
April - 2000	331,200				
May - 2000	331,200				
June - 2000	331,200				
July - 2000	331,200				
August - 2000	331,200				
September - 2000	331,200				
TOTAL *	2,318,400 G*				

JAN 06 2003
WATER RESOURCES DEPT.
SALEM, OREGON

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* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER If use is irrigation, total number acres irrigated Approx 5 Acres

I certify this information is true and accurate to the best of my knowledge. * These are estimates

Paul Dewey Attorney FRISBEE 1/2/03
 Signature Title Reporting Entity Date

PAUL DEWEY
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



1999

Application: G 13658

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

USER-ID 19227

2000



Facility ☒ POD-ID ☒	IR 37515				
October - 1999					
November - 1999	Outside Permit Period (OPP)				
December - 1999	OPP				
January - 2000	OPP				
February - 2000	OPP				
March - 2000	(?)				
April - 2000	(?)				
May - 2000	(?)				
June - 2000	(?)				
July - 2000	(?)				
August - 2000	(?)				
September - 2000	(?) Meter Installed				
TOTAL * GALLONS	(?)				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER (installed in September 2000) If use is irrigation, total number acres irrigated Approx 5 acres

I certify this information is true and accurate to the best of my knowledge.

Paul Dewey Attorney FRISBEE 7/2/01
Signature Title Reporting Entity Date

PAUL DEWEY
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



2000
1999

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

USER-ID 19227

2000
2001



Facility ☒ POD-ID ☒	37515				
October - 1999 ²⁰⁰⁰	(?)				
November - 1999 ²⁰⁰⁰	OPP				
December - 1999 ²⁰⁰⁰	OPP				
January - 2000	OPP				
February - 2000	OPP				
March - 2000	(?)				
April - 2000	(?)				
May - 2000	(?)				
June - 2000	5991 gal				
July - 2000					
August - 2000					
September - 2000					
TOTAL * GALLONS					

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Meter If use is irrigation, total number acres irrigated Approx
5 Acres

I certify this information is true and accurate to the best of my knowledge.

Paul Dewey Attorney FRISBEE 7/2/01
Signature Title Reporting Entity Date

PAUL DEWEY
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



Oregon

Theodore R. Kulongoski, Governor

App# G-13658

Water Resources Department

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

February 7, 2003

G 12583
DON C. FRISBEE
FRISBEE, EMILIE
1324 SW CORBETT HILL CIR
PORTLAND, OR 97219

RE: Deschutes Ground Water Mitigation Rules, Division 505
Deschutes Basin Mitigation Bank and Mitigation Credit Rules, Division 521

Dear Water Right Permit Holder:

Our records indicate that you are the holder of a ground water permit issued by the Department after July 17, 1995, in the Deschutes Basin Ground Water Study Area (Study Area). Your permit (or subsequent certificate) was issued with a condition allowing for regulation of use if it was later determined that the use would "measurably reduce" scenic waterway flows in the Deschutes River.

As you may be aware, the Department has been working over the last several years to develop administrative rules that address the impact of ground water use in the Study Area upon surface water flows—specifically those flows designated for the Deschutes Scenic Waterway and Instream Water Rights. Recently, the Department finalized the Deschutes Ground Water Mitigation Rules and Deschutes Basin Mitigation Bank and Mitigation Credit Rules. The rules were adopted by the Water Resources Commission (WRC) on September 13, 2002, and were effective on September 27, 2002. Copies of the rules can be obtained from the Department's web page at:

<http://www.wrd.state.or.us/law/oar1999.shtml>

The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent certificates) in the Study Area to mitigate for their ground water uses.

While only those requesting new ground water uses from the Department are required to provide mitigation, the rules provide an opportunity for holders of existing conditioned permits to provide mitigation. Holders of existing conditioned permits that provide mitigation will no longer be subject to future regulation for scenic waterway flows.

Department staff are presently working internally to develop the processes and structure to implement the new rules. While you are not required to mitigate for your ground water use, we will be sending you a letter, sometime within the next several months, letting you know what you would need to do if you choose to mitigate for your ground water use. You may also receive additional information updates from the Department in our effort to keep you informed.

If you have any questions about the new administrative rules for the Deschutes Basin and the mitigation opportunity described in the rules; or would like to request a copy of the new rules, please contact Laura Snedaker at (503) 378-8455, extension 331, or by e-mail at Laura.K.Snedaker@wrd.state.or.us.

Sincerely,



Paul R. Cleary
Director

c: Kyle Gorman, South Central Region Manager
Jeremy Giffin, District 11 Watermaster
Deschutes Steering Committee Members

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13658

Final Order

Application History

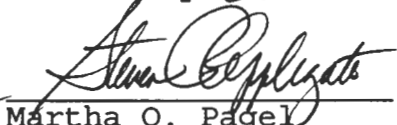
On April 5, 1994, DON C AND EMILIE FRISBEE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on April 16, 1996. The protest period closed May 31, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

Application G-13658 therefore is approved as proposed by the Proposed Final Order, and Permit Number G-12583 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED July 8, 1996

for 
Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.



STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DON C AND EMILIE FRISBEE
01324 SW CORBETT HILL CIRCLE
PORTLAND, OREGON 97219

(503) 636-3029

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13658

SOURCE OF WATER: ONE WELL IN SQUAW CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 40.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 51.5 ACRES

RATE OF ALLOWED USE: 1.155 CUBIC FEET PER SECOND (CFS), BEING 0.511 CFS FOR PRIMARY IRRIGATION AND 0.644 CFS FOR SUPPLEMENTAL IRRIGATION

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 5, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 20, T15S, R10E, W.M.; 870 FEET SOUTH AND 850 FEET EAST FROM THE N 1/4 CORNER OF SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	0.4 ACRE	21.0 ACRES
NW 1/4 NE 1/4	10.7 ACRES	30.0 ACRES
SW 1/4 NE 1/4	27.8 ACRES	0.5 ACRE
SE 1/4 NE 1/4	2.0 ACRES	
SECTION 20		
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.		

SEE NEXT PAGE

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

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

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

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

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

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

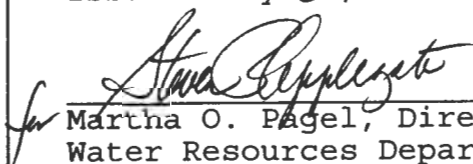
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 8, 1996


Martha O. Pagel, Director
Water Resources Department

Paul D. Dewey Attorney at Law

1539 NW Vicksburg
Bend, Oregon 97701
(541) 317-1993

July 2, 2001

Lisa Jewell
Oregon Water Resources Dept.
Commerce Building
158 12th Street, NE
Salem, OR 97310-0210

**Re: Frisbee Groundwater Right Application G-13658; Permit G-12583;
Request for Extension of Time to Complete Construction and
Application of Groundwater to a Beneficial Use**

Dear Ms. Jewell:

As I have explained in earlier phone conversations, the Frisbees filed a request for an extension of time on the above permit back on September 8, 2000. Apparently, in February of 2001, your Department issued a proposed Final Order on the request. Unfortunately, my client did not receive a copy of this proposed Final Order.

In May of this year I spoke with Dallas Miller to find out the status of our request for an extension of time. He informed me that the decision had been issued in February, but he could not find the file to tell me whether or not the request was approved or denied. Since that time, Mr. Miller retired and I have been addressing my calls to you. Apparently you, too, have been unable to find the file to determine whether or not our request for an extension was approved.

I am writing to request once again a copy of your February proposed Order. Hopefully, our request was approved, in which case we need to use this field season to complete construction and application of the groundwater to a beneficial use. If our request was denied, we have a letter to Steve Brown of your Department who said that we would not need to file a final proof pending a determination of our request for an extension. If, in fact, our request for an extension was denied, then we need to get back in touch with Mr. Brown about the procedure for filing the final proof on what work has been done.

We would very much appreciate your earliest attention to this matter.

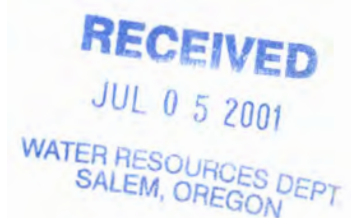
Very truly yours,



PAUL D. DEWEY

PDD:ao

cc: Don and Emilie Frisbee
Robert and Denise Frisbee



Paul D. Dewey
Attorney at Law
1539 NW Vicksburg
Bend, OR 97701



Lisa Jewell
Oregon Water Resources Dept.
Commerce Building
158 12th Street, NE
Salem, OR 97310-0210

97301X4172



Paul D. Dewey Attorney At Law

1539 NW Vicksburg
Bend, Oregon 97701
(541) 383-3470

September 8, 2000

Mr. Steve Brown
Oregon Water Resources Dept.
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210

Re: Frisbee Groundwater Right Application G-13658; Permit G-12583

Dear Mr. Brown:

This letter is to confirm our conversation of August 10 in which you agreed to waive the October 1, 2000, deadline for the final proof on the above groundwater right, pending determination of the Frisbees' request for an extension on completion of construction and application of water to a beneficial use. Enclosed is a copy of this request for an extension. As stated in the request, the Frisbees did begin construction on the project within the required period, but because of a changeover in caretakers on the property and other problems, the construction was not completed and not all of the water was applied.

If for some reason the request for an extension is denied, then you agreed that we could submit the final proof on what construction has been completed and on what water has been applied to a beneficial use. We would be allowed a reasonable time within which to submit the final proof documents.

Thank you again for your assistance and understanding on this matter. Please give me a call if you have any questions.

Very truly yours,

PAUL D. DEWEY

PDD:ao

Enclosure

cc: Don and Emilie Frisbee

Dallas Miller ✓



Paul D. Dewey Attorney At Law

1539 NW Vicksburg
Bend, Oregon 97701
(541) 383-3470

September 8, 2000

Mr. Dallas Miller
Oregon Water Resources Dept.
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210

Re: Frisbee Groundwater Right Application G-13658; Permit G-12583

Dear Mr. Miller:

Please find enclosed the Frisbees' request for an extension of time within which to complete construction and application of their groundwater to a beneficial use. This letter is also to confirm our conversation of August 10 when you stated that this request for an extension was timely.

As you suggested, I also contacted Mr. Steve Brown of your Department who confirmed that he would waive the deadline for the filing of the final proof, pending a determination on this request for an extension.

Thank you again for your consideration on this matter. Give me a call if you have any questions on this request for an extension or if you require further information.

Very truly yours,

PAUL D. DEWEY

PDD:ao

Enclosure

cc: Don and Emilie Frisbee

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SEP 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, DON C. AND EMILIE FRISBEE
NAME

01324 SW CORBETT HILL CIRCLE PORTLAND OR 97219 (503) 636-3029
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13658, Permit No. G-12583, do hereby request that the time in which to:

☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, ? *, be extended to October 1, 2002.
* The Permit does not give this date. The Permit only requires completion of the well by Oct. 1, 1998. It does not specify a date for completion of the entire system.

and/or the time in which to:

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2002.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit (yes) [yes/no]?

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? Qualified Yes-
See A) and B),
attached.

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SEP 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

See Attached Sheet

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

See Attached Sheet

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

Within the past year, the Frisbees have accomplished the installation of a meter on the well and some additional work on the underground irrigation system. There has been no prior extension.
See Attached Sheet for #4 and invoices.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

Prior to the past year, the Frisbees accomplished construction of the well system and installation of an underground irrigation system running from the well to a pasture area due south of the well. There has been no prior extension.

See Attached Sheet for #4 and invoices

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

The Frisbees have accomplished beneficial use of water under the Permit to the extent of approximately 5 acres.

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SEP 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

4-Cost of project to date ^{Approx} \$13,000 . Estimated remaining cost to complete the project \$25,000 .
See Attached Sheet and invoices

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

See Attached Sheet

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

N/A

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

N/A

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

See Attached Sheet

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

See Attached Sheet

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SEP 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

A) Has there been any change in this market since the permit was issued?

To our knowledge there has not been any change in these markets since the Permit was issued.

B) Have these changes, if any, affected the economic feasibility of your project?

We are not aware of any changes which have affected the economic feasibility of the project.

7-Are there other present competing demands for water in your community?

Other demands for water in the community are those typical where development is occurring, but there is little, if any new development within one mile of the well, as most of this land is owned by the U.S. Forest Service.

A) Has there been any change in these demands for water since the permit was issued?

We are not aware of any change in these demands for water since the permit was issued.

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

We are not aware of alternative sources of water that may be available to satisfy the competing demands. We are aware, however, of irrigation districts installing conservation measures to save on surface water losses.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

We are not aware of any adverse effects on the Frisbees' source of water that may have been caused by recent changes in the use of water in the community.

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Page 4 of 5

SEP 11 2000

WATER RESOURCES DEPT.
SAI FM. OREGON

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? _____

See Attached Sheet

9-If the extension request is denied, is the current level of water use economically feasible?

See Attached Sheet

There are also approximately 50 acres of surface water rights (Squaw Creek) associated with this acreage, but most are 1905 "flood" rights (35 acres).

The remaining 11 acres of 1882 rights are not adequate for an economic use of the property, if the permit for which we are requesting an extension is denied.

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

Signature



Date

Sept. 8, 2000

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

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SEP 11 2000

2. A. 1) Construction of well to begin within one year from permit issuance (permit issuance date of July 8, 1996): Construction began on September 25, 1996.
- 2) Completion of construction of the well on or before October 1, 1998: Completion of well was on September 30, 1996. (Note that when a pump was installed in 1998 the well did not work, so after contacting OWRD, a new well was drilled in May of 1999.) (Well reports are attached.)
- 3) Complete application of the water to the use on or before October 1, 1999: Application of the water was begun before October 1, 1999, but it was not completed.
- 4) Install a meter or other suitable measuring device before water use may begin, and keep a complete record of the amount of water used each month: Meter installed in September of 2000.

B. Not all of the above applicable conditions have been complied with primarily because of a changeover in caretakers. The Frisbees do not live on the property and rely on their caretakers to manage the property. The Frisbees just recently discovered that a prior caretaker did not meet the applicable conditions and apparently when that caretaker was moving in 1999 and a new caretaker was taking over, it was not communicated what was remaining to be done on the water permit. A water system was installed in 1999, but work on it was not completed. Having recently discovered the problem, the Frisbees have had a meter installed and have ordered further development of the water system.

In addition, there have been delays due to the first well/pump failure, and the water system being installed (underground) is more complex than originally thought.

The Frisbees will be in compliance with the requirement of application of the water by October 1, 2002.

4. Some of the expenses incurred to date (invoices attached) are:

\$2,904.00	well drilling
3,009.61	pump and materials
390.00	well test
5,610.00	redrilling of well
308.74	pump materials
<u>1,038.49</u>	well test and new materials
\$13,260.84	

5. A. The Frisbees' original intent was to phase in this project over several years. Though originally they intended to phase in the project over a time period allowed within the permit, the initial phase of the project revealed that the time frame

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SEP 11 2000

needed to be longer. The initial phase of the project involved installation of underground pipes, which took longer than anticipated to install and get running. Accordingly, the remaining phases of the project were delayed.

- D. Unforeseen events delayed full development of the water system and use of the water. A changeover of caretakers resulted in a gap of information and direction on completion of the water system and use of the water. The former caretaker of the Ranch who had responsibility for fulfilling this permit had begun the development of the water system and use of the water, but had not completed them when he decided to leave his employment. The Frisbees understood that the system and use of the water were complete, and the new caretaker did not discover the problem.

Additionally, the failure of the original well/pump (apparently due to the shallow depth) delayed full development.

6. The near and long-term markets for the end products from the beneficial use of the water are difficult to quantify. They include forage for horses on the ranch as well as trees which will not have much in the way of near-term market value, but would have a long-term market value in approximately 90 years. Irrigation has proven necessary to get seedlings started, both due to the dry conditions in the area and due to gophers. The application of the water not only aids the growth of the trees, but also repels the gophers.
8. The income or use from the water development project authorized by this permit will provide reasonable returns against the investment in the project. These returns are difficult to quantify, and will probably not be in the form of generated income or a steady flow of returns. Rather, the benefit will be more in the nature of a value enhancement because of the potential for forest products as well as for enhancement of the beauty of the property and increased wildlife habitat.
9. If the extension request is denied, the current level of water use would not meet all of the Frisbees' needs. The needs currently being met are only those associated with a few acres for livestock forage. Additional irrigated acres are needed for the livestock as well as for the tree farm. Furthermore, there is a need to expand the irrigation use for the aesthetics of the area.

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WATER RESOURCES DEPT.
SALEM, OREGON

2ND WELL

WELL I.D. # L 27958
START CARD # 120137

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

(9) LOCATION OF WELL by legal description:

County Deschutes Latitude _____ Longitude _____
Township 15 N or S Range 10 E or W. WM.
Section 20 NE 1/4 NE 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 67887 Trap
reeks Rd. Sisters Ore.

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

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

(4) PROPOSED USE:

☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 330 ft.

Explosives used	☐ Yes	☒ No	Type	Amount

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
12	0	18 1/2	Benite	0	18 1/2	19
8	18 1/2	260				
6	260	330				

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

☐ Other Pard in Dry

Backfill placed from	ft.	to	ft.	Material
----------------------	-----	----	-----	----------

Gravel placed from	ft.	to	ft.	Size of gravel
--------------------	-----	----	-----	----------------

(6) CASING/LINER:

	Diameter	From	To	Gauge Steel	Plastic	Welded	Threaded
Casing:	8	+1 1/2	18 1/2	250 X	☐	☐	☐
					☐	☐	☐
					☐	☐	☐
					☐	☐	☐
					☐	☐	☐
Liner:	6	-10	250	188 X	☐	☒	☐
					☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

☒ Perforations	Method <u>Factory</u>						
☐ Screens	Type _____	Material _____					
From	To	Slot size	Number	Diameter	Tel./pipe size	Casing	Liner
220	260	11	385	6		☐	☒
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump	☐ Bailer	☒ Air	☐ Flowing ☐ Artesian
Yield gal/min	Drawdown	Drill stem at	Time
25+	0	710	1 hr.

Temperature of water	47°	Depth Artesian Flow Found	

Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little

(10) STATIC WATER LEVEL:

180 ft. below land surface. Date 5-4-99
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 221

From	To	Estimated Flow Rate	SWL
221	226	25 ft	185

(12) WELL LOG:

Ground Elevation

Material	From	To	SWL
Top Soil	0	2	
small Gravel	2	7	
Brown SAND Stone Concl.	7	9 1/2	
Gray Sand st. Concl.	9 1/2	15 1/4	
Reddish Clay Concl.	15 1/4	15 9	
Brown Concl.	15 9	20 2	180
Gray SAND Stone Concl.	20 2	22 1	
G. B. Brown Concl.	22 1	32 1/2	
G. B. Broken Laga	32 1/2	33 0	

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WATER RESOURCES DEPT.
SALEM, OREGON

Date started 5-3-99 Completed 5-4-99

(unbonded) Water Well Constructor Certification:

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

Signed Asst. Randall WWC Number _____ Date 5-4-99

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well

Johnson Well Drilling Co.
1690 NW 87th CT
Redmond, OR 97756
541-548-2327

INVOICE

DATE	INVOICE #
10/15/96	165

BILL TO:

Frisbee, Don
1500 SW First Ave., Rm. 1005
Portland, OR 97201
503-228-0101

RECEIVED
OCT 17 1996
DON C. FRISBEE

P.O. NUMBER	TERMS	PROJECT
S.C. 83406	Net 15	

QUANTITY	DESCRIPTION	RATE	AMOUNT
120	12" and 8" bore	20.00	2,400.00
71	6" .250 blank casing	0.00	0.00
50	6" .250 perforated casing	0.00	0.00
20	Bentonite (sacks)	0.00	0.00
22	Cement (sacks)	7.00	154.00
5	Sand grout (yards)	70.00	350.00
	Well I.D. # L03970		
Thank you for your business.		TOTAL	\$2,904.00

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WATER RESOURCES DEPT.
SALEM, OREGON

REC'D BY

3923 N.E. 37th Street • Redmond, OR 97756

549-3576

548-1245

INVOICE NO. SC. 120/37

CUSTOMER'S ORDER	SALESMAN	TERMS 10 DAYS	F.O.B.	DATE 5-4-99
------------------	----------	------------------	--------	----------------

[illegible]

A SERVICE CHARGE OF 2% (OR A MINIMUM OF \$2.00) WILL BE CHARGED ON ALL ACCOUNTS 30 DAYS OR MORE PAST DUE.

WATER RESOURCES DEPT.
SALEM, OREGON

A SERVICE CHARGE OF 1½% PER MONTH WILL BE CHARGED ON ALL BALANCES PAST DUE AFTER 30 DAYS COSTS PLUS REASONABLE ATTORNEY FEES TO BE ADDED IN CASE OF SUIT FOR COLLECTION.

Customer's Order No.		<u>9-19-99</u>		Date	<u>9.28</u>	19 <u>99</u>
Name		<u>DON FRISBEE</u>				
Address		<u>1500 SW FIRT #1005</u> <u>PORTLAND OR 97201</u>				
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MOSE. RETD.	PAID OUT
K			X			

QUAN.	DESCRIPTION	PRICE	AMOUNT
	SERVICE CALLS - LABOR TO REPAIR		
	GATE VALVE & CONTACTOR ON		
	LUBRIC PUMP.	\$	230 00
	MATERIALS:		
1	1 1/4" GATE VALVE		10 50
1	1 1/4" UNION		7 60
1	1 1/4"x3"N, C.I.N., 1 1/4"x4"N,		4 14
1	40 AMP MARE. Contactor		56 50
		\$	308 74
	TOTAL	\$	308 74

PD, 1/94
 10/15/15
 XLS

506

All claims and returned goods **MUST** be accompanied by this bill.

REC'D BY _____

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50029

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WATER RESOURCES DEPT.
SALEM, OREGON

REC'D BY

Newton Pump Inc.

PHONE 548-3502

Don Frisbee
1500 S.W. First Ave. Suite #1005
Portland, OR 97201

[illegible]

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WATER RESOURCES DEPT.
SALEM, OREGON

PT. 548-0034 DA

CUSTOMER'S ORDER NO.	DEPT.	SISTERS, OR 97133	DATE:
	549-0034		8-2-99
NAME:	D Frisbee 549-8034		
ADDRESS:	Three Creeks Rd		
CITY, STATE, ZIP	Sisters		

SOLD BY:	CASH	C.O.D.	CHARGE	ON ACCT.	HOUSE RTD.	PAID OUT
----------	------	--------	--------	----------	------------	----------

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Install		
	- Approx 600' 2 1/2" mainline		
	- 2" Backflow device for shut off code required		
	- 2" electric valves		
	- 1 20 Hunter heads		
	- pump start w/ a 12 zone Roundhead controller outdoor mount		
	- Coverage area - west pasture, NW pasture newly seeded to fence line		
	- 3 years parts + labor warranty		
	total installed price		2860 -

RECEIVED BY:

©1998 REDIFORM® 5L320

WATER RESOURCES DEPT.
SALEM, OREGON

Dennis C. Karnopp
James E. Petersen
James D. Noteboom
Dennis J. Hubel *
Martin E. Hansen **
Howard G. Arnett ***
Thomas J. Sayeg ***+
Ronald L. Roome ***

* Also admitted in Washington
** Also admitted in Arizona
*** Also admitted in California
+ LLM in Taxation

**Karnopp, Petersen
Noteboom, Hubel
Hansen & Arnett**

ATTORNEYS AT LAW

Riverpointe One
1201 N.W. Wall Street, Suite 300
Bend, Oregon 97701-1936
(503) 382-3011

Mark P. Amberg ***
Brian L. Gingerich
Brent S. Kinkade
Tia M. Lewis

Lyman C. Johnson
(1929-1986)

FAX (503) 388-5410

March 31, 1994

Water Resources Department
3850 Portland Road NE
Salem, OR 97310

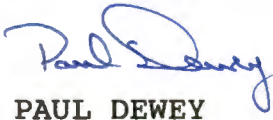
Re: Application For A Permit To Appropriate Ground Water

Dear Sir:

Please find enclosed the Application For A Permit To Appropriate Ground Water for Don and Emilie Frisbee, along with their check in the amount of \$466.00 for the appropriate filing fee. Please call me if you have any questions.

Thank you.

Sincerely,


PAUL DEWEY

PD:srr

Enclosure

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APR - 5 1994

**WATER RESOURCES DEPT.
SALEM, OREGON**

Application No. 673658
Permit No. 9

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.

STATE OF OREGON
(Please type or print)

State Permit No. _____

Name MR. MRS. DON FRISBEE
Address CIS 46 S.W. MILITARY RD.
PORTLAND ORE, 97219

County DESC Driller's well number _____

$\frac{1}{4}$	$\frac{1}{4}$ Section	T.	R.	W.M.
Bearing and distance from section or subdivision corner				
<u>SEC. 20 - T-15 - R10 E N.M.</u>				

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

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

Threaded ☐ Welded ☒

8 " Diam. from 0 ft. to 18 ft. Gage 288
6 " Diam. from 0 ft. to 84 ft. Gage 134
" Diam. from ft. to ft. Gage

Perforated? ☒ Yes ☐ No

Type of perforator used	in. by		in.	
Size of perforations	100	40	8 1/2	
perforations from				
perforations from				
perforations from				
perforations from				
perforations from				

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Model No. _____

Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Well seal—Material used in seal CEMENT
Depth of seal 18 ft. Was a packer used? NO
Diameter of well bore to bottom of seal 10 in.
Were any loose strata cemented off? ☐ Yes ☒ No Depth _____
Was a drive shoe used? ☒ Yes ☐ No
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 7/16 in
Gravel placed from 128 ft. to 60 ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ depth of strata _____
Method of sealing strata off _____

Static level 51 ft. below land surface Date 5-31-66
Artesian pressure _____ lbs. per square inch Date _____

Drawdown is amount water level is lowered below static level

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

Yield: 35 gal./min. with 20 ft. drawdown after 3 hrs

10 10 10 10

10 10 10 10

Bailer test 50 gal./min. with NO ft. drawdown after 5 hrs

Artesian flow g.p.m. Date

Temperature of water 18 Was a chemical analysis made? ☐ Yes ☒ No

Diameter of well below casing 20

Depth drilled 128 ft. Depth of completed well 125 ft.

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

MATERIAL	FROM	TO
OVER BURDEN	0	5
BOULDER CONG.	5	51
WATER BEARING BLACK SAND WITH BOULDERS	51	128
44 FT OF TOOLS LOST AT 128 FT - UNABLE TO RETRIEVE RETRIEVE WELL NOW MEASURES 84 FT		

Work started	7-30	1966	Completed	7-26	1966
Date well drilling machine moved off of well	7-26	1966			

Manufacturer's Name AIR MOTOR
Type: S & B H.P. 3

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 JACKSON DRILLING SERVICE
(Person, firm or corporation) (Type or print)

Address Redondo Circle

Drilling Machine Operator's License No. 1542 371

[Signed] Tom Herpin
(Water Well Contractor)

Contractor's License No. 422 Date 8-28, 1966

Application No.

G 13658

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water



Applicant(s) DON C FRISBEE and EMILIE FRISBEE
(Please print or type - use dark ink)

Mailing Address: 01324 SW CORBETT HILL CIRCLE
PORTLAND OR 97219 (503) 636-3029
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.):
ONE WELL, WITH A SMALL POND AND WATER DISTRIBUTION

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: APPROX. 3/4 mile

Elevation difference between streambed and development: DEVELOPMENT IS APPROX. 10' HIGHER THAN STREAMBED

NOTE: 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 driller's log with this application, and skip to Section 2 below.

Diameter of well: _____ Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: _____ TO BE DESIGNED UPON

Type of access port or measuring device: _____ ISSUANCE OF PERMIT

Wells to be drilled by: _____

Address: _____

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.155 cubic feet per second, OR 518 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** IRRIGATION
(AND INCIDENTAL USE BY HORSES AND WILDLIFE FOR DRINKING WATER)

If for more than one use, give the quantity of water from each source for each use; _____

If for **DOMESTIC** use, state the number of households to be supplied; _____

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation	<u>92.4 ACRES</u>
Other (describe)	<u>40.9 ACRES PRIMARY</u>
	<u>51.5 ACRES SUPPLEMENTAL</u>

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

TO BE DESIGNED UPON ISSUANCE OF PERMIT

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin UPON ISSUANCE OF PERMIT

Proposed date construction work will be completed WITHIN TWO YEARS AFTER ISSUANCE OF PERMIT

Proposed date water use will be completed WITHIN ONE YEAR FOLLOWING COMPLETION OF CONSTRUCTION

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant ✓ CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant CWRE ✓ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES . If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: RETURN APPLICATION FOR DEFICIENCIES TO:

 PAUL DEWEY

 KARNOPP, PETERSEN, et al

 1201 NW WALL ST., SUITE 300

 BEND OR 97701-1936

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

 Donc Frisbee
Signature of Applicant

 3/26/94
Date

 Emilie F. Frisbee
Signature of Co-Applicant, if any

 3/26/94
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem,
Oregon, on the 5 day of April, 1994, at 8 o'clock, 4 M.

APPLICATION NO: G 13658

FO CHECKLIST

FILE # 13658
WEEK # 38

PFO TO FO CONVERSION

REVIEW DATE: 6/18/06

INITIALS: DB

In preparing the FO, you should check the following:

1. Y / ☒ N Were comments or protests received in response to the PFO?
 2. ☒ List names and addresses of ALL commentors (regardless of comment date) on the PFO CC list.
 3. ☒ Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees
(2) Issue FO w/o permit if fees are lacking

Q 2.4 AC
200 EXAM
100 1st 10
166 2x23
466
 4. Y / ☒ N Is the file lacking a signed oath of accuracy for the application?
 5. Y / N Has ODFW asked for self certification on screening condition?
 6. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
 7. Y / N If #6 = "Y", is short season letter on file?
 8. ☒ Assign permit numbers to files with oath, fees, and no protests or other issues
- | | | Route to: (circle one) | | |
|--------|---------------|------------------------|----------|-------|
| DENIAL | FO w/o PERMIT | FO & PERMIT | COMMENTS | |
| LARRY | CORY | JERRY | DOUG | 7B/75 |
9. ☒ Y / N Is further processing possible? If not state reason: _____
 10. ☒ Notify applicant of additional information or fees required prior to permit issuance (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

11. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
12. ☒ Include or exclude permit conditions and management codes
13. ☒ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

14. ☒ Save WordPerfect document in M:\T\FO\WEEK 41 & delete duplicates
15. ☒ Print final draft of document and submit to team leader for review
16. ☒ Y / N Team leader review completed

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Groundwater Application	)	FINAL
G-13658 submitted by	)	ORDER
DON C & EMILIE FRISBEE		

FINDINGS OF FACT

Water Use Request

1. DON C & EMILIE FRISBEE requested use of 1.155 CUBIC FEET PER SECOND of water from ONE WELL IN SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 40.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 51.5 ACRES within the Deschutes basin.
2. The area of proposed use is in Deschutes County within SECTION 20, TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.
3. The water delivery system is described by the applicant as follows:
The applicant proposes to design system upon issuance of permit.
4. The request was made in Application G-13658 which was received by the Water Resources Department on April 5, 1994.

Affected Waters

1. This proposed use of groundwater is above a State Scenic Waterway.
2. There are no senior water rights from this point of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely SQUAW CREEK.
3. An Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on JANUARY 24, 1996.
4. The Initial Review determined:
 - a. PRIMARY AND SUPPLEMENTAL IRRIGATION are allowed under the Deschutes Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water for the proposed use is available in the amounts requested for the period MARCH 1 THROUGH OCTOBER 31.
 - d. The use would not injure existing water rights.
5. The report of Initial Review listed these determinations and

disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

6. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
7. The Department proceeded with processing the application and on FEBRUARY 13, 1996 published notice of the application in its weekly Public Notice of Water Rights.
8. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.

Assessment

1. In proceeding with evaluation of Application G-13658, the following criteria were found to be relevant by the Department.
 - a. The Deschutes Basin Program (OAR Chapter 690, Division 505)
 - b. The Deschutes County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - d. The established rate and duty for the proposed use
 - e. The Scenic Waterway Act (ORS 390) as amended by SB 1033 enacted by the 68th Legislative Assembly
 - f. Pending, senior applications and existing water rights of record

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Initial Review remain valid.
2. Based on data received, the Department has determined that at this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife. The Department has further determined that, to protect the resource, additional conditions on the proposed water use are necessary. The condition, as further described on the attached draft permit, would require that the use may be regulated if analysis of data available after the permit or certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
3. The period of allowed use is MARCH 1 THROUGH OCTOBER 31.

4. The Department finds that no more than 1.155 CUBIC FEET PER SECOND would be necessary for the proposed use. The amount of water requested, 1.155 CUBIC FEET PER SECOND, is allowed for the proposed use.
5. Deschutes County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Deschutes County Comprehensive Land Use Plan.
6. Pursuant to ORS 390.835, the proposed use, as conditioned, will not reduce streamflows needed to maintain the free-flowing character of the DESCHUTES RIVER SCENIC WATERWAY in quantities necessary for recreation, fish and wildlife uses.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.
9. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
10. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-13658 in the name of DON C & EMILIE FRISBEE be approved for PRIMARY & SUPPLEMENTAL IRRIGATION as provided in the attached draft permit.

DATED April 16, 1996



Steven P. Applegate
Administrator

Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on May 31, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

DON C & EMILIE FRISBEE
1324 SW CORBETT HILL CIR
PORTLAND, OREGON 97219

(503) 636-3029

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13658

SOURCE OF WATER: ONE WELL IN SQUAW CREEK BASIN WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 40.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 51.5 ACRES

RATE OF ALLOWED USE: 1.155 CUBIC FEET PER SECOND, BEING 0.511 CUBIC FOOT PER SECOND (CFS) FOR PRIMARY IRRIGATION AND 0.644 CFS FOR SUPPLEMENTAL IRRIGATION

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 5, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 20, T 15 S, R 10 E, W.M.; 870 FEET SOUTH & 850 FEET EAST FROM N1/4 CORNER, SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	0.4 ACRE	21.0 ACRES
NW 1/4 NE 1/4	10.7 ACRES	30.0 ACRES
SW 1/4 NE 1/4	0.5 ACRE	27.8 ACRES
SE 1/4 NE 1/4	2.0 ACRES	
SECTION 20		
TOWNSHIP 15 SOUTH, RANGE 10 EAST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT

Water Resources Department
Director

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-6130 (FAX)

INVOICE # **001869**

RECEIVED FROM: Karnopp, Peterson
BY: P. Peterson

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96-602 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1000

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$ 1000

TC165 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

\$

0219

LICENSE FEE

\$

0218 WELL DRILL CONSTRUCTOR

0220

\$

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

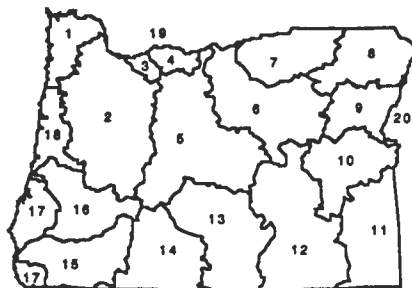
RECEIPT # **001869**

DATED: 4-30-96 BY: Fla 1

How To Read the Listing

Applications are organized by Oregon's major river basins, as listed below:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



G-12345	2	Dry Cr. > Rowe R.	0.50	C	IR	40.00	Coos 1/1/1995	SENE, SECTION 9, T16S, R4W	W. Clinton...	PFO	2
---------	---	-------------------	------	---	----	-------	------------------	----------------------------	---------------	-----	---

Basin number

Amount

What it flows into

The source

Unit of measure:
C - cubic feet per second
G - gallons per minute
A - acre-feet

Application number:
G - groundwater
R - reservoir
S - surface
I - instream

County of use;
Priority date

Irrigated acres

Type of use
(e.g.: IR - irrigation;
see codes below)

Applicant name & address

Legal description of general area of use:
"Southeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 4 West."

Stage of Review:
IR initial review
PFO proposed final order

Decision codes:
1 permit may be issued as requested by applicant
2 permit may be issued with appropriate conditions
3 permit unlikely to be issued

Some commonly-used Type of Use abbreviations (for definitions, please consult Oregon Administrative Rules Chapter 690, Division 11):

- | | | |
|-----------------------------------|---|------------------------|
| AG-agriculture | GD-group domestic | MU-municipal |
| CF,CH,CL,CR-cranberry uses | GR-groundwater recharge | NU-nursery use |
| CM-commercial | GT-geothermal | PA-pollution abatement |
| CS-campground | IC-irrigation, primary & supplemental | PW-power |
| DI-domestic, incl. lawn & garden | ID,IL-irrigation with Domestic or Livestock use, respectively | QM-quasi-municipal |
| DN-domestic, incl. non-commercial | IM-industrial, manufacturing | RC-recreation |
| DO-domestic | IR-irrigation | RW-road construction |
| DS-domestic/stock | IS-supplemental irrigation | ST-storage |
| FI-fish | LV,LW-livestock/wildlife | SW-swimming |
| FP-fire protection | MI-mining | TC-temperature control |
| FW-fish & wildlife | | WI-wildlife |

PROPOSED FINAL ORDER REQUEST FORM

Your Name, Address, and Phone Number:

PAUL DEWEY
KARNOPP, PETERSEN
1201 NW WALL ST
BEND OR 97701
Phone: (541) 382-3011

Please send me the Proposed Final Order for Water Right Application:

G-13658

#

Return this form and \$10 per PFO to:

PFO Requests
Proposed Final Order Team
Oregon Water Resources Department
158 12th St. NE
Salem OR 97310

sent
5/3/96

Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued.

RECEIVED

APR 30 1996

WATER RESOURCES DEPT.
SALEM, OREGON

OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

NOTICE OF PROPOSED FINAL ORDER

This is to notify you that the Water Resources Department has issued a Proposed Final Order (PFO) on an application which may interest you. Attached is an excerpt from our weekly public notice, identifying the application we believe you may be interested in.

A PFO is the Department's preliminary decision on a water use request. It documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem office or at watermasters' offices; you may make your own copies for the standard copy charge.

If you do not request a copy of the PFO, you may not be notified of subsequent action on the referenced application.

Opportunities for Further Public Involvement

Those disagreeing with the Department's decision as expressed in the PFO have 45 days from the date the PFO was issued to file a protest.

The protest filing fee is \$200 for everyone but the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. To participate, an additional \$150 is required at the time of the proceeding, if a contested case hearing is held.

For additional information, call the Water Rights Information Group, extension 499 at either 503-378-8455 or 800-624-3199. Please have the application file number ready.

file

JANUARY 24, 1996

Oregon

WATER
RESOURCES
DEPARTMENT

DON C FRISBEE
EMILIE FRISBEE
01324 SW CORBETT HILL CIRCLE
PORTLAND, OREGON 97219

Reference: File G-13658

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION OF 92.4 ACRES, BEING IRRIGATION OF 40.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 51.5 ACRES, **is allowed** under OAR 505, the Deschutes Basin Program [OAR 690-505-002(1)(A)].
4. Based on a groundwater review, the Department has determined this well will not have the potential for substantial interference with Squaw Creek.
5. The use of 1.155 CUBIC FEET PER SECOND (CFS), BEING 0.511 CFS FOR IRRIGATION OF 40.9 ACRES AND 0.644 CFS FOR SUPPLEMENTAL IRRIGATION OF 51.5 ACRES, from one well, **is available** year round.
6. The irrigation season is limited to March 1 through October 31 by Department policy.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

January 24, 1996

Summary of Initial Determinations

The use of 1.155 cubic foot per second, being 0.511 cubic foot per second for irrigation of 40.9 acres and 0.644 cubic foot per second for supplemental irrigation of 51.5 acres, from one well may be allowed from March 1 through October 31 of each year.

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

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

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **FEBRUARY 7, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

1. You may be required to measure the amount of water used and report that use annually.

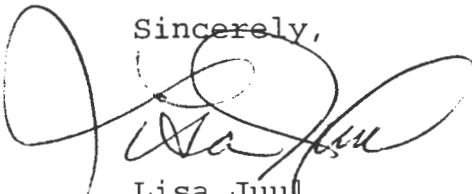
January 24, 1996

2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
3. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
4. The priority date for this application is April 5, 1994.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 267 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Lisa Juul
Initial Reviewer
Water Rights Division

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

Water Resources Department

MEMO

January 16, 1996

TO Application G-13658

FROM GW: K. Lite
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☒ Yes

☐ No

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

☒ Yes

☐ No

Use the Scenic Waterway condition (Condition 7J).

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

☒

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

FLOW REDUCTION: (To be filled out checked)

Exercise of this permit is ca
Scenic Water
proportion of the consumptive use by w

Jan	Feb	Mar	Apr	May	Ju

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13658

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 15S/10E-20

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Permit should include GW
conditions 7B & 7J

Reviewer: K. Lite

TO: Water Rights Section

January 16, 1996

FROM: Groundwater/Hydrology Section K. Lite

Reviewer's Name

SUBJECT: Application G- 13658

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

(Signature)

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

_____, 199__.

(Signature)

IR CHECKLIST

Application #: 6-13658 Vol Subbasin Middle Deschutes
 Basin: 5 - Deschutes SWAB: 0103452 POU-WAB 0103452
 Township 15S Range 10E Section 20 1/4 1/4

- ☒ 1. Items have been verified on Completeness Checklist.
- ☒ 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- ☒ 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - ☒ a. Is the well located in a groundwater limited area?
 - ☒ b. A (B) C
- ☒ 4. Is the Proposed Use located in or above a Scenic Waterway?
- ☒ 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ☒ 6. Is the use allowed or limited by the Basin Program? Deschutes OAR(s) 190-505-002(1)(a)
- ☒ 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ☒ 8. Basin Maps (metal cabinet) have been checked and River Mile () has been identified
- ☒ 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) NOT hydraulically connected
- ☒ 10. Rate 1/80 Duty 3 Season Irrigation Mar. 1 - Oct. 31
- ☒ 11. Use IRRIGATION Period of Allowed Use March 1 - October 31
- ☒ 12. Priority Date(s) April 5, 1994
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- ☒ 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) NOT hydraulically connected
- ☒ 15. Plat cards have been checked and a copy of the map is attached showing the conflict with No Conflict
- ☒ 17. Land use approval OK'd needs approval county notified
- ☒ 19. conditions? (BOR, GW, etc.) 7B & 7J
- ☒ 20. Watermaster District #: 11 - KYLE GERMAN
- ☒ 21. Regional Office (NWR, NCR, ER, SCR, or SWR)
- ☒ 22. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

Requested
1.155 cfs

1.155 cfs

92.4 ÷ 80 = 1.155 cfs

Name: [Signature]

Date: 1-22-96

(B) Water legally released from storage.

(b) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Middle Deschutes River Basin

690-505-002

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Middle Deschutes River Basin are hereby so classified with the following exceptions:

(A) OAR 690-505-006, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.

(B) The maximum economic development of this state, the attainment of the highest and best use of the waters of the main stem, Metolius River, above river mile 13.0, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or non-commercial garden not to exceed one-half acre in area, power development, recreation, wildlife and fish life uses and the waters of the main stem, Metolius River, above river mile 13.0, are hereby so classified.

(C) Further, no out-of-basin diversions of the waters of the mainstem Metolius River, above river mile 13.0, shall be permitted for any use.

(D) No further appropriations except for domestic or livestock uses shall be permitted for waters of the mainstem Deschutes River, from the head of Lake Billy Chinook near river mile 120 to the North Canal Dam near river mile 165.

(E) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife and fish life uses.

(b) Applications for the use of the waters of the Middle Deschutes River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of Lake Creek or its tributaries above the confluence of Lake Creek with the Metolius River for flows of Lake Creek below 20 cubic feet per second measured at the mouth of Lake Creek except that this limitation shall not apply to waters legally stored or legally released from storage (priority date - May 24, 1962).

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Lower Deschutes River Basin

690-505-003

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Lower Deschutes River Basin are hereby so classified with the following exceptions:

TOWNSHIP 155 RANGE 10E W. M.

SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
18	30											2					9014	9072
21	25		125									19						296
8.5	5											2	25					980
								3.5										295
18	40	20										10				10825	9125	CANCELLED
Res																R-57160	R 7253	61002
Res.																57161	43043	61003
												6			7	T-5443 (IN)	(G-36131)	
															140	G-11857	G-11039	
															Res FI	R-69729		
															FI	69730		
04	10	27	20													G-13658		
21	30	05														G-13658		

✓ Appl 12323
 ✓ Decree
 ✓ Decree
 Square Creek

No Conflict

Sec. 16

17

20

21

Tp. 15 S

R. 10 E.

CREEK
WASTE CHANNEL

SITE of PROPOSED CUT OFF DAM.

WAGGERS

Proposed Diversion
Through Present Canal

Application No. 12323

Permit No. 9014

Areas of
Irrigated
Land

Township 15 S. , Range 10 E.W.M.



**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in
Addition to Classified Uses**

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

RECEIVED
APR - 5 1994

Applicant's Name: DON C. FRISBEE and EMILIE FRISBEE WATER RESOURCES DEPT.
Address: 01324 SW CORBETT HILL CIRCLE SALEM, OREGON
City: PORTLAND State: OR Zip: 97219 Day Phone: (503) 636-3029

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
00100	F-2 (WA)		✓	✓
00200	F-2 (WA)		✓	✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. DESCHUTES

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

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. **Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below.** If the form is not completed within 60 days, the Department may take action to approve the water use.

Version: 8/27/90

Oregon Water Resources Department
3850 Portland Rd. NE
Salem, OR 97310
378 - 3671

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: D. Stacy Warren
Title: Assistant Planner

Date: 3/28/94
Phone: 388-6575

Signature: D. Stacy Warren

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

Drilling approved under FM-89-3

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: DON C. FRISBEE and EMILIE FRISBEEAddress: 01324 SW CORBETT HILL CIRCLE
PORTLAND OR 97219Phone: (503) 636-3029**RECEIVED**

APR - 5 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): TREES and PASTURE
- ☒ Livestock (type of livestock, feedlot, slaughterhouse): HORSES
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☒ Fish and Wildlife (pond, hatchery, etc.): A SMALL POND FOR THE IRRIGATION SYSTEM
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☐ Surface Water Name sources: _____ _____ _____	<u>1,155</u> Cubic feet per second. <u>518</u> Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☒ Ground Water	

Application No. 6730
Permit No.

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APR - 5 1994

2374
FULFILLMENT DEED

WATER RESOURCES DEPT
SALEM, OREGON

VOL 345 PAGE 213

JESSE C. EDGINGTON and JOY EDGINGTON, husband and wife, Grantor, convey and warrant to DON C. FRISBEE and EMILIE FRISBEE, husband and wife, Grantee, the real property described in the attached Exhibit A, free of encumbrances except as specifically set forth therein.

The true and actual consideration for this conveyance is \$65,000.

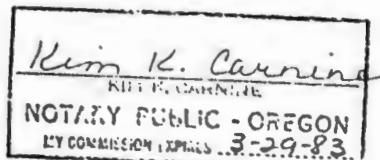
DATED this 9 day of July, 1981.

x Jesse C. Edgington
Jesse C. Edgington

x Joy Edgington
Joy Edgington

STATE OF OREGON)
County of) ss.

The foregoing FULFILLMENT DEED was acknowledged before me this 9th day of July, 1981 by JESSE C. EDGINGTON and JOY EDGINGTON, husband and wife.



Kim K. Carrine
Notary Public for Oregon

My commission expires: 3-29-83

Until a change is requested, all tax statements shall be sent to the following address: Mr. and Mrs. Don C. Frisbee, 01546 SW Military Road, Portland, OR 97219

1 - FULFILLMENT DEED

REC

APR - 5 1994

WATER RIGHTS DEPT.
EXHIBIT A SALEM, OREGON

VOL 345 PAGE 214

That certain tract or parcel of land, situated in Deschutes County, State of Oregon, and described as follows:

In Township 15 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon:

Section 20: The Northeast Quarter (NE 1/4), and the North Half of the Northeast Quarter of the Southeast Quarter (N 1/2 NE 1/4 SE 1/4) and the North Half of the South Half of the Northeast Quarter of the Southeast Quarter (N 1/2 S 1/2 NE 1/4 SE 1/4); and
Section 21: The West Half of the Northwest Quarter (W 1/2 NW 1/4);

Together with all appurtenant water rights, including, but without limiting the generality of the foregoing, the following water rights of record:

Section 20: 0.63 cubic foot per second from seepage water from Squav Creek, accumulated in a waste channel for irrigation of 18 acres in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4), 30 acres in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4), and 2 acres in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4); 0.4 cubic foot per second and 1.16 cubic feet per second from Squav Creek for irrigation of 21 acres in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4), 25 acres in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4), 12.5 acres in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4), and 19 acres in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4); 0.27 cubic foot per second from Squav Creek for irrigation of 8.5 acres in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4), and 5 acres in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4); 0.09 cubic foot per second from Squav Creek for irrigation of 2 acres in the Northeast Quarter of the Southeast Quarter

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APR - 5 1994

WATER RESOURCES DEPT.
SALEM, OREGON

VOL 345 PAGE 215

(NE 1/4 SE 1/4), and 2.5 acres in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4); Said 2.5 acres in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) and the portion of the water rights allocable thereto are not included in this sale.

EXCEPTING a portion of the property described above previously deeded by Grantor to Grantee, described as follows:

In Township 15 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon, that portion of the NE 1/4 of Section 20, described as follows:

Beginning at a point 270 feet North and 140 feet East of the Southwest corner of the NE 1/4 of the NE 1/4 of said Section 20; thence West 440 feet; thence South 440 feet; thence East 440 feet; thence North 440 feet to the point of beginning.

SUBJECT TO:

1. Current taxes and assessments affecting the property.
2. Any easements for existing roads, highways, ditches, canals, pipe lines and utility lines, zoning ordinances, reservations in patents, other easements and rights of way of record.
3. Any liens or encumbrances created or suffered by Grantee after the date of execution of the Contract of Sale between the parties, dated 10th day of October, 1965, which has been fully paid by Grantee.

2374

STATE OF OREGON

County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 31 day of July A.D. 1981 at 11:15 o'clock A.M. and recorded in Book 345 on Page 213 Records of Deeds

3 - FULFILLMENT DEED

ROSEMARY PATTERSON

County Clerk

By Rhonda Lang Deputy

Exhibit A - 2

WaterWatch

O F O R E G O N

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APR 25 1994

WATER RESOURCES DEPT.
SALEM, OREGON

April 22, 1994

Water Resources Department
158 12th St. N. E.
Salem, OR 97310

RE: Application for Permit #G13658, Don Frisbee
Squaw Cr. Basin, Deschutes Co., Irrigation

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose any application which in any way reduces surface water flows needed for the public uses that are served by any instream water right.

Given the importance of this groundwater resource, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources in Oregon for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5)

Will this proposed use be compatible with Goal 5 elements in the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1) Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

bc:

Jim Myron

app 913058 (perm 912583)

USER-ID 19227

2007

Oregon Water Resources Department
October 2007 through September 2008
Annual Water Use - Monthly Quantities Form

2008

Facility →					
Report ID →	37515 ✓				
October - 2007	120,000 G				
November - 2007	0				
December - 2007	0				
January - 2008	0				
February - 2008	0				RECEIVED
March - 2008	0				DEC 15 2008
April - 2008	0				WATER RESOURCES DEPT SALEM, OREGON
May - 2008	220,000 G				
June - 2008	540,000 G				
July - 2008	540,000 g.				
August - 2008	5400,000				
September - 2008	540,000 g.				
Total *					

* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe the method of measurement used: pump @ 30 gpm 10 hrs/day If used for irrigation, total number of acres irrigated: 6

I certify this information is true and accurate to the best of my knowledge. + 120 mtr.

Signature Tim Clasen
Name TIM CLASEN

Title Caretaker
Reporting Entity Frisbee's Sisters OR
Mailing Address PO box 1633 Sisters OR 97759

Date 12/5/08
Phone Number 549 8034

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1266.

Ending
meter
read
147430



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

October 6, 2008

DON FRISBEE
FRISBEE RANCH
PO BOX 1633
SISTERS, OR 97759

REFERENCE: User Id and Password **19227**

Dear Water User,

You are receiving this letter as a reminder of a water use reporting requirement listed on a water right. Online reporting is available at our web site (www.wrd.state.or.us). To begin, locate the *Water Use Reporting* link under *Featured Links*. By clicking this link, your browser will open a new page where you will be able to log in with your User Id and Password (above). Once you are logged in, the *Select* link will allow you to add data for a particular diversion. Please remember to report zeros for any given month when water was not used. Online reporting will be available through March 31, 2009. If the internet is not accessible, you may use the form provided on the back of this letter to submit your monthly water use data.

Although much effort has been done to add new permits to the Water Use Reporting database, there still may be diversions not included on the web site. Please be aware that most Transfer orders approved within the last few years will not likely appear online. If you notice a diversion not listed that should be, you can either use the form provided to report water use or let me know and we will add it to the database as soon as possible. Additionally, if you would like to designate a facility name for a diversion, please feel free to contact me.

For water rights authorizing less than 0.1 cubic foot per second (CFS) or 9.2 acre-feet, you may assume the maximum quantity allowed under the right and report that volume. For reporting purposes, please convert cubic feet per second to acre feet, using $(1.98)(\text{CFS})(\# \text{ of days used per month})$.

The time and effort of both recording and reporting your water use is greatly appreciated. If you have any questions or need additional time, please let me know.

Sincerely,

Alyssa Mucken
Water Measurement Specialist
Oregon Water Resources Department
Phone 503.986.0837 Fax 503.986.0902
alyssa.m.mucken@wrds.state.or.us

Application No. 67358
Permit No. G12583

MINOR LAND PARTITION 89-10

9 JUNE 1989

A PARTITIONING OF A PARCEL OF LAND SITUATED IN THE EAST HALF OF SECTION 20 AND THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

OWNERS

DONALD C. FRISBEE AND EMILIE FRISBEE, husband and wife

SURVEYOR

FRED A. AST, Jr. & ASSOCIATES
351 W. CASCADE ST. P. O. BOX 751
SISTERS, OREGON 97759
PHONE (503) 549-7851

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
REV. 11-1-1988
FREDERICK A. AST, JR.
1938

DECLARATION

KNOW ALL MEN BY THESE PRESENT, THAT WE, DONALD C. FRISBEE AND EMILIE FRISBEE, husband and wife, BEING THE OWNERS IN FEE SIMPLE OF THOSE PARCELS OF LAND SHOWN HEREON, HAVE CAUSED SAID LAND TO BE SURVEYED AND PARTITIONED INTO THE PARCELS AS SHOWN ON THIS MAP OF "MINOR LAND PARTITION 89-10".

Donald C. Frisbee 6/17/89
DONALD C. FRISBEE - OWNER DATE

Emilie Frisbee 6/17/89
EMILIE FRISBEE - OWNER DATE

ACKNOWLEDGEMENT

THIS IS TO CERTIFY THAT ON THIS 17th DAY OF JUNE, 1989, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED DONALD C. FRISBEE AND EMILIE FRISBEE, husband and wife, TO ME KNOWN TO BE THE INDIVIDUALS WHO EXECUTED THE FOREGOING "DECLARATION" AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN NAMED.

Theresa H. Ast
THERESA H. AST
NOTARY PUBLIC - OREGON
My Commission Expires 1-20-90

APPROVALS

<u>Jeff Kern</u>	6-22-89
DESCHUTES COUNTY SURVEYOR	DATE
<u>Sam Flint</u>	6-27-89
DESCHUTES COUNTY SANTARIAN	DATE
<u>Larry Rein</u>	6-22-89
DESCHUTES COUNTY DIRECTOR OF PUBLIC WORKS	DATE
<u>George A. Reed</u>	6-27-89
DESCHUTES COUNTY PLANNING DIRECTOR	DATE
<u>Don Bruns</u>	6-28-89
DESCHUTES COUNTY COMMISSIONER	DATE
<u>Antonia</u>	6-28-89
DESCHUTES COUNTY COMMISSIONER	DATE
<u>Nick Maudlin</u>	6-28-89
DESCHUTES COUNTY COMMISSIONER	DATE

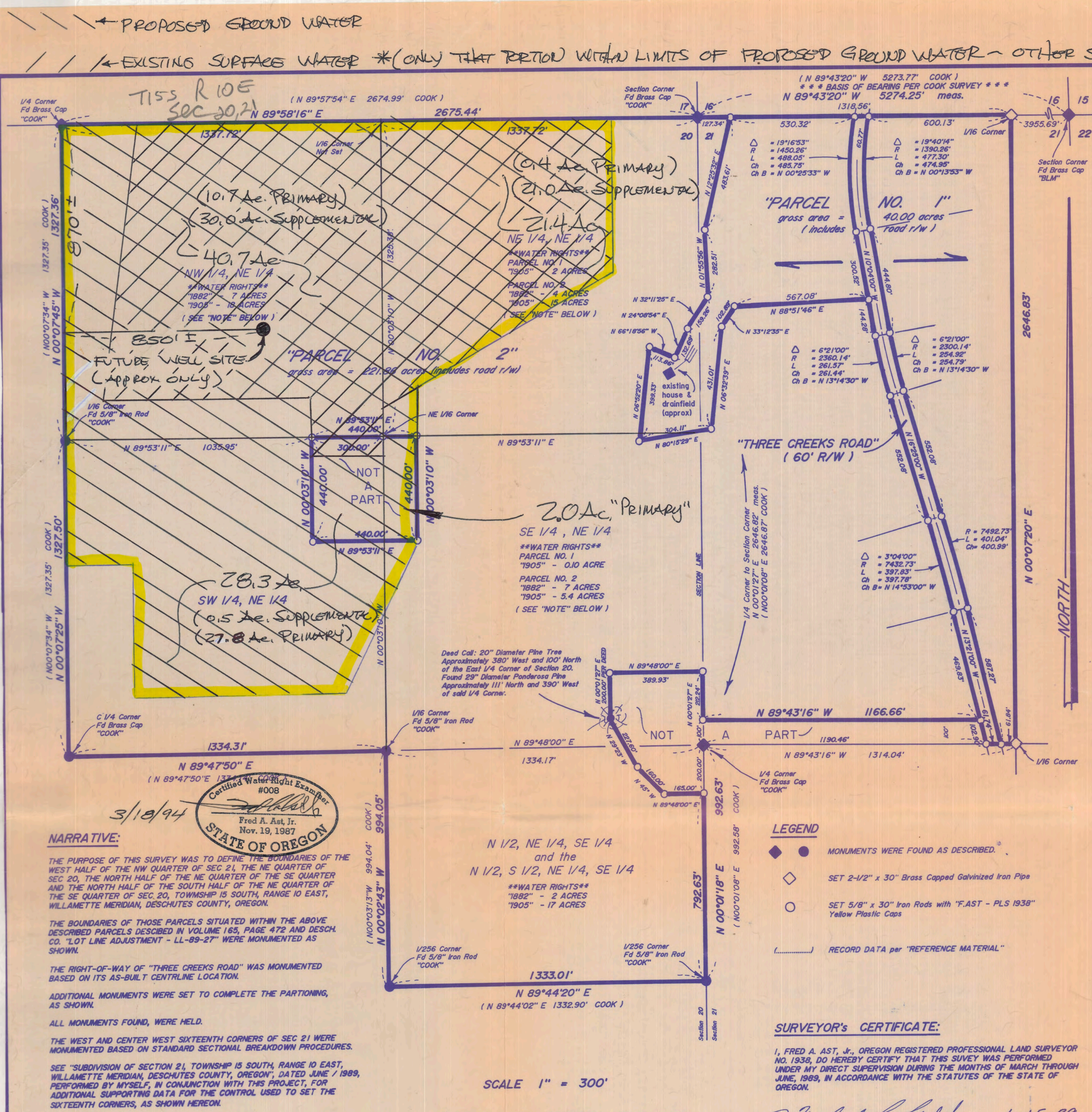
- LEGEND**
- MONUMENTS WERE FOUND AS DESCRIBED.
 - ◇ SET 2-1/2" x 30" Brass Capped Galvanized Iron Pipe
 - SET 5/8" x 30" Iron Rods with "FAST - PLS 1938" Yellow Plastic Caps
 - (.....) RECORD DATA per "REFERENCE MATERIAL"

SURVEYOR'S CERTIFICATE:

I, FRED A. AST, JR., OREGON REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1936, DO HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTHS OF MARCH THROUGH JUNE, 1989, IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OREGON.

Fred A. Ast, Jr. 6-15-89
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APR - 5 1994
WATER RESOURCES DEPT.



NARRATIVE:

THE PURPOSE OF THIS SURVEY WAS TO DEFINE THE BOUNDARIES OF THE WEST HALF OF THE NW QUARTER OF SEC 21, THE NE QUARTER OF SEC 20, THE NORTH HALF OF THE NE QUARTER OF THE SE QUARTER AND THE NORTH HALF OF THE SOUTH HALF OF THE NE QUARTER OF THE SE QUARTER OF SEC 20, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

THE BOUNDARIES OF THOSE PARCELS SITUATED WITHIN THE ABOVE DESCRIBED PARCELS DESCRIBED IN VOLUME 165, PAGE 472 AND DESCH CO. "LOT LINE ADJUSTMENT - LL-89-27" WERE MONUMENTED AS SHOWN.

THE RIGHT-OF-WAY OF "THREE CREEKS ROAD" WAS MONUMENTED BASED ON ITS AS-BUILT CENTRINE LOCATION.

ADDITIONAL MONUMENTS WERE SET TO COMPLETE THE PARTITIONING, AS SHOWN.

ALL MONUMENTS FOUND, WERE HELD.

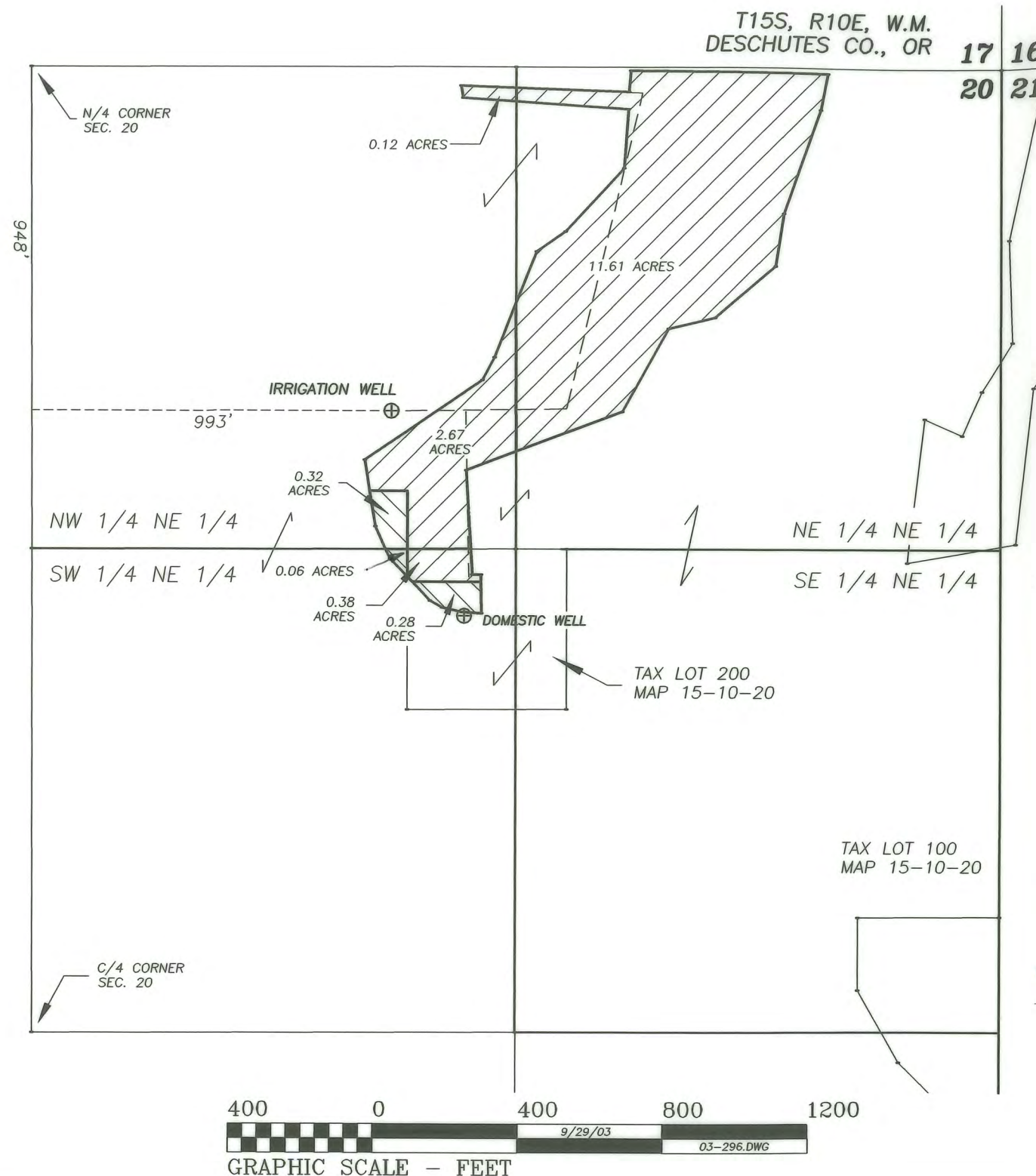
THE WEST AND CENTER WEST SIXTEENTH CORNERS OF SEC 21 WERE MONUMENTED BASED ON STANDARD SECTIONAL BREAKDOWN PROCEDURES.

SEE "SUBDIVISION OF SECTION 21, TOWNSHIP 15 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON," DATED JUNE 1989, PERFORMED BY MYSELF, IN CONJUNCTION WITH THIS PROJECT, FOR ADDITIONAL SUPPORTING DATA FOR THE CONTROL USED TO SET THE SIXTEENTH CORNERS, AS SHOWN HEREON.

REFERENCE MATERIAL:

- ORIGINAL G.L.O. SURVEY DATA BY J. MCCLUNG
- SUBDIVISION OF SEC 20, T15S, R10E, W.M., BY G. COOK, FOR JESS EDGINGTON, DATED 8/13/74.
- DEEDS OF RECORD

**NOTE: Water Rights Identification: Shown are only those Rights in Certificate Vol. 1, Page 296, being split by this Partition.



FINAL PROOF SURVEY CLAIM OF BENEFICIAL USE

PERMIT NO. G-12583
APPLICATION NO. G-13658
IN THE NAME OF DON C. FRISBEE

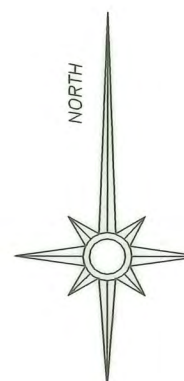


AREA IRRIGATED UNDER PERMIT G-12583
(PRIMARY RIGHTS)

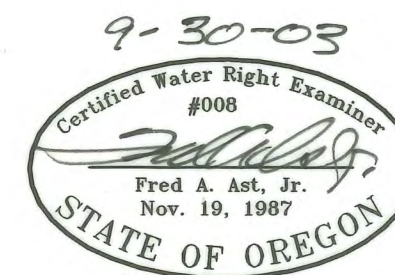


AREA IRRIGATED UNDER PERMIT G-12583
(SUPPLEMENTAL RIGHTS)

----- APPROXIMATE LOCATION OF BURIED MAINLINES



RECEIVED
OCT 02 2003
WATER RESOURCES DEPT.
SALEM, OREGON



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

Fred A. Ast, Jr. and Associates

250 W. Cascade Avenue

P.O. Box 751

Sisters, Oregon 97759

541-549-7851