G12420

ASSIGNED
KMB ENTERPRISES
17204 HWY 126

ASPEN LAKES UTILITY CO. LLC
16900 ASPEN LAKES DR
SISTERS, OR 97759

Application No. G12420 Q1 P
Permit No. G11577
Certificate No.

Stream Index, Page No. 5

05-1980-1220
V 14 Spring Extension

Sell file: G-12419, G-12421

Date filed FEB 20 1991
Priority
Action suspended until C15

Return to applicant
Date of approval 7-20-92

CONSTRUCTION

Date for beginning JUN 20 1993
Date for completion OCT 1 1994
Extended to 10-1-95, 10-1-96, 10-1-97

Date for application of water OCT 1 1995
Extended to 10-1-96, 10-1-97, 10-1-15
10/1/2040

PROSECUTION OF WORK

Form "A" filed started
Form "B" filed
Form "C" filed

FINAL PROOF

Blank mailed
Proof received
Date certificate issued

FEES PAID

Date	Amount	Receipt No.
2-20-91	200.00	71578
9-16-91	764.60	78623
11-2-94 Extension	$100 →	118421
11-30-95 Ext.	100.00	130671
12-8-97 Extension	100.00	17888
10/28/03	Cert Fee 350.00	163967

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
10/28/03	Aspen Lakes Utility Co, LLC;	16900 Aspen Lakes DR, Sisters, OR	97759	

REMARKS

G-12387 withdrawn See Also 12419 & 12421
B Card 10-1-18
BC 96 V49 P472
BC ext 10-1-97 V51 P115 2/24/97

8/14/15	575.00	116988
8/29/19	125.00	130700

PUMP TEST
5/10/2021
APPROVED

SP*70900-119

G12420

APPLICATION
CHECK-OFF LIST

~~RECEIPT POSTED~~
~~STREAM INDEXED & STREAM CODED~~
~~CONTENTS MARKED/STAMPED~~
~~SCENIC WATERWAY NOTED~~
~~FILE~~ FOLDER TYPED
~~CALENDAR CARD TYPED~~
~~MAPS COPIED~~
APPLICATION COPIED
~~ACK LETTER TYPED~~ JCB 3/6/91

Oregon
Kate Brown, Governor

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

May 16, 2022

GW

WILDHORSE MEADOWS LLC
16900 ASPEN LAKES DR
SISTERS, OR 97759

The Department has reviewed the status of your pump test and any requests for extension(s) or exemption(s) for the following permitted well(s). The results are summarized in the following table:

Application	Water Right	Permitted Well	Pumped Well	Test Date	Request Status	Exemption	Well Name
G 12420	Permit: G 11577 *	DESC0000992	DESC0000992		APPROVED	Public Supply	WELL 5
G 12421	Permit: G 11578 *	DESC0000992	DESC0000992		APPROVED	Public Supply	WELL 5

Please contact me if you have any questions.

Sincerely,

Joe Kemper
503-437-5305
Groundwater Section

cc: GW Pump Test File
cc: Certificates Section/Application File

G-17420

Oregon
Kate Brown, Governor

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

January 23, 2020

ASPEN LAKES UTILITY CO. LLC
16900 ASPEN LAKES DR
SISTERS, OR 97759

Reference: Transfer Application T-13273

The above referenced transfer application was withdrawn from the record of the Water Resources Department on January 23, 2020, by Special Order Volume 114, Page 961 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 986-0806 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)
John A. Short, Agent
Deschutes Land Trust

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13273, Deschutes County	)	FINAL ORDER WITHDRAWING AN APPLICATION FOR AN ASSIGNMENT OF WATER RIGHT PERMIT AND ISSUANCE OF REPLACEMENT WATER RIGHT PERMITS

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ASPEN LAKES DEVELOPMENT LLC
16900 ASPEN LAKES DR
SISTERS, OR 97759

Findings of Fact

1. On October 15, 2019, ASPEN LAKES DEVELOPMENT, LLC, filed an application for partial assignment of Water Right Permit G-11577 and requested issuance of replacement permits. The Department assigned the application number T-13273.

2. On December 17, 2019, the agent for the applicant, submitted a written request by email on behalf of Aspen Lakes Development, LLC, requesting the Assignment and issuance of replacements permits by Application T-13273 be withdrawn.

Now, therefore, it is ORDERED:

Application T-13273, for an Assignment of Water Right Permit and Issuance of Replacement Water Right Permits, is withdrawn and of no further force or effect.

Dated in Salem, Oregon on JAN 23 2020

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: JAN 28 2020

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

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for Permit G-11577, Water Right Application G-12420, in the name of Aspen Lakes Utility Co. LLC	)))	FINAL ORDER

Permit Information

Application:	G-12420
Permit:	G-11577
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	February 20, 1991
Source of Water:	Well #5 in Squaw Creek Basin
Purpose of Use:	Primary irrigation of 242.0 acres, Supplemental irrigation of 50.0 acres and Maintaining 25.0 acres of ponds for aesthetics
Maximum Rate:	1740 gallons per minute (gpm), being 1638 gpm for irrigation and 112 gpm for ponds

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

Appeal Rights

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

Application History

Permit G-11577 was issued by the Department on July 20, 1992. The permit called for completion of construction by October 1, 1994 and complete application of water to beneficial use by October 1, 1995. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2015. On August 14, 2015, Aspen Lakes Utility Co. LLC submitted to the Department an Application for Extension of Time for Permit G-11577. In accordance with OAR 690-315-0050(2), on September 22, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2040, and the time to fully apply water to beneficial use to October 1, 2040. The protest period closed November 6, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated September 22, 2015.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

CONDITIONS

1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019, 2024, 2029, 2034, and 2039.** ***A form is enclosed with this Final Order.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-12420, Permit G-11577, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from October 1, 2015 to October 1, 2040. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2015 to October 1, 2040.

DATED: November 13, 2015

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

- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0825.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Mailing List for Extension FO Copies

FO Date: November 13, 2015

Application: G-12420
Permit: G-11577

Copies Mailed

By: KF
On: 11/13/15

Original mailed to permit holder

Aspen Lakes Utility Co. LLC
16900 Aspen Lakes Dr
Sisters, 97759

Copies sent to:

1. WRD - App. File G-12420/ Permit G-11577

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 11, Jeremy Giffin

If Progress Reports are included:
(DONE BY EXTENSION SPECIALIST)
Add record to Progress Report tracking sheet.xls Done: by_____Date_____

CASEWORKER: CAC

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for Permit G-11577, Water Right Application G-12420, in the name of Aspen Lakes Utility Co. LLC	)))	PROPOSED FINAL ORDER

Permit Information

Application:	G-12420
Permit:	G-11577
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	February 20, 1991
Source of Water:	Well #5 in Squaw Creek Basin
Purpose of Use:	Primary irrigation of 242.0 acres, Supplemental irrigation of 50.0 acres and Maintaining 25.0 acres of ponds for aesthetics
Maximum Rate:	1740 gallons per minute (gpm), being 1638 gpm for irrigation and 112 gpm for ponds

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

In Summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2015 to October 1, 2040.
- Grant an extension of time to apply water to full beneficial use from October 1, 2015 to October 1, 2040[1].
- Make the extension subject to certain conditions set forth below.

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

[1]Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

ACRONYM QUICK REFERENCE
Department – Oregon Department of Water Resources
PFO – Proposed Final Order
cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-11577 was issued by the Department on July 20, 1992. The permit authorizes the use of up to 1740 gpm of water from Well #5 in Squaw Creek Basin, for primary irrigation of 242.0 acres, supplemental irrigation of 50.0 acres and maintaining 25.0 acres of ponds for aesthetics, being 1638 gpm for irrigation and 112 gpm for ponds. The permit specified construction of the water system was to be completed by October 1, 1994, and complete application of water was to be made on or before October 1, 1995.

2. Four prior permit extensions have been granted for Permit G-11577. The most recent extension request resulted in the completion date for construction being extended from October 1, 1997, and full application of water being extended from October 1, 1997 to October 1, 2015.

3. The permit holder, Aspen Lakes Utility Co. LLC, submitted an "Application for Extension of Time" to the Department on August 14, 2015, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-11577 be extended from October 1, 2015 to October 1, 2040.

4. Notification of the Application for Extension of Time for Permit G-11577 was published in the Department's Public Notice dated August 18, 2015. No public comments were received regarding the extension application.

Review Criteria *[OAR 690-315-0040]*

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230[2], 537.248[3], 537.630[4] and/or 539.010(5)[5].

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

5. On August 14, 2015, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Actual construction of the well began by the July 20, 1993 deadline, as specified in the permit. The permit holder states, construction began February 15, 1991.

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

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

7. As of August 14, 2015, the permit holder states the remaining work to be completed consists of construction of ponds and irrigation; completing construction of the water system; and applying water to full beneficial use.

---

[2]ORS 537.230 applies to surface water permits only.

[3]ORS 537.248 applies to reservoir permits only.

[4]ORS 537.630 applies to ground water permits only.

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

8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2040, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-11577 is both reasonable and necessary.

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

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

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

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

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

9. According to the permit holder, work was accomplished within the time allowed in the permit or previous extension as follows:

   a. Actual construction of the well and water system began prior to the July 20, 1993 deadline specified in the permit. Construction of Well #5 (DESC 992) began February 15, 1991 and was completed May 28, 1991.

   b. No work was completed during the original development time frame under Permit G-11577.

   c. Since October 1, 1995 the permit holder has installed a pump station, water lines, and a meter.

   d. During the most recent extension period, being from October 1, 1996, to October 1, 2015, the following was accomplished:

      - Installed water mains; and
      - Pump station upgrades.

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

10. According to the water user no water has been appropriated from the well for irrigation.

11. According to the permit holder, delay of full beneficial use of water under Permit G-11577 was due, in part, to the size and scope of the project, along with market conditions dictating the project to be phased in over a number of years. The project includes construction of a 27-hole golf course and residential development on 1,084 acres of land. The time frame provided on the original permit was not sufficient to allow

the project to be phased in as originally planned, and the previous extensions were not sufficient for a phased development such as this project. The property covered by the permit is the final phase of a multi-year phased development. The permit holder needs more time in which to obtain the full quantity of water allowed under the permit.

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

12. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

13. From October 1, 1996 the permit holder has submitted and gained approval on a Water Monitoring Plan as required under Permit G-11577.

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

14. As of August 14, 2015, the permit holder states they have invested approximately $169,000, which is approximately 12.8 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional $1,150,000 investment is needed for the completion of this project.

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

15. The Department has found good faith of the appropriator under Permit G-11577.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]
The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

16. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife *[OAR 690-315-0040(4)(a-c)]*.

    The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-11577; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The point of appropriation for Permit G-11577, located within the Whychus Creek Basin, is not located within a limited or critical ground water area. Whychus Creek is above the Deschutes Scenic Waterway and, it is located within an area

ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

17. None have been identified.

Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

18. None have been identified.

19. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

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

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

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

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

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

22. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-11577, in that the permit holders was faced with the downturn of the economy in 2008, as well as legislative changes to development rules, making it difficult to complete construction of the project and fully utilize the water authorized under the permit, that restricted their ability to complete development of the project in a timely manner.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).

2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).

3. The applicant complied with begin actual construction timeline requirements pursuant

to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2040, as required by OAR 690-315-0040(1)(c).

5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

6. As required by OAR 690-315-0050(6) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-11577.

Continued on the following page

PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit G-11577 from October 1, 2015 to October 1, 2040.

Extend the time to apply water to beneficial use under Permit G-11577 from October 1, 2015 to October 1, 2040.

Subject to the following conditions:

CONDITIONS

1. **Checkpoint Condition**
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2019, 2024, 2029, 2034, and 2039.** ***A form will be enclosed with your Final Order.***

   (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

   (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: September 22, 2015

Dwight W. French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **November 6, 2015,** being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

2. A written protest shall include:

   a. The name, address and telephone number of the petitioner;
   b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
   c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
   d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
   e. Any citation of legal authority supporting the petitioner, if known;
   f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
   g. The applicant or non-applicant protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:

   a. Issue a final order on the extension request; or
   b. Schedule a contested case hearing if a protest has been submitted, and:
      1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
      2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active Duty servicemembers have a right to stay these proceedings under federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.of.mil

- If you have questions about statements contained in this document, please contact Corey A Courchane at (503)986-0825.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: September 22, 2015

Application: G-12420
Permit: G-11577

Copies Mailed

By: BW
On: 9/22/15

Original mailed to Applicant:

Aspen Lakes Utility Co. LLC
Attn: Matt Cyrus
16900 Aspen Lakes Dr
Sisters, 97759

Copies sent to:

1. WRD - App. File G-12420/ Permit G-11577

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 11, Jeremy Giffin

CASEWORKER: CAC

Application G-12420, Permit G-11577

7/20/92	Permit issued
#1	
11/2/94	Extension app received on "one page form" receipt 118421 $100 pd 11/2/94
	Order approving extension, Vol 49, p. 307
#2	
11/30/95	Extension app received on "one page form" receipt 130671 $100 pd 11/30/95
	Order approving extension, Vol 49, p. 472
#3	
1/21/97	Extension app received on "one page form" receipt 9774 $100 pd 1/28/97
	Order approving extension, Vol 51, p. 115
#4	
12/8/97	Extension app received on "one page form" receipt 17888 $100 pd 12/8/97
9/28/99	Extension app received on WRD requested "new 3 page form"
10/28/03	Assignment to Aspen Lakes Utility Company, LLC receipt 63967 $25 fee pd 10/28/03
	(another $25 was applied to G-12421)

by Jan DeVito
5/21/04

C:\My Documents\g12420 file notes.wpd

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G-12420 Permit: G-11577 Permit Amendment? No ☑ Yes ☐ T- ____ ☐ pending ☐ approved

Permit Holder's Name: Aspen Lakes Utility Co. LLC 16900 Aspen Lakes Dr Sisters, OR 97759

Permit Holder's Mailing Address: ____ email matt@aspenlakes.com

Phone Number: 541-549-4653

POD Location: Township ____ Range ____ Section ____ ¼¼ ____

Drainage Basin: 5 County: Deschutes Watermaster District: 11 Watermaster: Jeremy Giffin SCR Kyle Gorman

Deschutes

Date Permit was issued: July 20, 1992 **Priority Date:** February 20, 1991 **Date of PN:** 8-18-15

Source: Well #5 in Squaw Creek Basin

Use: Primary IR of 242.0 acres, IS of 50.0 acres and Maintaining 25.0 acres of ponds for aesthetics

"Q": 1760 gpm, being 1638 gpm for IR and 112 gpm for ponds

Orig "A" Date: July 20, 1993 **Orig "B" Date:** 10/1/1994 **Orig "C" Date:** 10/1/1995

Extension request rec'd: 8-14-15 **Last Authorized "B" Date:** 10/1/2015 **Last Authorized "C" Date:** 10/1/2015

Request Number (1, 2, 3...): 4 **Proposed "B" Date:** 10/1/2040 **Proposed C Date:** 10/1/2040

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☑	☐	Water monitoring plan submitted to OWRD Approved 1-28-00
☐	☐	
☐	☐	
☐	☐	
☐	☐	PFO: 9/22 Protest: 11/6 FO: 11/13

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

Yes No

☑ ☐ Work was accomplished within the time allowed in the permit or previous extension

☑ ☐ Water right permit holder conformed with the permit or previous extension conditions

☑ ☐ Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: $169,000 Estimated Remaining Cost: $1,150,000

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

- Permit holder has beneficially used 0 ☐cfs ☑gpm ☐af of the total permitted quantity of water on 0 acres

GW REVIEW: Y (N) cc

MITIGATION REVIEW: Y (N)

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☑ No ☐

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

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

Ground Water Permits: Is the POA located…
Surface Water Permits: Is the POD located…

Yes	No	
☑	☐	above a state scenic waterway? Name Deschutes Scenic Waterway Source: OWRD "Areas Above State Scenic Waterways" Map
☐	☑	within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
☑	☐	within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
☐	☑	within a critical or limited Ground Water Area? Name of area
☐	☑	within a Withdrawn Area? Name of area
☐	☑	in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list
☑	☐	within an area ranking ☐ low / ☐ moderate / ☑ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

☑ 5-year Progress Report Checkpoints (Years: 2019, 2024, 2029, 2034, 2039

☐ Other: _____

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

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

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

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

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

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

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

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ **Protest Deadline Date:** _____

Reviewer's Name: Corey **Date:** 8-14-15

Oregon
Kate Brown, Governor

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

August 17, 2015

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-12420 (Permit G-11577).** Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

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

Application for Extension of Time for a Water Right Permit

(Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, Aspen Lakes Utility Co, LLC
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

the holder of: Application Number G-12420 Permit Number G-11577 *[OAR 690-315-0020(3)(b)]*

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

16900 Aspen Lakes Drive
MAILING ADDRESS

97759
CITY, STATE, ZIP

541-549-4653
PHONE

matt@aspenlakes.com
E-MAIL ADDRESS

X **do hereby request that** the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month 10t Day 1 Year 2015, be extended through October 1, Year 2040.

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

and

☒ **do hereby request that** the time to complete construction of the water system, which now expires on Month 10 Day 1 Year 2015, be extended through October 1, Year 2040

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

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

Matt — 8/11/15

Signature **Date**

Printed Name/Title Matt Cyrus / Manager member

RECEIVED BY OWRD
AUG 14 2015
SALEM, OR

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

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

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

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

Reference materials needed to complete this Application:

- **Water right permit**. A copy of the water right permit can be downloaded from the Department's Website at *http://www.wrd.state.or.us* (using the link to the Water Rights Information System (WRIS). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (copy fees will apply).
- **Documentation** which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification;, a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Helpful information for completing this Application:

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

RECEIVED BY OWRD
AUG 14 2015
SALEM, OR

Questions to Complete this Application for Extension of Time

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

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

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

Date "actual construction" began is: February 15, 1991

Describe details of construction: The well was drilled and flow tested.

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

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

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

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

CHART-A

Condition Number	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	5/28/1991	Well was constructed in accordance w/ General Standards
2	5/28/1991	Well is equiped with usable access port and air line
3	7/1/1996	A water meter was installed in the system when pump station was constructed
5	2/15/1991	Construction began prior to July 20, 1993
7	1/28/2000	Received department approval of monitoring plan

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

CHART-B

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
6	10/1/2040	The size and scope of the project as well as economic conditions and delays in receiving land use approvals have prevented application of the water by the date listed on the permit.

RECEIVED BY OWRD

AUG 14 2015

SALEM, OR

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

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

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

CHART-C

DATE	LIST & DESCRIBE WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST*
5/28/1991	Well was drilled and pump tested	$25,000.00
DATE	**LIST & DESCRIBE WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE FOR COMPLETE APPLICATION OF WATER**	**COST***
	Date the permit was signed - find date above signature on last page of permit.	
7/20/1992	Date the permit was signed	
7/20/1993	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
1995	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
DATE	**LIST & DESCRIBE WORK ACCOMPLISHED AFTER DATE FOR COMPLETE APPLICATION OF WATER UP TO NOW** Complete if this is your first request for extension of time.	**COST***
	***Total Cost for Chart-C**	**$25,000.00**

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

RECEIVED BY OWRD

AUG 14 2015

SALEM, OR

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

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

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

CHART-D

DATE	LIST AND DESCRIBE WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD	COST*
1997	"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.	
	95-96: Installed pump station and water lines	$80,000.00
	97-2007: Installation water mains	$50,000.00
	2014: Pump station upgrades	$14,000.00
2015	"Extended To" date for complete application of water resulting from the 1st (or the most recent) Application for Extension of Time.	
DATE	**LIST AND DESCRIBE WORK ACCOMPLISHED AFTER THE LAST EXPIRED EXTENSION PERIOD UP TO NOW**	**COST***
	Total Cost of Chart-D	**144000**

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

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

4. Cost of project to date: $169,000.00

(The total combined cost from CHART-C and CHART-D)

RECEIVED BY OWRD

AUG 14 2015

SALEM, OR

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

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

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

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

Maximum measured rate used to date = 0 cfs (cubic feet per second)
or
Maximum measured rate used to date = 0 gpm (gallons per minute)
or
Acre-feet stored to date = 0 AF

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

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

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED: Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum **measured rate** used from this well - - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
5	5	Yes ☒ No ☐	DESC 992		Yes ☒ No ☐		Yes ☒ No ☐	G-11578 -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
Total **measured rate** from all wells utilized under this permit								

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

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

Well #_____: Actual location: _____

Well #_____: Actual location: _____

RECEIVED BY OWRD

AUG 14 2015

SALEM, OR

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

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

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

Ground Water Permits: I have applied water to 0 acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well #_____ Acres_____ Well #_____ Acres_____

Well #_____ Acres_____ Well #_____ Acres_____

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
	2016-2040 Construction of ponds and irrigation	$1,500,000.00
Year: 2040	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
8. Estimated remaining total cost to complete the water development: [OAR 690-315-0020(3)(g)]		**$1,150,000.00**

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

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

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

This project includes construction of a 27-hole golf course and residential development on 1,084 acres of land. The size and scope of the project, along with market conditions dictate that it be phased in over a number of years. The time frame provided on the original permit was not sufficient to allow the project to be phased in as originally planned and the previous extensions were not sufficient for a phased development such as this. The property covered by this permit is the final phase of a multi-year phased development.

RECEIVED BY OWRD
AUG 14 2015

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

The scope of this project is such that it requires millions of dollars to complete and the current economic conditions have made financial resources difficult to obtain, thus delaying completion of the project by several years. Substantial investment has been made toward use of the water under this permit, but additional millions of dollars will be required to fully utilize the water.

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

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

The downturn of the national economy in 2008, as well as legislative changes to development rules have made it difficult to complete construction of the project and fully utilize the water authorized under the permit. As the economy improves, the project should be able to move forward.

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

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

The property covered by this permit is the last phase of a multi-phase golf and residential development and is the next phase to be developed. Some site work has been completed and water lines have been extended close to the property. The remaining portion of the project will take several years to fully develop. To date, millions of dollars have been invested in the project as well as the underlying property purchase. The loss of this permit will would result in a substancial financial hardship and loss of investment.

RECEIVED BY OWRD

AUG 14 2015

SALEM, OR

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

The project was started in 1989 as a nearly 1,100 acre golf course and residential community comprising of a 27-hole golf course and 144 homesites. In total, the project includes four different water rights, including two quasi-municipal rights (G-1146 and G-1156) and two irrigation and pond maintenance rights (G-11577 and G-11578). The size and scope of the project has requried signficant time and resources to obtain the numerous entitlements and costruct the project. To date 10 of millions of dollars have been spent on the overall project, with the subject property being the final phase of a multi-phase development. Progress toward the full utilization of the permits has been continuous since construction began in 1996. Some site development work has been done on this property in preparation for full development and water utilization as well as significant work done and money spent on entitlements.

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

THIS PAGE INTENTIONALLY LEFT BLANK

INSTRUCTIONS FOLLOW ON NEXT PAGE

RECEIVED BY OWRD

AUG 14 2015

SALEM, OR

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126 503-548-3149
SISTERS, OREGON 97759

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE (GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRE	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		

SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

This development was reviewed and approved by the Water Resources Commission on JULY 17, 1992.

(1) The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. (2) 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. (3) The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

RECEIVED BY OWRD

AUG 14 2015

SALEM, OR

(4) 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.

(5) Actual construction work shall begin on or before July 20, 1993, and shall be completed on or before October 1, 1994 (6) Complete application of the water shall be made on or before October 1, 1995.

(7) The LANDOWNER shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the LANDOWNER shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the LANDOWNER'S or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The LANDOWNER shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

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.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, July 20, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

RECEIVED BY OWRD
AUG 14 2015
SALEM, OR

Choose a water right:

	Contacts	Application	Permit	Certificate	Claim	Decree	Transfers	Status
Select	OWNER: ASPEN LAKES DEVELOPMENT LLC ▷ MATT CYRUS 16900 ASPEN LAKES DRIVE SISTERS, OR	G12042	G11146					NC
Select	OWNER: ASPEN LAKES UTILITY CO. LLC 16900 ASPEN LAKES DR SISTERS, OR 97759	G12419	G11576					NC
Select	OWNER: ASPEN LAKES UTILITY CO. LLC 16900 ASPEN LAKES DR SISTERS, OR 97759	G12420	G11577					NC
Select	OWNER: WILDHORSE MEADOWS LLC 16900 ASPEN LAKES DR SISTERS, OR 97759	G12421	G11578					NC

Quasi

Quasi

IR

IR

Return to WRIS Query

Oregon
John A. Kitzhaber, MD, Governor

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

December 1, 2014

ASPEN LAKES UTILITY CO. LLC
16900 ASPEN LAKES DR
SISTERS, OR 97759

REFERENCE: Application G-12420 / Permit G-11577

Dear Permit Holder:

The Water Right Services Division received your written progress report for Permit G-11577. Receipt of the progress report was published on the Department's weekly Public Notice, dated October 28, 2014. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2015.
If you have any questions, please feel free to contact me by telephone at (503) 986-0802.

Sincerely,

Machelle A Bamberger
Extensions
Water Right Services Division

Enclosure

cc: Application G-12420
Watermaster District –17

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2014 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 10/24/2014

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: _____

2. Support Staff: Publish on the Department's Public Notice

☒ **315** ☐ **320** OAR Division under which Progress Report was required

☒ Publish on Public Notice Date: 10/28/14

☒ Update workflow in WRIS

- (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and
- add record for Checkpoint Public Notice ("EPR" or "EP2")

☒ **Return file to** Machelle Bamberger.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc (date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 11-30-14

☐ Update Progress Report Worksheet.xls

☐ Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Aspen Lakes Utility Company Attn:

Application: 12420

Permit: G-11577

County: Deschutes

Source: well 5 in the Squaw Creek Basin

Use: Primary irrigation of 242.0 Acres, Supplemental irrigation of 50.0 acres and maintaining 25.0 acres of ponds for aesthetics

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

Extension of Time Progress Report Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: **ASPEN LAKES UTILITY COMPANY, LLC**

Application G-12420
Permit G-11577

RECEIVED BY OWRD

Report due no later than October 1, 2014

OCT 24 2014

SALEM, OR

Progress Report Form for 2014

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit G-11577

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2010 and October 1, 2015	FINANCIAL INVESTMENT
2009	Thinning work	$96,362
2010	Thinning work	$115,818

2. **Compliance with terms and conditions of the permit and/or previous extension.**

Continuing with due diligence to improve property in order to put water to beneficial use. Property has been thinned to improve grass production and allow for installation of irrigation system.

3. **Total number of acres irrigated to date=** 0 *(if applicable)*

4. **Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.**

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

Maximum rate used to date = 0 **gpm (gallons per minute)**

Acre-feet stored to date = _____ **AF**

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). ***Do not provide daily, monthly or annual water volume totals.***

Signature _____ **Date** 10/1/14

For OWRD use only

Diligence Shown ☒ Yes ☐ No Date Public Noticed: _____

Reviewed by: Machelle Bamberger Date: 10-24-14

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 12, 2010

ASPEN LAKES ULTILITY COMPANY, LLC
16900 ASPEN LAKES DRIVE
SISTERS, OR 97759

REFERENCE: Application G-12420 / Permit G-11577

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit G-11577 on February 24, 2010. Receipt of the progress report was published on the Department's weekly Public Notice, March 9, 2010. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated. For your convenience I have included your Progress Report form for 2014 in this mailing.

If you have any questions, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc: Application G-12420 / Permit G-11577
Watermaster District 11 / Jeremy Gfffin

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: ~~8/1/2009~~ 2/24/10 s

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: _____

2. Jonnine: Publish on the Department's Public Notice

☐ **315** ☑ **320** OAR Division under which Progress Report was required

☑ Publish on Public Notice Date: 3/9/10 JS

☑ Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record)

☑ Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See ..\Procedures_progress reports (date / mail out after 30 day comment period)

Date Letter Needed: 4/12/10

☑ Update Progress Report Worksheet.xls

☑ Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster #11

File G-12420

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Aspen Lakes Utility Comapny Attn: _____

Permit Holder's Mailing Address: 16900 Aspen Lakes drive
Sisters, OR 97759

Application: G- 12420 Permit: G- 11577

County: Deschutes

Quantity of Water: Limited to not more than 1740 GPM, being 1638 gpm for irrigation and 112 gpm for ponds

Source: Well # 5 in Squaw Creek Basin

Use: Primary irrigation of 242.0 acres and supplemental irrigation of 50.0 and maintaining 25.0 acres of ponds for aesthetices

Current Authorized Extension Date: 10/1/2015

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

Extension of Time
Progress Report Form
For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holders: ASPEN LAKES UTILITY COMPANY, LLC

Application G-12420
Permit G-11577

Report Due no later than **October 1, 2009**

2014

Progress Report Form for 2009

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit G-11577

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2004 and October 1, 2009	FINANCIAL INVESTMENT
2005	Entitlements	47,500
2006	Entitlements	29,000
2007	Entitlements	31,500
2008	Entitlements	3,500
2009	Entitlements	84,000
2009	Thinned 112 acres	112,000

2. Compliance with terms and conditions of the permit and/or previous extension.

Annual water use and depth reporting

RECEIVED
FEB 2 4 2010
WATER RESOURCES DEPT
SALEM, OREGON

3. Total number of acres irrigated to date= 0 *(if applicable)*

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

Maximum rate used to date = 0 **cfs (cubic feet per second)**

Maximum rate used to date = 0 **gpm (gallons per minute)**

Acre-feet stored to date = 0 **AF**

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). ***Do not provide daily, monthly or annual water volume totals.***

Signature _____ **Date** 2-20-10

For OWRD use only

Diligence Shown ☑ Yes ☐ No Date Public Noticed: 3/9/10

Reviewed by: _____ Date: _____

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

Febuuary 4, 2010

ASPEN LAKES UTILITY COMPANY,LLC
16900 ASPEN LAKES DRIVE
SISTERS, OR 97759

REFERENCE: Application G-12420 / Permit G-11577

Dear Permit Holder:

On July 28, 2004 the Department issued a Final Order approving an Extension of Time for Permit G-11577. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2009. This letter is being sent to you because the Department has not yet received the progress report.

For your convenience, I have enclosed a **Progress Report Form** for 2009 and an additional form for your next progress report which is due October 1, 2014. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2015. ***Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2015, as future extensions are evaluated on past due diligence, and consequently may not be granted.***

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0813.

Sincerely,

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure
cc:
Application G-12420
Watermaster District 11 – Jeremy Giffin

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

November 5, 2003

Aspen Lakes Utility Company, LLC
16900 Aspen Lakes Drive
Sisters, Oregon 97759

Reference: Application G-12042, Permit G-11146
Application G-12419, Permit G-11576
Application G-12420, Permit G-11577

The assignment from KMB Enterprises to Aspen Lakes Utility Company, LLC., has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 63967 covering the recording fee of $25.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: receipt 63967

cc: Watermaster 11
KMB Enterprises
Data Center, OWRD
Mary Rohling
File

REQUEST FOR ASSIGNMENT

RECEIVED
OCT 2 8 2003
WATER RESOURCES DEPT
SALEM, OREGON

I, KMB Enterprises
(Name of Applicant / Permit Holder)

17204 Hwy 126 (mailing address) | Sisters (City) | OR (State) | 97759 (Zip) | 541-548-3149 (Phone #)

CHECK ONE

☑ ...hereby assign ***all my interest*** in and to application/permit;

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

☐ ...hereby assign ***a portion of my interest*** in and to the ***entire*** application/permit;

Application # G-12042, G-12419, G-12420 (1310E), **Permit #** G-11146, G-11576, G-11577;

-OR-

GR Statement # _____, **GR Certificate of Registration #** _____

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

Aspen Lakes Utility Company, LLC
(Name of New Owner)

16900 Aspen Lakes Drive (mailing address) | Sisters (City) | OR (State) | 97759 (Zip) | 541-548-0835 (Phone #)

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

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

Witness my hand this 22nd day of October, 2003.

Applicant/Permit holder KMB Enterprises by [signature]

Applicant/Permit holder _____

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 63967
- For Director by Jerry Sauter, Program Analyst in Water Rights Division [signature].

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- **$25 for the first page, *and***
- **$5 for *each additional page*.**
  [as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172

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-12420 **FO Date: July 28, 2004**
Permit #G-11577

Original mailed to:

ASPEN LAKES UTILITY CO, LLC
16900 ASPEN LAKES DR
SISTERS, OR 97759

Copies Mailed
By: (SUPPORT STAFF)
on: 7-28-04 (DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #G-12420 / Permit #G-11577
2. WRD - Watermaster District: #11 - Jeremy Giffin, Bend
(no copy to SCR Mgr)
3. ODFW Biologist District: #7 - Steve Marx, Bend
4. DEQ Regional Office: Eastern - Dick Nichols, Bend
5. WRD - Support Staff, Salem...*Permit record update*

Other interested parties:
none

CASEWORKER: **LJJ**/jd

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-12420

Final Order
Extension of Time for Permit Number G-11577

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 December 8, 1997, the prior permit holder (KMB Enterprises) submitted an application to the Department for an extension of time for permit number G-11577. The Department issued permit number G-11577 on July 20, 1992. The permit called for completion of construction of the water development project by October 1, 1994, and complete application of water to the full beneficial use by October 1, 1995. On October 28, 2003, the permit was assigned to Aspen Lakes Utility Co. LLC. In accordance with OAR 690-320-0010(8), on June 1, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 1, 2015, and the time to fully apply water to beneficial use to October 1, 2015. The protest period closed July 16, 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).

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

CONDITIONS

1. **In accordance with OAR 690-320-0010(10), the permittee must submit a written progress report to the Department by October 1 of the years 2009 and 2014.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

   a) The amount of construction completed;
   b) The amount of beneficial use of water being made, including the total volume of

water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;

c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and

d) Financial investments made toward developing the beneficial water.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

a) request the permittee to submit additional information with which to evaluate diligence; or

b) apply additional conditions and performance criteria for perfection of the right; or

c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

Order

The extension of time for Application Number G-12420, Permit Number G-11577, therefore, is approved. The deadline for completing construction is extended to October 1, 2015. The deadline for applying water to full beneficial use is extended to October 1, 2015.

DATED: July 28, 2004

Phillip C. Ward, Acting Director

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

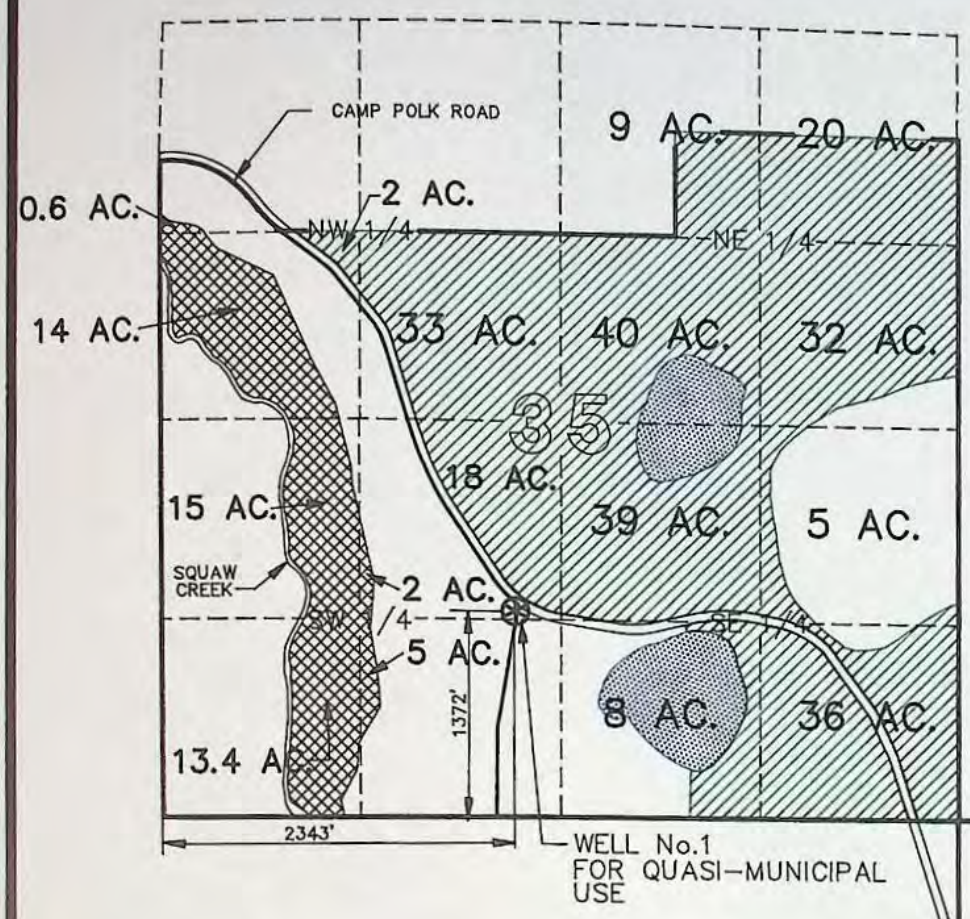
If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

RECEIVED
SEP 16 1991
WATER RESOURCES DEPT
SALEM, OREGON

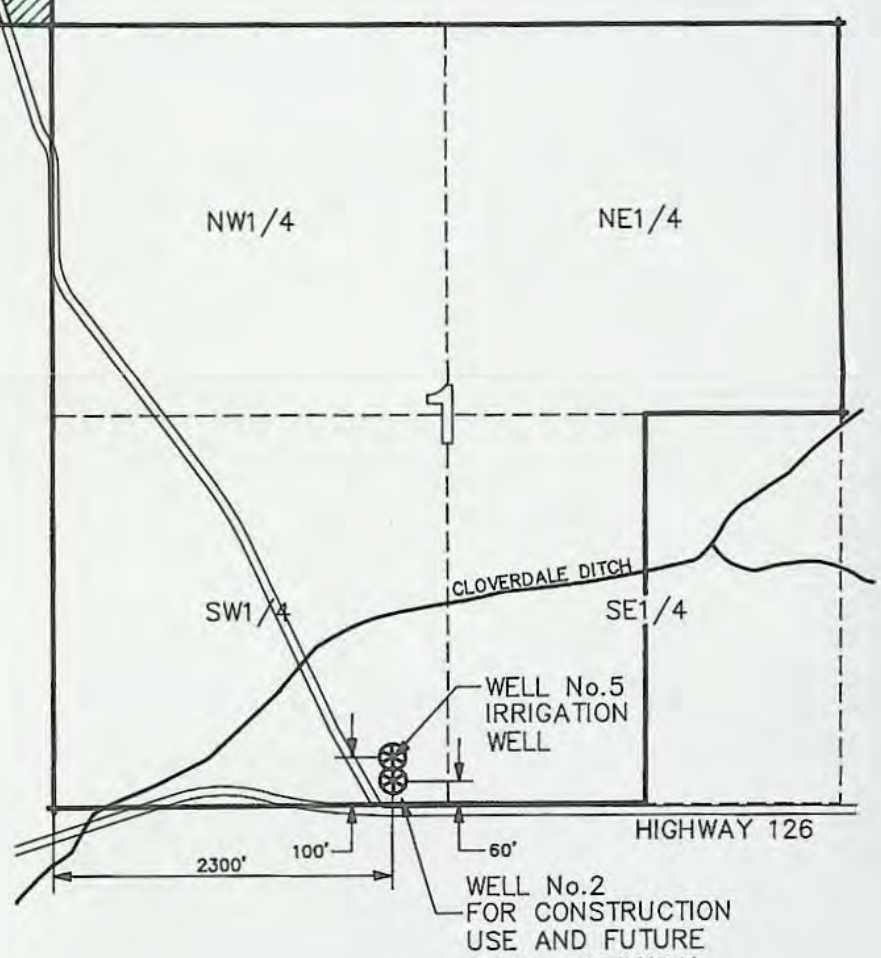
APPLICATION TO APPROPRIATE GROUND WATER FOR IRRIGATION USE

IN SECTION 35, T14S, R10E, W.M.
DESCHUTES COUNTY, OREGON

Application No. G-12420
Permit No. G-11577



SOURCE IS KMB ENTERPRISES IRRIGATION WELL No.5 IN SE 1/4, SW 1/4, SECTION 1, T.15S., R.10E., W.M., DESCHUTES COUNTY OREGON





SCALE: 1" = 1320'

Certified Water Right Examiner
181WRE
Jerry C. Powell
May 17, 1988
STATE OF OREGON

This map is for the purpose of locating a water right and is not intended to provide legal dimensions for property boundaries.

LEGEND

- SUPPLEMENTAL IRRIGATION SURFACE WATER RIGHT CERTIFICATE No. 57567 (50 ACRES)
- PROPOSED IRRIGATION (242 ACRES)
- PROPOSED PONDS (25 ACRES)
- WELL LOCATION
- OWNERSHIP LIMITS

scale	1" = 1320'	design	DKB
date	9/12/91	drawn	JCP/JHL
file	CYR1WTR4		

DAVID EVANS AND ASSOCIATES, INC
709 NW WALL STREET, SUITE 102
BEND, OREGON 97701 (503)389-7614

APPLICATION MAP FOR
KMB ENTERPRISES

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126
SISTERS, OREGON 97759

503-548-3149

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE (GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRE	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		

SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

This development was reviewed and approved by the Water Resources Commission on JULY 17, 1992.

The well 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 permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before July 20, 1993, and shall be completed on or before October 1, 1994. Complete application of the water shall be made on or before October 1, 1995.

The LANDOWNER shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the LANDOWNER shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the LANDOWNER'S or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The LANDOWNER shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

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.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, July 20, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

Extension "Final Order" Checklist

Application # G-12420
Permit # G-11577

Permit Holder's Name Aspen Lakes Utility Co LLC

This Final Order is processed under: **Div. 320 Rules**

✓ 1. Date Extension Request submitted: December 8, 1997,
revised September 28, 1999

✓ 2. Date permit was issued: July 20, 1992

✓ 3. Original "B" Date from permit: October 1, 1994
(Date for completion of construction)

✓ 4. Original "C" Date from permit:
(Date for complete application of water) October 1, 1995

✓ 5. Extension PFO Date: June 1, 2004

✓ 6. WRD recommends extending "B" Date to: October 1, 2015

and extending the "C" Date to: October 1, 2015

✓ 7. Any conditions from PFO: 5 yr PROGRESS REPORTING

✓ 8. Protest Deadline Date from PFO: July 16, 2004

✓ 9. Any written Protests or written Comments received within the Protest period? **Yes / No**

Reviewer's Name: LLJ/jd **Date:** 7/22/04

C:\My Documents\My extension work\g12420FOchecklist.wpd

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-11577, Water Right Application #G-12420 (Aspen Lakes Utility Co, LLC)	)))))	PROPOSED FINAL ORDER

Permit Information

Application File #G-12420 / Permit #G-11577
Basin: #05 - Deschutes Basin / Watermaster District: #11
Date of Priority: February 20, 1991

Authorized Use of Water

Source of Water:	One Well within the Squaw Creek Basin
Purpose or Use:	Irrigation of 242.0 acres, Supplemental Irrigation of 50.0 acres, and Maintenance of 25.0 acres of ponds for aesthetics
Maximum Rate:	1740.0 gallons per minute (gpm) being 1638 gpm for Irrigation and 112 gpm for Ponds Maintenance

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 as it contains additional conditions not included in the original permit.

This Proposed Final Order applies only to Permit #G-11577, water right Application #G-12420. A copy of Permit #G-11577 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, 1997, to October 1, 2015;
- grant the extension for complete application of water from October 1, 1997, to October 1, 2015; and
- make the extension subject to certain conditions set forth below.

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.

OAR 690-320-0010(10) allows the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit #G-11577 was granted by the Water Resources Department on July 20, 1992. The permit authorizes the use of up to 1740 gallons per minute (gpm) of water from one well (Well #5), within the Squaw Creek Basin, for irrigation of 242 acres, supplemental irrigation of 50.0 acres, and maintenance of 25.0 acres of ponds for aesthetics. It specified that construction of the water development project should be completed by October 1, 1994, and that complete application of water was to be made on or before October 1, 1995.

2. Three prior extensions have been granted for Permit #G-11577. The most recent extension request resulted in the construction and completion dates being extended to October 1, 1997.

3. The permit holder (KMB Enterprises) submitted an "Application for Extension of Time" to the Department on December 8, 1997, requesting the time in which to complete construction of the water system and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-11577 be extended from October 1, 1997, to October 1, 1999.

4. On September 28, 1999, the permit holder (KMB Enterprises) revised the time requested to complete construction and apply water to full beneficial use under Permit #G-11577 to October 1, 2015.

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, 537.248[1], 537.630 and 539.010(5).

---

[1] ORS 537.248 applies to reservoir permits only.

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

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

Start of Construction *[ORS 537.630]*

6. Construction of the well and water system began within the time specified in the permit, being September 20, 1993.

Financial Investment *[ORS 539.010(5)]*

7. As of September 28, 1999, the permit holder had invested a total of $150,000 into the project, consisting of drilling of the well, installation of the pump station, and submittal of an aquifer impact monitor and reporting plan. An additional $1,000,000 investment is anticipated for the completion of this project.

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

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-320-010(9)].

8. On or prior to September 28, 1999, the following had occurred: drilling of Well #5, installation of the pump station, and submittal of an aquifer impact monitor and reporting plan.

9. Since the issuance of Permit #G-11577 on July 20, 1992, no water has yet been appropriated from Well #5.

10. Delay of full beneficial use of water was due to legislative changes, extensive permitting requirements, and time required to complete the multi-phase project.

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

11. There are no other reasonable alternative sources of water available for the permitted use. Specifically, surface water from Squaw Creek and the Deschutes River are under increased scrutiny due to the listing of threatened, sensitive, and/or endangered fish species in these waterways.

12. Permit #G-11577 has a priority date of February 20, 1991, and is junior to instream water rights located on Squaw Creek and the Deschutes River.
13. The permit holder has drilled Well #5, installed a pump station, and submitted an aquifer impact monitor and reporting plan. An extension of time is necessary to complete development of the project under Permit #G-11577.

14. Permit #G-11577 was issued on July 20, 1992, and is not subject to regulation or mitigation for scenic waterway flows in the Deschutes Basin [ORS 390.835(9)].

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

15. Income from the permitted water development will result in reasonable returns upon the investment made to date. Development of the 18-hole golf course will generate over $1,000,000 income per year and provide at least 20 jobs.

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

As set forth under OAR 690-320-0010(7), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

16. As of September 28, 1999, the remaining work to be completed consists of completion of construction and complete application of water to beneficial use.

17. Delay of full beneficial use of water was due to legislative changes, extensive permitting requirements, and time required to complete the multi-phase project.

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 a complete 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. Full application of water to beneficial use can be completed by October 1, 2015.

5. Permit #G-11577 is junior to instream water rights located on Squaw Creek and the Deschutes River.

6. Permit #G-11577 is not subject to regulation or mitigation for scenic waterway flows.

7. Given the permit holder's current water supply situation and the anticipated demands for water, there is presently a demand and market for the use of water under Permit #G-11577.

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 permit holder's current water supply situation and the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2015[2], to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #G-11577 is both reasonable and necessary.

10. In order to ensure future diligence is exercised in the development and perfection of Permit #G-11577, the Department shall establish progress checkpoints in accordance with OAR 690-320-0010(10). (See Item #1 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

---

[2] Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

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-11577 from October 1, 1997, to October 1, 2015; and

Extend the time for complete application of water to beneficial use under Permit #G-11577 from October 1, 1997, to October 1, 2015.

Subject to the following conditions:

CONDITIONS

1. **In accordance with OAR 690-320-0010(10), the permittee must submit a written progress report to the Department by October 1 of the years 2009 and 2014.** The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

   a) The amount of construction completed;
   b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
   c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
   d) Financial investments made toward developing the beneficial water use.The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

   The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

   Failure to submit a progress report by the due date above may jeopardize continued development under the permit.

The Department will take into consideration annual reports submitted under OAR Chapter 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence.

Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

a) request the permittee to submit additional information with which to evaluate diligence; or
b) apply additional conditions and performance criteria for perfection of the right; or
c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider any information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

DATED: June 1, 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, July 16, 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

If you have any questions about statements contained in this document, please contact Lisa Juul 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 Moulun. 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)986-0900.

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126
SISTERS, OREGON 97759

503-548-3149

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE (GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRE	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		

SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

This development was reviewed and approved by the Water Resources Commission on JULY 17, 1992.

The well 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 permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before July 20, 1993, and shall be completed on or before October 1, 1994. Complete application of the water shall be made on or before October 1, 1995.

The LANDOWNER shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the LANDOWNER shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the LANDOWNER'S or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The LANDOWNER shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

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.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, July 20, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

	Permit	Cert nbr	Pod
Old data: G	11577	0	1

pod location id	snp id	logid
7653	22261	DESC 992

wr_id	wr_fam_id	type	status	stage
22261	22261	GW	NC	CM

Application	Permit	cert_nbr	Pod	Status	Source	Logid	Main aq	Userid lu	Priority	Township	Range	S	QQ	Q
G 12420	G 11577		1	NC	GW	DESC 992		29432	02/20/1991	15.00 S	10.00 E	1	SE	SW

Condition type / Action status: PLAN SWL
Date of last notice: 2/9/2004
Impact plan: Submitted / Approved: Y Y
Compliance: This yr / Overall: N
Compliance reviewed by: CRAIG KOHANEK
Compliance letter sent:
Month / Yr use began:
Ref level gw: 204.03
Ref lvl det by:
Trigger activated:
Well not drilled as of:
App file check / Date:

Other measured wells not on permit:

Logid	Main aq

snp_status AC

current_view 1

wr_pod_location pod location id: 7653

swl required: Y
swl frequency: N
swl month: N
swl duration: N
decline trigger: 0/0/25/0
decl trig shutoff: Y
reference level:
ref level date:
impact plan: Y
supply plan: N
limit duration: N
limit date:
meter required: Y
record water use: Y
report water use: Y

Comments
COPY OF PLAN IN SWL PERMIT CONDITION FILE

Other conditions
N

Redrill Logid	Max_Depth	Type Work	Compl Date	Correlated By	Comment

Current owner from pump_test_owners file:

name f / l:
contact:
address1 / 2: 16900 ASPEN LAKES DR
city / st / zip: SISTERS OR 97759

name other: ASPEN LAKES UTILITY CO LLC
email:
phone / fax:
comment:

Reported water levels for the specified well. No water levels will be present if a well log has not been correlated to the water right. in wris_logids file.

Date	Status	Method	MP hgt	Rpt WL	Ex WL	Measured by	Source Organiz	Source OWRD	Comments
5/28/1991	UNKNOWN	UNKNOWN		205	205	WAYNE T BUCHNER	DRILLER	PERMIT COND	
8/5/1993	STATIC	UNKNOWN		204.03	204.03	ROD CALDWELL	USGS	PERMIT COND	
3/26/2002	STATIC	ETAPE	2	186.3	186.3	MATT CYRUS	OWNER	PERMIT COND	
3/9/2003	STATIC	ETAPE	2	189.2	189.2	MATT CYRUS	OWNER	PERMIT COND	

Water Use Report

KEITH & CONIDA E CYRUS
KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

Pod Id	Facility	Cert	Permit	Appl	Claim	Priority	Township	Range	Sctn	Use	Rate	Acre Feet	Source	Tributary To
36136			G 11577	G 12420		02/20/1991	15.0S	10.0E	1	AS	0.2495		WELL 5	SQUAW CR
36136			G 11577	G 12420		02/20/1991	15.0S	10.0E	1	IC	3.6495		WELL 5	SQUAW CR

Water Year	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
2000	AFT	17.7996	0.0	0.0	0.0	0.0	0.0	11.04802	37.44054	57.38836	73.96041	66.28816	48.48856

Phillip C. Ward, Acting Director
Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Mailing List for Extension PFO Copies

Application #G-12420 PFO Date: June 1, 2004
Permit #G-11577

Original mailed to:

Applicant: **ASPEN LAKES UTILITY CO, LLC**
16900 ASPEN LAKES DR
SISTERS OR 97759

Copies Mailed
By: _____ (SUPPORT STAFF)
on: 6-1-04 (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-12420 / Permit #G-11577
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:

NONE

CASEWORKER: **LJJ**/jd

S:\groups\wr\extensions\P F O\Done\2004 pfos\June\g12420.wpd

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126 503-548-3149
SISTERS, OREGON 97759

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE (GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRE	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		

SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

This development was reviewed and approved by the Water Resources Commission on JULY 17, 1992.

The well 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 permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before July 20, 1993, and shall be completed on or before October 1, 1994. Complete application of the water shall be made on or before October 1, 1995.

The LANDOWNER shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the LANDOWNER shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the LANDOWNER'S or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The LANDOWNER shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

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.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

B ext. to 10-1-95
B+C 10-1-96
ext. BC97
ext. C15

Issued this date, July 20, 1992.

/s/ MARTHA O. PAGEL

Water Resources Department
Martha O. Pagel
Director

... per Division 320 Rules

EXTENSION REVIEW CHECKLIST for PFO

Application #: G-12420 / **Permit #:** G-11577

Permittee's Name: ~~KMB Enterprises~~ Aspen Lakes Util Co. LLC

Permittee's Mailing Address: ~~17204 Hwy 126, Sisters OR 97759~~ 16900 Aspen Lakes Dr., Suites OR 97759

POD Location: Township 15-S Range 10-E Section 1 ¼¼ SESW

Stream Basin: Squaw Cr & misc. **County:** Deschutes

5-24-04 OK-TH

1. Has the applicant completely filled out the *updated* Extension Application form? Yes / No ~~Need New Form~~

***If "No"..... has certified request for the new extension form been sent? Yes / No (Sent 8-25-99 for 3 page form) ... Send it Again.

~~No 5-24-04 Need New Form Rejected Need Correct Form~~

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???*)

priority date 2/20/1991

3. **Date Permit was issued:** 7-20-92

4. **Source:** One Well (Well #5)

5. **Use:** Irrig of 242.0 ac & Suppl Irrig. of 50.0 ac AND... Maintenance of 25.0 ac of Ponds for Aesthetics

6. **"Q":** 1740.0 gpm (3.88 cfs)...being 1638 gpm for Irrig & 112 gpm for Maintenance

7. **Original "B" Date:** 10-1-94 **Original "C" Date:** 10-1-95

"A" date - 7/20/1993.

8. **Conditions of Permit:**

- Shall install a meter & shall Keep a complete record of water use.
- Within one year of permit issuance... shall submit a plan to monitor & report impact of water use on the aquifer. - Plan is subject to Dept. approval.

9. **Extension request received:** orig. on 12-8-97 & Resubmitted on 9-28-99 **Request Number (...1st 2nd, 3rd):** 4th

10. **Last Authorized "B" Date:** 10-1-97 **Last Authorized "C" Date:** 10-1-97

11. **Proposed "B" Date:** 10-1-2015 **Proposed C Date:** 10-1-2015

12. **Amount Invested to date:** $150,000.00 **Estimated Total Cost:** $1,150,000.00

Remaining Cost: $1,000,000.00

__13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No**

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

- aquifer impact monitor & reporting plan submitted on 1-24-2000 & approved on 1-28-2000.

- No Water Use Yet ...

__14. Work on the water development project completed to date includes: _____

20% developed: Well drilled & pump station installed

- No beneficial use of water made yet.

__15. The work remaining to be completed consists of: _____

__16. Progress in perfecting the permit is being held up by: _____

- More time needed for development due to size & scope of project.
- Legislative changes & extensive permitting requirements have significantly increased time required to secure all permits & complete multi-phase project.

__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: _____

All required

Extension "PFO" Dates

Mailing / Issuance Date: _____

Protest Deadline Date: _____

Reviewer's Name: _____ **Date:** _____

G12420

__12. **Amount Invested to date:** _____ **Estimated Total Cost:** _____

(Estimated Remaining Cost:** _____)*

__13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ****If "No"..... What permit terms and/or conditions have not been met?*

__14. Work on the water development project completed to date includes: _____

__15. The work remaining to be completed consists of: _____

__16. Progress in perfecting the permit is being held up by: _____

__17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? (Yes) / No

also, see yearly report
rec'd 11/21/01 for 1999-2000

✓18. Determination of the market and the present demand for water or power to be supplied: _____

- reasonable return on investment - $1 million/yr revenue
- 20 jobs
- no alternative water source unless annexing to a water district

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

(Yes). **"Good Cause" can be found. ⇒ Approval of Extension Request**

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

20. Conditions to be included in the Extension of Time PFO (if applicable)? (Yes) / No
*(**NOTE:** Check the file record for documentation to add a condition(s) at the extension stage.)*

☑ 5-Year Progress report Checkpoints 2009, 2014
☐ Other: _____

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

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

☐ **COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

☒ **COBU Requirement - Ground Water - post July 9, 1987** ✓
"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates *Checklist Last Revised: 3/11/2004*

Mailing / Issuance Date: _____ **WRD Project Manager:** _____

Protest Deadline Date: _____ **Date:** _____

RECEIVED
SEP 2 8 1999
WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, KMB Enterprises
NAME

17204 Hwy 126 Sisters OR 97759 541-548-0835 fax 541-548-0481
ADDRESS CITY STATE ZIP PHONE

record owner of application No. G-12420 permit No. G-11577, do hereby request that the time in which to:

[X] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19 97, be extended to October 1, 2015, and/or the time in which to

[X] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 97, be extended to October 1, 2015.

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.

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

2-Have you put any water to use under this permit [yes/no]? No
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]?_____ If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time._____

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.
(a) within past year None

(b) prior to this past year Drill well and install pump station.

© and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) _____

None to date.

4-Cost of project to date $150,000. Projected cost for completion of project $1,000,000.

5-Have there been any unforeseen events which delayed development of water system?

None that were unforeseen. This is a large, multi-year project that requires significant permitting and several more years to complete.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water ? [please explain]

Legislative changes and extensive permitting requirements have significantly increased the time required to secure all necessary permits.

7-What reasons was the project not completed within permit time limits ?

The original permit time limits were not reasonable for a project of this size and scope. This use represents the final phase of a multi-year project.

8-Has there been any change in the demand for water or power since permit was issued? (please explain)

No

9-Has there been any change in the market for water or power since the permit was issued? (please explain)

No

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

Yes, the $1,000,000 investment in this project will result in an 18-hole golfcourse that will generate over $1,000,000 per year and provide at least 20 jobs.

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No, water use has not yet begun.

12-Is there an alternative source of water available [yes/no please explain]?

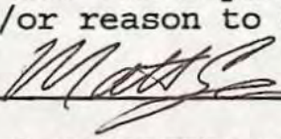
Potentially, but it would require annexing into a water district and purchasing surface water rights.

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain)

Not that we have any knowledge of.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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 

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

Oregon
John A. Kitzhaber, M.D., Governor

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

October 29, 1998

FILE#: G 12420

KMB ENTERPRISES
17204 HWY 126
SISTERS, OR 97759

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,

Dallas Miller
Water Rights Specialist

Oregon
John A. Kitzhaber, M.D., Governor

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

August 25, 1999
CERTIFIED MAIL

KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

REFERENCE: APPLICATION FILE G12420

Your application for more time to perfect your water use permit # G11577 was received December 8, 1997.

As you may know, new rules governing extension requests were adopted this year. The process for granting approval of extension requests is under more scrutiny now than in the past. Our new rules require a rigorous review of evidence submitted by the permit holder to ensure that the proposed extension is not detrimental to the public interest. To that end, all applicants are required to complete a new application form, a copy of which is enclosed. Please answer each question on the form. Feel free to include any additional information that you feel may help your case.

The information you provided in your December 8, 1997 application is not sufficient to justify approval of your extension request under our current rules. Please be advised that failure to provide the information requested on the enclosed application form by October 1, 1999 will result in denial of your extension request.

If you need further assistance please contact the Water Rights Section at the address listed above or phone (503) 378-3739.

Sincerely,

Douglas L. Baer
Water Rights Technician

enc: new extension application form

CC: Watermaster ~~#16~~ 11
File

690-10-116 File No. G-12420

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, KMB Enterprises (Name)

RECEIVED
DEC - 8 1997
WATER RESOURCES DEPT.
SALEM, OREGON

17204 Hwy 126 (Mailing Address)

Sisters, OR 97759 (City), _____ (State) _____ (Zip)

record owner of water permit No. G-11577, do hereby request that the time in which to:

XX complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19 97, be extended to October 1, 19 99; and/or the time in which to

☐ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19___, be extended to October 1, 19___.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year Pump has been installed in the well and has been put in operation but system has not yet been extended to land under this permit.;

(2) prior to this past year The well has been drilled and much of the site work completed. But, the balance of the system has not yet been completed due to the scope and nature of the system;

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) _____

(If additional space is required, attach separate sheet)

KMB Enterprises by Matt G, Partner
(If signing for a corporation please identify your title)

Dated 12-2-97

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF $100.00 FOR EACH PERMIT TO:

Water Resources Department

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

Aspen Lakes

P.O. Box 1600 • Sisters, OR 97759 • (541) 548-0835
Fax: (541) 548-0481 • 1-800-866-3981

RECEIVED
JAN 24 2000
WATER RESOURCES DEPT.
SALEM, OREGON

January 19, 2000

Michael J. Zwart, Hydrologist
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-3739

Re: Water Level Measurement Plan / Permit numbers G-11576, G-11577, and G-11578

1) We propose to measure the level in wells #1, #4, and #5 on or about March 1st of each year.

2) The stipulated well depth will be the depth measured in March of 2000.

3) Well depths will be measured using an eclectic tape.

4) The manufacturer's stated accuracy is to the 1/100 of a foot.

5) Measurement will be taken prior to starting the irrigation season. In any event, measurement will be taken after at least an hour of non-use.

6) Testing will be done by persons qualified and trained to use testing equipment.

7) Reports will be mailed to the Ground Water and Hydrology Section of the Oregon Water Resources Department on or before May 1 of each year.

Sincerely,

Matt Cyrus,
Managing Member

Oregon

WATER
RESOURCES
DEPARTMENT

January 28, 2000

(503) 378-8455 ext. 207

Mr. Matt Cyrus
Aspen Lakes
P. O. Box 1600
Sisters, OR 97759

Re: Water Level Monitoring Plan

Dear Matt:

I have reviewed and approved your draft water level measurement plan, dated January 19, 2000. Copies of it were placed in the appropriate Water Right files. I look forward to receiving your initial water level data on or before May 1, 2000. Please call me if you have any questions.

Sincerely,

Michael J. Zwart
Hydrogeologist

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

Fil 612420

USER-ID 9813

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

Facility ☞ POD-ID ✏	Aspen Lakes Golf 9813 3rd 320 1C/A5				
October - 1999	5,800,000				
November - 1999	—				
December - 1999	—				
January - 2000	—				
February - 2000	—				
March - 2000	—				
April - 2000	3,600,000				
May - 2000	12,200,000				
June - 2000	18,700,000				
July - 2000	24,100,000				
August - 2000	21,600,000				
September - 2000	15,800,000				
TOTAL *	101,800,000				

RECEIVED
NOV 21 2001
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: gallons. If use is irrigation, total number acres irrigated 106.

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

Mark A. Shepherd — Signature
Superintendent — Title
Aspen Lakes Golf Course — Reporting Entity
11-16-01 — Date

Mark A. Shepherd
Name - Please Print

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

Oregon
John A. Kitzhaber, M.D., Governor

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

July 29, 1998

KMB ENTERPRISE
17204 HWY 126
SISTERS OR 97759

REFERENCE: File G-12042 & G-12420

This letter is in regard to your water use Permit G-11146 and G-11577. As we pointed out to you in our letter of October 14, 1997, your claim of beneficial use must be received in this office by **October 1, 1998**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before **October 1, 1998**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:jh

cc: Kyle Gorman, Watermaster
David Bateman, CWRE

CERTIFIED - RETURN RECEIPT REQUESTED

Oregon
John A. Kitzhaber, M.D., Governor

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

December 11, 1997

KMB ENTERPRISES
17204 HWY 126
SISTERS, OR 97759

Reference Files G 12420, G 12042 Permits G 11577, G 11146

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect. We estimate that the rules will be adopted in March 1998.

We need some more information, how many homes are being served by permit G 11146?

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipts #17887, #17888 for the $200 fee submitted.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller
Natural Resource Specialist 2

cc:Watermaster Dist 11

Oregon
John A. Kitzhaber, M.D., Governor

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

October 14, 1997

KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

REFERENCE: File G-12420

The date for the complete application of water to a beneficial use for your water use Permit was October 1, 1997. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 1998.** A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact me at extension 272, at 503-378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

enclosure

cc: Watermaster
CWRE

Oregon
John A. Kitzhaber, M.D., Governor

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

RECEIVED
DEC - 8 1997
WATER RESOURCES DEPT.
SALEM, OREGON

October 14, 1997

KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

REFERENCE: File G-12420

The date for the complete application of water to a beneficial use for your water use Permit was October 1, 1997. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 1998**. A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact me at extension 272, at 503-378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

D. Miller by JH

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

enclosure

cc: Watermaster
CWRE

2nd ext

Oregon

WATER
RESOURCES
DEPARTMENT

February 26, 1997

KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

REFERENCE: File G-12420 & G-12421

We have received your application for extension of the time limits to complete construction and make complete application of water under Permit G-11577 and G-11578.

The application indicates reasonable diligence toward completion of the proposed project. The time limits to complete construction and make complete application of water are extended to October 1, 1997. The order approving the extension was entered February 24, 1997, at Volume 51, Page 115.

If you have any questions, please contact me at extension 272 (503)-378-3739, or toll-free 1-(800)-624-3199.

Sincerely,

Dallas Miller
Water Rights Specialist

DM:jh

enclosure

cc: Jerry Powell, CWRE

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

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: G 12420 PERMIT NO: G 11577

DATE: February 3, 1997

1. Has the applicant requested any previous extensions? How many?
   YES. This is the THIRD request.
2. What water right development steps has the permittee completed within the past year? **Completed irrigation system for 9 holes of 27 hole golf course. In pump, pipe, station. Irrigating 80 acres.**
3. What water right development steps has the permittee completed prior to this past year? **Well drilled.**
4. Is the permittee currently meeting all conditions of the permit?
   Permittee submitted measurement report well #5 in 1993.
5. What is the current use of water under the permit?
   Irrigation 80 acres.
6. What percent of the total allowable use under the permit does the current use represent?
   28 %
7. Have there been any unforeseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
   Size of project takes more time than anticipated.
8. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
   NO.
9. Has there been any change in demand for water or power since the permit was granted?
   NO.
10. If the extension request is denied, is the current level of water use under the permit economically feasible?
    NO.
11. Is there an alternate source of water available at this time?
    YES. Part of this permit is supplemental.
12. Has use of water under the permit caused an adverse impact on the surface/groundwater resource in the area?
    NO.
13. Have there been claims of injury to other water right holders or water users in the area?
    NO.
14. Any conditions on previous orders?
    NO.

REMARKS:

Request extension B-C from 10/1/96 to 10/1/99. Part of water system in and about 28 % use made. Recommend extend B-C to 10/1/97 with condition: "In addition to the provisions described in ORS 537.230, another extension will be allowed only if a substantial increase in acreage have been irrigated before October 1, 1997."

690-10-116

File No. G-12420

Application for Extension of Time

RECEIVED
JAN 21 1997
WATER RESOURCES DEPT.
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, KMB Enterprises
Name

17204 Hwy 126
Mailing Address

Sisters, Oregon 97759
City, State - Zip

record owner of water permit No. G-11577, do hereby request that the time in which to:

XX complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 19 96 be extended to October 1, 19 99 and/or the time in which to

XX accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1996, be extended to October 1, 19 99

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year Installed pump station and irrigation system on nine holes of a 27-hole golf course.;

(2) prior to this past year Drilled well and completed much of the site work.;

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) Irrigated approximately 80 acres.

(If additional space is required, attach separate sheet)

Matthew K. [illegible], Partner
(If signing for a corporation please identify your title)

Dated 1/17/97

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF $100.00 FOR EACH PERMIT TO:

Water Resources Department

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

Oregon

WATER
RESOURCES
DEPARTMENT

January 14, 1997

KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

REFERENCE: File G-12420 & 12421

The date for the complete application of water to a beneficial use for your water use Permit G-11577 and G-11578 was October 1, 1996. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 1997**. A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact me at extension 272, at 503-378-3739, or toll-free 1-800-624-3199.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh
enclosure
cc: Kyle Gorman, Watermaster
Jerry Powell, CWRE

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

Oregon

WATER
RESOURCES
DEPARTMENT

January 3, 1996

KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

REFERENCE: Files G-12420 & G-12421

We have received your application for extension of the time limits to complete construction and make complete application of water under Permits G-11577 and G-11578. We also have your check in the amount of $200. Our receipts number 130671 and 130699 are enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limits to complete construction and make complete application of water are extended to October 1, 1996. The order approving the extension was entered December 21, 1995, at Volume 49, Page 472.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free 1-800-624-3199.

Sincerely,

Dallas Miller
Water Rights Specialist

DM:jh

enclosure

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

G 12420 KMB

1 - One Well Irr. & Pond Maint. 1740 GPM 2nd Request
292 A.

2 - Well in

3 - No plan yet submitted for O&W

4 - None

5 Ø

6 No info

7

8

9

10

11

12

13 No cond. previous EXT. ORDER

OK B-C 10-1-96 DSM

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: - G 12420 PERMIT NO: — G 11577

DATE:

1. What service area or base was anticipated by the applicant at the time the permit was granted?

2. What water right development steps has the permittee completed to date?

3. Is the permittee currently meeting all conditions of the permit?

4. What is the current use of water under the permit?

5. What percent of the total allowable use under the permit does the current use represent?

6. Have there been any unforseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?

7. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?

8. Has there been any change in demand for water or power since the permit was granted?

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

10. Is there an alternate source of water available at this time?

11. Has use of water under the permit caused an adverse impact on the surface/ground water resource in the area?

12. Have there been claims of injury to other water right holders or water users in the area?

REMARKS:

13. DOES LAST EXTENSION HAVE SPECIAL CONDITIONS?

EXT-CL 82593

690,10-116

File No. G-12420

Application for Extension of Time

RECEIVED
NOV 30 1995
WATER RESOURCES DEPT.
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, KMB Enterprises
Name

17204 Hwy 126
Mailing Address

Sisters, Oregon 97759,
City State Zip

record owner of water permit No. G-11577, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1995, be extended to October 1, 1996; and/or the time in which to

☐ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19___, be extended to October 1, 19___.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year _____;

(2) prior to this past year The well has been drilled and much of the site work has been completed, but the balance of the system has not yet been completed due to the scope and nature of the system.;

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) _____

(If additional space is required, attach separate sheet)

KMB Enterprises by Matt Ss, Partner
(If signing for a corporation please identify your title)

Dated 11-28-95

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF $100.00 FOR EACH PERMIT TO:

Water Resources Department

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

Oregon

WATER
RESOURCES
DEPARTMENT

October 24, 1995

KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

REFERENCE: File G-12420 & G-12421

The date for the complete application of water to a beneficial use for your water use Permit G-11577 & G-11578 was October 1, 1995. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before October 1, 1996. A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:jh

enclosure

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

Oregon

WATER
RESOURCES
DEPARTMENT

September 19, 1995

KMB ENTERPRISES
17204 HWY 126
SISTERS OR 97759

REFERENCE: Files G-12420 & G-12421

We have received your application for extension of the time limit to complete construction under Permits G-11577 and G-11578. We also have your check in the amount of $200.

The application indicates reasonable diligence to complete the proposed project. The time limit to complete construction is being extended to October 1, 1995. The order approving the extension was entered September 15, 1995, at Volume 49, Page 307.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

Dallas Miller
Water Rights Specialist

DM:jh

enclosure

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

G 12420 1ST REQUEST

1. WELL IRR 2300 ACRES 1700 GPM
MAINTAIN PONDS ~~FREE~~

2. WELL DRILLED

3. NO — WATER USE PLAN NOT SUBMITTED

4. NONE

5. ϕ

6. NOTHING GIVEN

7. NO

8. NO

9. NO

10. NO

11/12 NO INFO

NOTHING FROM WATER WATCH SINCE
PERMIT ISSUANCE

12-14-95 MEASUREMENT RPT SUBMITTED WELL #5

PLAN ? NEED before Certif ISSUE

OK
Extend B to 10-1-95
1 YEAR ONLY

DSM

EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: G-12420 PERMIT NO: G-11577

DATE: 1-5-95

1. What service area or base was anticipated by the applicant at the time the permit was granted?

2. What water right development steps has the permittee completed to date?

3. Is the permittee currently meeting all conditions of the permit?

4. What is the current use of water under the permit?

5. What percent of the total allowable use under the permit does the current use represent?

6. Have there been any unforseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?

7. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?

8. Has there been any change in demand for water or power since the permit was granted?

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

10. Is there an alternate source of water available at this time?

11. Has use of water under the permit caused an adverse impact on the surface/ground water resource in the area?

12. Have there been claims of injury to other water right holders or water users in the area?

REMARKS:

RECEIVED
NOV 02 1994
WATER RESOURCES DEPT.
SALEM, OREGON

690-10-116

File No. G-12420

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, KMB Enterprises
Name

17204 Hwy 126
Mailing Address

Sisters, Oregon 97759
City, State, Zip

record owner of water permit No. G-11577, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1994, be extended to October 1, 1999, and/or the time in which to complete construction and install equipment.

☐ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19___, be extended to October 1, 19___.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year _____;

(2) prior to this past year The well has been drilled and much of the site work completed. But, the balance of the system has not yet been completed due to the scope and nature of the system.;

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) _____

(If additional space is required, attach separate sheet)

KMB Enterprises by Matt [illegible], Partner
(If signing for a corporation please identify your title)

Dated 10-27-94

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF $100.00 FOR EACH PERMIT TO:

Water Resources Department

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

KMB ENTERPRISES
17204 HWY 126
SISTERS, OR 97759

FILE#: G 12420

Application No. G12420 O P

Permit No. G11577

Certificate No. Extension

Stream Index, Page No. 5

05-1980-[illegible]

VIA Squaw Creek

Sell Jobs: G-12419, G-12421

Date filed FEB 20 1991

Priority

Action suspended until Dec 95

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning JUN 20 1993

Date for completion OCT 1 1994

Extended to

Date for application of water OCT 1 1995

Extended to

PROSECUTION OF WORK

Form "A" filed started

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

FEES PAID

Date	Amount	R
2-20-91	200.00	-
9-16-91	764.00	-
11-2-94	100.00	
	Cert. Fee	

FEES REFUNDED

Date	Amount	

ASSIGNMENTS

Date	To Whom	Address	Volume

REMARKS

G 12387 withdrawn See Also 12-41 & 12421

B Card 10-1-18

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE G-12420

Date: May 1, 1995

From: MICHAEL ZWART

Subject: GROUNDWATER PERMIT CONDITION

This Application File contains a condition in the permit issued which requires static water levels to be measured. Please contact the manager of the Groundwater and Hydrology Section prior to certificate issuance. Staff there will recommend whether any changes should be made to the final language of such conditions in the certificate.

We send letter
cc/ Regions & Tom

Memorandum

August 1, 1994

TO: Fred Lissner and Barry Norris

FROM: Ken Lite and Mike Zwart MZ

SUBJECT: Permit Condition Requiring a Water Level Measurement Plan

A number of water right permits have been issued over the past couple of years containing a permit condition that obligates the permit holder to submit a plan within one year for collecting and submitting periodic water level measurements. This permit condition was instituted for cases where well operation may not include a set period of time when the well is unused. In such cases our other permit conditions that require water level measurements may be inappropriate. This permit condition allows the permit holder some flexibility in when and where the water level measurements can be made.

To date, none of the below permit holders have complied with the permit condition, although a couple have submitted one or more water level measurements in the absence of the necessary plan. We believe that the non-compliance is largely due to a lack of understanding of the permit condition. We recommend that agency staff draft a letter to the permit holders reminding them of their obligation and outlining the type of information that should be included in the plan. The following is a draft of what we think should be included in a letter to permit holders with the water level measurement plan condition:

According to our records, you possess a groundwater right permit with a condition that obligates you to submit a water level measurement plan to the Water Resources Department.

We envision that the plan would include the following: 1. a description of when water level measurements would be taken at the well(s) (a minimum of one annual reading in most cases); 2. the methodology for obtaining the measurement (eg. electric tape, airline); 3. the measurement resolution capability of the equipment (eg. 1/100 of a foot, calibrated 100 psi gauge); 4. the operational circumstances under which the water level would be obtained (eg. the well will not be pumped for 24 hours prior to the measurement); 5. the qualifications of the person(s) obtaining the water level measurements.

The permit condition allows for flexibility in the monitoring plan. For example, if you have more than one well in close proximity and similarly constructed, the plan may include a program for obtaining only one water level reading at that site. Also, the permit condition allows for measurements to be made at other similarly impacted nearby wells in lieu of the well authorized under this permit condition.

We realize that every well site has the potential to be unique. Our groundwater staff is ready to work with you so that we can ensure that meaningful information can be obtained without placing an undue burden on your operation.

Tabulated below are the permits which currently contain such a condition. Some of them (G-11621 and higher) have been issued less than one year ago. Therefore, these permittees still have time to comply with the condition.

reference w.l. stipulated

Appl. No.	Permit No.	Permit Holder
G-11942	G-11379	City of Bend 4H
G-12226	G-11380	City of Bend
G-11939	G-11443	Richard Gingerich
G-12242	G-11448	Cecil E. Roth
G-12120	G-11526	Oxberg Lakes Estates
G-12780	G-11551	City of Veneta
G-12419	G-11576	KMB Enterprises
G-12420	G-11577	KMB Enterprises
G-12421	G-11578	KMB Enterprises
G-11627	G-11598	Sunriver Utilities Co.
G-12823	G-11600	Florence Resort Community, Inc.
G-13178	G-11621	Guide Dogs for the Blind
G-12788	G-11624	City of Athena – issued 10/15/93
G-12395	G-11636	J. Frank Schmidt and Sons, Co.
G-12786	G-11661	City of LaGrande
G-13440	G-11683	City of Island City
G-11982	G-11687	Simnitt Nursery
G-12711	G-11710	Black Butte Ranch Assoc.
G-12671	G-11770	Kellenbeck

submit w/in within 60 days

K. Lite approved CH2M Hill Plan for monitoring during const

Oregon

WATER RESOURCES DEPARTMENT

RECEIVED
DEC 16 1993
WATER RES... DEPT.
SALEM, OREGON

March 15, 1993

KMB ENTERPRISES
17204 HWY 126
SISTERS, OR 97759

RE: Required Well Water Level Report for Permit G-11577

Our records indicate that you are the holder of groundwater permit G-11577, application G-12420. If you are no longer the holder of this permit or no longer have an interest in it, please contact our department.

This permit contains a provision which requires the permitee to cause the static water level in the well(s) to be measured and reported to this agency annually. Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements.

Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend you keep a copy of this measurement report for your records.

MEASUREMENT REPORT

Well Name or Number (if any): #5

Measurement Date: 8-5-93

Person Making Measurement: Rod Caldwell

Description of Measuring Point: 204.03 feet below land surface

Length of Time Well was Idle Before Measurement: Not in Use

Calculations: _____

Comments: _____

Thank you for your attention to this matter. If you have any questions about this notice, please call the Groundwater/Hydrology Section of the department at the number below.

msmt.rpt

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

Oregon

WATER
RESOURCES
DEPARTMENT

March 6, 1992

KMB Enterprises
17204 Hwy 126
Sisters, Oregon 97759

Re: files G-12387, G-12419, G-12420, and G-12421

Dear Mr. Cyrus,

This is to reiterate the information I recently gave you on the telephone.

I will be taking the referenced applications before the Water Resources Commission at their April 24, 1992 meeting. The location for the meeting has not yet been determined. You will be notified as soon as a decision is made.

The Commission will be asked to determine whether the proposed uses of water may prejudicially affect the public interest. If the Commission finds that they may, a contested case hearing will be necessary. If the Commission finds that the proposed uses will not harm the public interest, the permits will be issued.

From my review of the files, the main concerns associated with the applications have been the potential for the wells to affect surface water flows or overdraft the groundwater aquifer. Our groundwater section has indicated that there will not be a potential for substantial interference with surface water. However, there is the potential for localized overdrafting of the aquifer. To avoid potential injury to existing rights and the groundwater resource, two additional conditions have been recommended for each permit. These are listed below.

4H The landowner shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the landowner shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

to above the 25-foot decline level or until the Department determines, based on thelandowner's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The landowner shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

4I 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.

Please let me know if these conditions are unacceptable. I have begun putting together a staff report to the Commission and shall share a draft with you as soon as it is complete. Since WaterWatch of Oregon protested the issuance of these permits I am also sharing this information with them. I will keep you informed of any developments regarding these applications.

Feel free to contact me if you have any concerns with this approach.

Sincerely,

MICHAEL J. MATTICK
Water Rights Specialist

MJM:

cc: Karen Russell, WaterWatch of Oregon
Representative Beverly Clarno

Oregon

WATER
RESOURCES
DEPARTMENT

February 10, 1992

Dave Bateman
David Evans and Associates, Inc.
709 NW Wall, Suite 102
Bend, OR 97701-2712

Reference: Files G-12387, G-12419, G-12420 and G-12421
KMB Enterprises

Dear Mr. Bateman:

You have requested me to advise you of the status of the above referenced applications for permit.

As staff time allows, we will be preparing a staff report and refer the matter of approval of the applications to the Water Resources Commission.

I realize your desire to obtain permit as soon as possible=, however, staff will not make any commitment to refer the applications at this time.

Sincerely,

Stephen C. Brown
Senior Water Rights Specialist
Field Operations Division

cc: KMB Enterprises
Bob Main, Region Manager
John Borden, WRD

0665

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

05-1980-1220

8:00

DRAFT

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126
SISTERS, OREGON 97759

503-548-3149

to use the waters of #5 WELL in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 240.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES, AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE, or its equivalent in case of rotation, measured at the well. BEING 1638 GPM FOR IRRIGATION & 112 GPM FOR PONDS

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. 3B

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

A description of the proposed place of use under this permit is as follows:

		PRIMARY	SUPPLEMENTAL
	NE 1/4 NE 1/4	20.0 ACRES	
	NW 1/4 NE 1/4	9.0 ACRES	
*	SW 1/4 NE 1/4	40.0 ACRES	
	SE 1/4 NE 1/4	32.0 ACRES	
	NW 1/4 NW 1/4		0.6 ACRE
	SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES
	SE 1/4 NW 1/4	33.0 ACRES	
	NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES
	NW 1/4 SW 1/4		15.0 ACRES
	SW 1/4 SW 1/4		13.4 ACRES
	SE 1/4 SW 1/4		5.0 ACRES
	NE 1/4 SE 1/4	5.0 ACRES	
*	NW 1/4 SE 1/4	39.0 ACRES	
*	SW 1/4 SE 1/4	8.0 ACRES	
	SE 1/4 SE 1/4	36.0 ACRES	

SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

The well 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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date,.

_____

Water Resources Department
William H. Young
Director

TO: Water Rights Section August 27, 1991

FROM: Groundwater/Hydrology Section K. Cite
Reviewer's Name

SUBJECT: Application G- 12420

1. **PER THE** _____ Basin rules, one or more of the proposed POA's is within _____ 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 surface water
   b. X will not } 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 water from substantial interference.

3. **BASED UPON** available data, I have determined that groundwater for the proposed use
   a. X will, or }
   b. ___ will not } likely be available in the amounts requested without injury to prior rights; or
   c. ___ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
      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.

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: Note; Application G-12420 and Application G-12421 are for the same well. The total amount of water requested for both applications exceed 5 cfs.

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.

_____ _____, 1991.
(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: _____
_____
_____.

_____ _____, 1991.
(Signature)

(WRFORM8\91)

MEMORANDUM

DATE: 8-27-91

TO: Application/ Permit Section

FROM: Groundwater Section by K. Lite
(signature)

SUBJECT: Application # G-12420

The application referenced above and available data has been reviewed under the guidelines of the Director's policy memo of October 19, 1989.

We find that the proposed groundwater use falls within the following category:

____ CATEGORY 1A - The proposed well will be located less than 1/4 mile from the nearest stream, and significant surface water interference will exist.

____ CATEGORY 1B - The proposed well will be located less than 1/4 mile from the nearest stream, but significant surface water interference will not exist.

X CATEGORY 2A - The proposed well will be located more than 1/4 mile from the nearest stream, and significant surface water interference will not exist.

____ CATEGORY 2B - The proposed well will be located more than 1/4 mile from the nearest stream, but significant surface water interference will exist at the nearest point on the stream.

REMARKS: _____

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

AUG 26 1991

(START CARD) # W-17928

(1) OWNER:

Well Number:

Name Keith Cyrus

Address Star Rt.

City Sisters State Ore Zip 97759

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable

☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation

☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 260 ft.

Explosives used Yes ☐ No ☒ Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
22"	0	38'	Cement	~~38~~		
22"	0	38	Cement	14	38'	8 yards
22'	19	14	Bentonite	0	14	28 sacks
18"	38	260				

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

☐ Other

Backfill placed from ft. to ft. Material

Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	18	+1	40'	.375	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:	16"	-1	230	.188	☒	☐	☒	☐
					☐	☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Factory

☐ Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☒
190'	230'	1/8	3648			☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
50	0		1 hr.

Temperature of water 53 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: 25'

(9) LOCATION OF WELL by legal description:

County Desh Latitude Longitude

Township 15 N or S. Range 10 E or W. WM.

Section 1 S.E ¼ S.W ¼

Tax Lot 2300 Lot Block Subdivision

Street Address of Well (or nearest address) Corner of Canal Rd and Hwy 126

(10) STATIC WATER LEVEL:

205 ft. below land surface. Date 5-28-9

Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 25'

From	To	Estimated Flow Rate	SWL
25'	26	50 GPM.	18
220'	230'	1500 GPM.	20
230'	250'	3500 GPM.	20

(12) WELL LOG:

Ground elevation

Material	From	To	SWL
Overburden	0	8	
Large Gravel	8	18	
Lava Rock	18	28	
Tan Clay	28	78	
Sandstone	78	97	
Tan Clay	97	123	
Red Cinders	123	141	
Lava Rock	141	146	
Red Cinders	146	164	
Tan Clay + Gravel	164	220	
Large Broken Cinders	220	230	20
Broken Black Basalt	230	250	20
~~Orange~~ Clay	250	260	

Date started 2-15-91 Completed 5-28-91

(unbonded) Water Well Constructor Certification:

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

WWC Number 67

Signed Wayne T. Buckner Date 5-28-91

(bonded) Water Well Constructor Certification:

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

WWC Number 677

Signed Wayne T. Buckner Date 5-28-91

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C

INTEROFFICE MEMO

August 27, 1991

TO: Groundwater/ Hydrology Files

FROM: Ken Lite, Hydrogeologist, Ground Water Section

SUBJECT: Water Right Application G-12420

My review of Application File G-12420 is based on the information contained in the application file, areal well report data, and published geological data. The information submitted on the application indicates that the water utilized under the permit will be from a confined aquifer within layered volcanic material of the Deschutes Formation. I believe there will be no potential for substantial interference with the surface drainages in the area as a result of issuing this permit. This application is a Diack Category 2A.

G-12420

INTEROFFICE MEMO

Dec. 20, 1991

TO: Steve Brown

FROM: Ken Lite, Hydrogeologist, Ground Water Section

SUBJECT: Collective review of Water Right Applications G-12387, G-12419, G-12420, and G-12421

My second review of Water Right Applications G-12387, G-12419, G-12420, and G-12421 was initiated by a request from you to evaluate the cumulative effect of the water uses described in those applications. I still believe there will not be a potential for substanial interference with surface water. However, I do believe there may be localized overdraft and well interference, depending on how the wells are used. I recommend that permit conditions 4H and 4I be placed on the permits to avoid injury to existing rights and to the groundwater resource.

Oregon

WATER
RESOURCES
DEPARTMENT

November 22, 1991

KMB Enterprises
17204 Highway 126
Sisters, OR 97759

REFERENCE: Files G-12387, G-12419, G-12420, and G-12421

Your applications for permit to use the public waters have been reviewed.

A "draft" permit for each application is enclosed for your consideration. In the preparation of these draft permits, our staff has considered any public or agency comments received, as well as all pertinent Oregon laws, administrative rules and Commission policies.

We are now ready to recommend the issuance of a permit approving your requests to use water. The draft permits enclosed contain all of the conditions and limitations that would appear on your permit, if issued.

Please review the draft permits carefully. If you are satisfied that the drafts adequately describe your proposed use of water, and the terms are acceptable to you, please sign the draft copy in the spaces(s) provided and return it to us within 30 days. When we receive your signed drafts, we will issue your permit as quickly as possible.

If you do not agree with, or cannot accept one or more of the terms or conditions as stated in the enclosed drafts, you should advise us immediately. In this event, we will then advise you of any options which may be available to you.

If you have any questions, please contact the Water Rights Section at 378-3066.

Enclosures

TES:tcb

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126 503-548-3149
SISTERS, OREGON 97759

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE (GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRE	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		
	SECTION 35		

TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

The well 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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

DRAFT

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1993. Complete application of the water shall be made on or before October 1, 1994.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, .

_____
Water Resources Department
William H. Young
Director

I\We, _____, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application G-12420. By signature below, I\We agree to the proposed terms and conditions for this draft permit.

_____
Signature\Title Date

_____
Signature\Title Date

Oregon

WATER
RESOURCES
DEPARTMENT

November 5, 1991

KMB Enterprises
17204 Highway 126
Sisters, Oregon 97759

REFERENCE: File G-12387, G-12419, G-12420, G-12421

Your application for a permit to use the public waters has been reviewed.

A "draft" permit is enclosed for your consideration. In the preparation of this draft permit, our staff has considered any public or agency comments received, as well as all pertinent Oregon laws, administrative rules and Commission policies.

We are now ready to recommend the issuance of a permit approving your request to use water. The draft permit enclosed contains all of the conditions and limitations that would appear on your permit, if issued.

Please review the draft permit carefully. If you are satisfied that the draft adequately describes your proposed use of water, and the terms are acceptable to you, please sign the draft copy in the spaces(s) provided and return it to us within 30 days. When we receive your signed draft, we will issue your permit as quickly as possible.

If you do not agree with, or cannot accept one or more of the terms or conditions as stated in the enclosed draft, you should advise us immediately. In this event, we will then advise you of any options which may be available to you.

If you have any questions, please contact the Water Rights Section at 378-3066.

enclosure

338

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126 503-548-3149
SISTERS, OREGON 97759

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE(GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRE	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		
	SECTION 35		

TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

The well 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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

DRAFT

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1993. Complete application of the water shall be made on or before October 1, 1994.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, .

_____
Water Resources Department
William H. Young
Director

I\We, _____, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application G-12420. By signature below, I\We agree to the proposed terms and conditions for this draft permit.

_____
Signature\Title Date

_____
Signature\Title Date

Oregon

WATER
RESOURCES
DEPARTMENT

November 26, 1991

Karen Russell, Legal Affairs Coordinator
Waterwatch of Oregon, Inc.
921 SW Morrison, Suite 438
Portland, OR 97205

Reference: Files G-12387, G-12419, G-12420, & G-12421
KMB Enterprises

Dear Ms. Russell:

We have received your protest of the approval of the above referenced applications.

Your protest raises a valid concern due to the aggregate quantity of water requested by the applications.

Staff will refer the matter of approval of all the applications to the Water Resources Commission without the need for a protest.

If you have additional comments you wish to submit, please provide them to us as soon as you can.

Based upon recommendations made at the November 15, 1991, Commission meeting in Bend regarding the use of large volumes of water, staff will again review the applications to determine if resource protection and reporting conditions are appropriate.

I am returning your check #1281 in the amount of $100.00.

If you have any questions, please contact me.

Sincerely,

Stephen C. Brown
Senior Water Rights Specialist
Field Operations Division

cc: KMB Enterprises
Mr. Jerry C. Powell, David Evans & Associates, Inc.
Mr. Bob Main, Region Manager
Mr. John Borden, WRD
0591

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

WaterWatch
OF OREGON

March 20, 1991

Mike Mattick
Applications & Permits Section
Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Re: Ground Water Applications #G 12419, 12420, 12421, KMB Enterprises, Deschutes River Basin.

Dear Mr. Mattick:

We are concerned about the possible adverse effects of these ground water withdrawals on the Deschutes River, or tributaries of that river. Where within the Squaw Creek Basin are the proposed withdrawals located? Assuming the proposed ground water source hydrologically connected to surface waters in the basin, the total amount of ground water withdrawal proposed by this applicant (over 4000 gallons per minute) is likely to have adverse effects on Deschutes River flows.

The Deschutes is a state scenic waterway. If withdrawals from the proposed source of ground water effects Deschutes River flows, permits can be issued only if the Department determines that there is water available for this use without adversely affecting the Deschutes scenic waterway and existing rights. The Department must first complete its recreation flow study for the Deschutes before even considering these applications.

Finally, are these applications for a preexisting use? If so, the Department should be considering restitution to the resource for past illegal use.

Thank you. Call if you have any questions.

Sincerely,

Karen Russell

Karen Russell
Executive Assistant

Oregon

WATER
RESOURCES
DEPARTMENT

NOVEMBER 5, 1991

Karen Russell, Legal Affairs Coordinator
Waterwatch of Oregon, Inc.
921 SW Morrison, Suite 438
Portland, OR 97205

Reference: Files G-12387, G-12419, G-12420, AND G-12421

We received letters dated January 25 and March 20, 1991, asking what effect the proposed use of water described by the above listed files would have on surface waters of Squaw Creek and the Deschutes River.

All applications for permit to use ground water are reviewed by staff for significant hydraulic connection with surface waters. This procedure is outlined in our Administrative Rule 690-09.

Our Groundwater/Hydrology Section has completed a review of the proposed use of water described in the applications. It is the Department's conclusion that the proposed use of water will not significantly interfere with the surface water sources in the vicinity of the applications.

Staff intends to recommend issuance of permits on or after twenty days from the date of this letter, if no official protest is filed.

Sincerely,

Thomas E. Shook
Water Right Specialist

0530

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

TRANSMITTAL

RECEIVED
SEP 1 8 1991
WATER RESOURCES DEPT
SALEM, OREGON

Date 9/12/91 File CYRX0001

To Thomas E. Shook Project Golf Course

Water Resources Department

3850 Portland Rd. NE Subject Water Rights

Salem, OR. 97310

DEA

Item	Copies	Date	Description
1		9/12/91	Revised Water Rights Application Map
			Application No. G-12420

Remarks

☐ As you requested ☐ For your approval ☐ Return requested

☐ For your information ☐ For your review ☐ _____

From JERRY POWELL CWRE

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
709 N.W. WALL STREET, SUITE 102
BEND, OREGON 97701-2712
(503) 389-7614

Oregon

WATER
503 378-3739
RESOURCES
DEPARTMENT

September 6, 1991

JERRY C. POWELL
23030 DONNA LANE
BEND, OR 97701

REFERENCE FILES: G-12419, G-12420, AND G-12421

Additional information and fees are needed as follows:

G-12419: $150 recording fee. A copy of written authorization or easement permitting access to land not owned by the applicant and crossed by the proposed ditch, canal or other work. This would include the stretch across section 2.

G-12420: $664 irrigation recording fee and $100 pond fee.

G-12421: $550 irrigation recording fee and $100 pond fee. A copy of the written agreement as above.

Sincerely,

THOMAS E. SHOOK
Water Right Specialist

cc: KMB ENTERPRISES

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

SCID

RECEIVED
SEP 16 1981
WATER RESOURCES DEPT.
SALEM, OREGON

AGREEMENT

THIS AGREEMENT entered into this 12th day of August, ~~1979~~ 1980, between SQUAW CREEK IRRIGATION DISTRICT, hereinafter called "District", and KEITH CYRUS and ARLAND KEETON, hereinafter called "Cyrus and Keeton".

W I T N E S S E T H :

WHEREAS, District distributes water rights on property within the District through canal system including the main canal and the Cloverdale Ditch, and

WHEREAS, Cyrus and Keeton own and operate a well on their property adjacent to Cloverdale Ditch, and

WHEREAS, the District and Cyrus and Keeton have been engaged in negotiations over placing the well water in the Cloverdale Ditch and issues concerned therewith, and

WHEREAS, the parties with the assistance of recommendation from a 3-man panel desire to enter into an agreement respecting this matter, now, therefore,

IN CONSIDERATION OF THE PROMISES, COVENANTS AND AGREEMENTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

(1) Cyrus and Keeton agree to pay to District the sum of FIFTY CENTS (.50¢) per acre foot of well water that is delivered from the Cyrus and Keeton pump through the facilities of the District to lands of Cyrus and Keeton. Payment to be made by Cyrus and Keeton to the District upon presentation of billing from the District.

BRYANT & ERICKSON
ATTORNEYS AT LAW
P O BOX 457
REDMOND, OREGON 97756

RECEIVED
NOV 21 1991
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126
SISTERS, OREGON 97759

503-548-3149

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE(GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRE	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		
	SECTION 35		
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.			

Pond Location
Can we move
See memo

The well 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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date,.

_____
Water Resources Department
William H. Young
Director

I\We, KMB Enterprises, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application G-12419. By signature below, I\We agree to the proposed terms and conditions for this draft permit.

_____
Signature\Title Date

_____
Signature\Title Date

RECEIVED
JUL 10 1991
WATER RESOURCES DEPT.
SALEM, OREGON

July 2, 1991

Stephen C. Brown
Water Resources Dept.
3850 Portland Road
Salem, OR 97310

RE: KMB Enterprises
Files G-12419, G-12420, G-12421

Dear Mr. Brown:

I am writing to ask for special consideration of the permits listed above. We have filed the plat of the first 43 lots in Golf Course Estates and need to provide potential owners with proof of water rights for financing. We also need permits for construction and irrigation rights to construct and maintain the golf course. We applied for these permits last winter expecting to be able to use the water this construction season. We are still hoping to complete part of the golf course and subdivision roads this season. Your help in this matter would be greatly appreciated.

Sincerely,

Keith Lyons

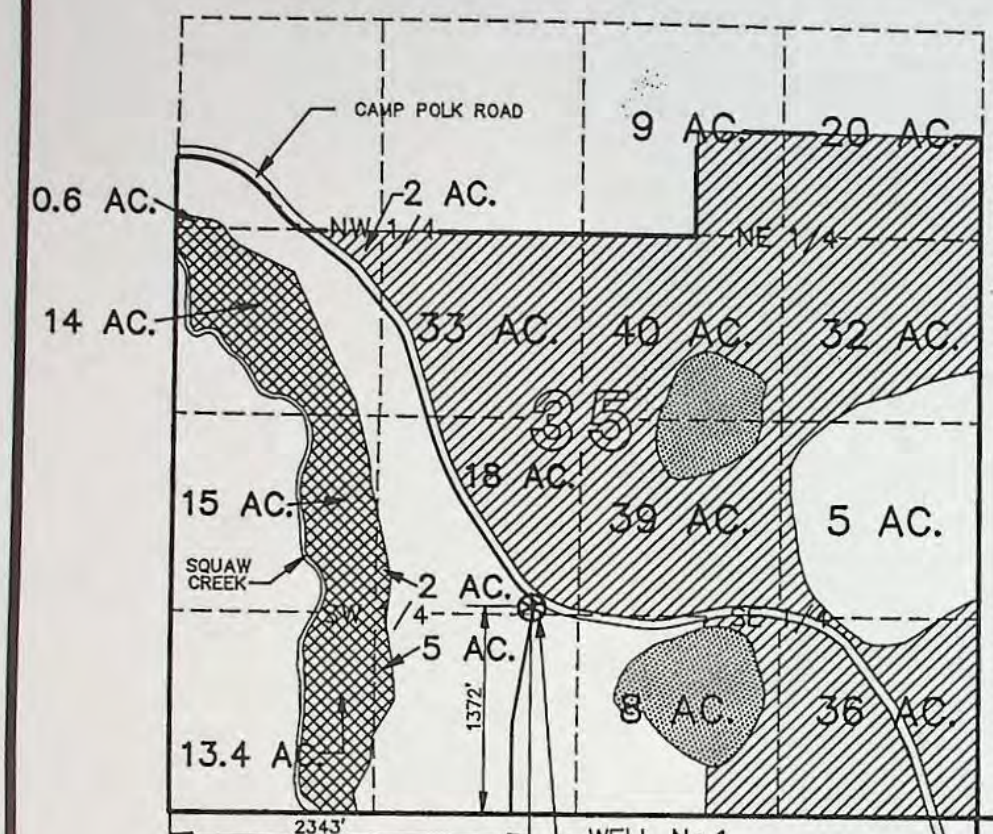
KMB ENTERPRISES

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
709 N.W. WALL STREET, SUITE 102
BEND, OREGON 97701-2712
(503) 389-7614

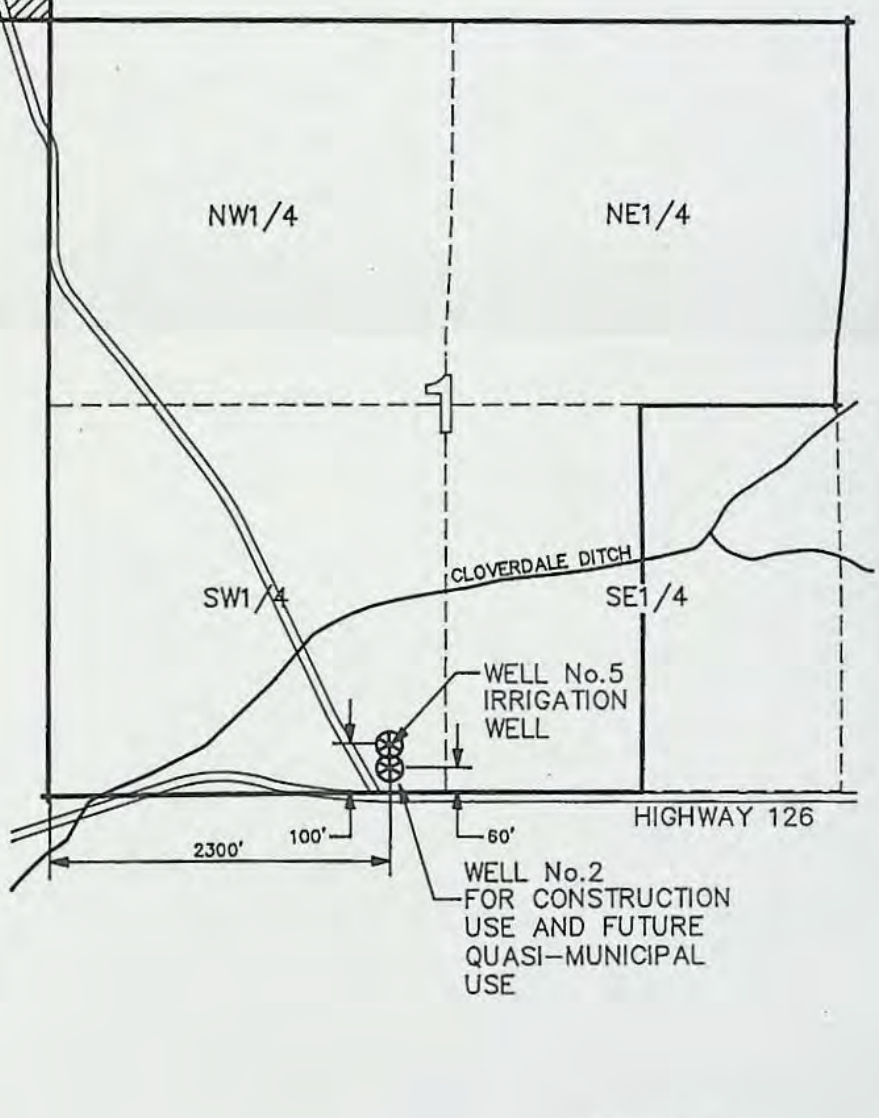
APPLICATION TO APPROPRIATE GROUND WATER FOR IRRIGATION USE

IN SECTION 35, T14S, R10E, W.M.
DESCHUTES COUNTY, OREGON

Application No. G-12420
Permit No. G-11577



SOURCE IS KMB ENTERPRISES IRRIGATION WELL No.5 IN SE 1/4, SW 1/4, SECTION 1, T.15S., R.10E., W.M., DESCHUTES COUNTY OREGON





SCALE: 1" = 1320'

LEGEND

- SUPPLEMENTAL IRRIGATION SURFACE WATER RIGHT CERTIFICATE No. 57567 (50 ACRES)
- PROPOSED IRRIGATION (240 ACRES)
- PROPOSED PONDS (25 ACRES)
- WELL LOCATION
- OWNERSHIP LIMITS

Certified Water Right Examiner
181WRE
Jerry C. Powell
May 17, 1988
STATE OF OREGON

RECEIVED
FEB 20 1991
WATER RESOURCES DEPT.
SALEM, OREGON

This map is for the purpose of locating a water right and is not intended to provide legal dimensions for property boundaries.

scale	1" = 1320'	design	DKB
date	1/15/91	drawn	JCP/JHL
file	CYR1WTR4		

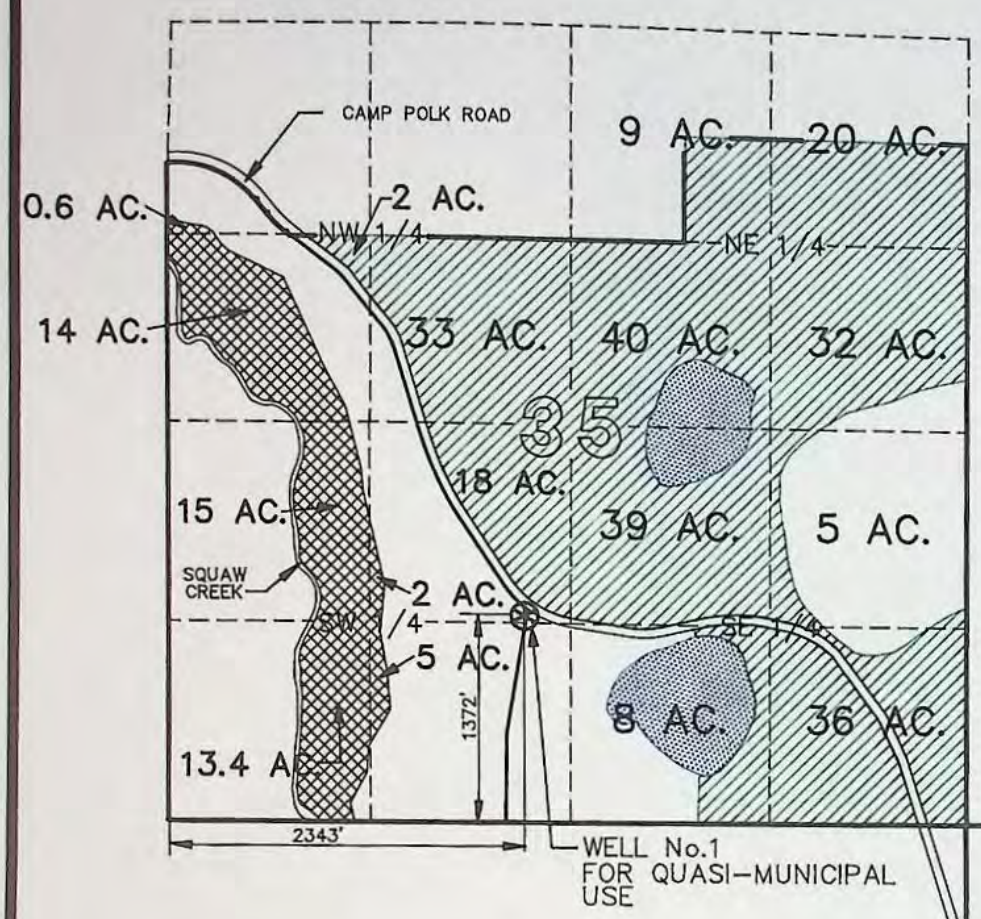
DAVID EVANS AND ASSOCIATES, INC
709 NW WALL STREET, SUITE 102
BEND, OREGON 97701 (503)389-7614

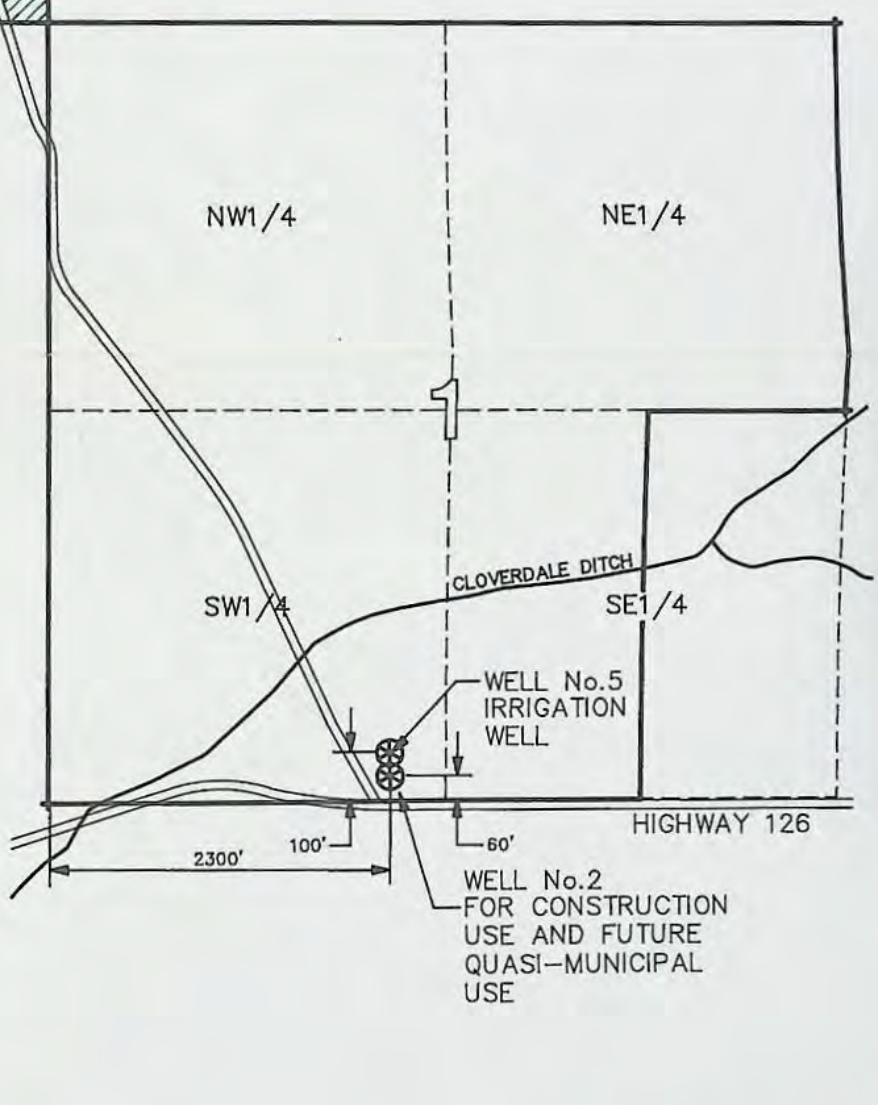
APPLICATION MAP FOR
KMB ENTERPRISES

APPLICATION TO APPROPRIATE GROUND WATER FOR IRRIGATION USE

IN SECTION 35, T14S, R10E, W.M.
DESCHUTES COUNTY, OREGON

Application No. G-12420
Permit No. G-11577





N

SCALE: 1" = 1320'

SOURCE IS KMB ENTERPRISES IRRIGATION WELL No.5 IN SE 1/4, SW 1/4, SECTION 1, T.15S., R.10E., W.M., DESCHUTES COUNTY OREGON

Certified Water Right Examiner
181WRE
Jerry C. Powell
May 17, 1988
STATE OF OREGON

RECEIVED
FEB 20 1991
WATER RESOURCES DEPT
SALEM, OREGON

LEGEND

- SUPPLEMENTAL IRRIGATION SURFACE WATER RIGHT CERTIFICATE No. 57567 (50 ACRES)
- PROPOSED IRRIGATION (240 ACRES)
- PROPOSED PONDS (25 ACRES)
- WELL LOCATION
- OWNERSHIP LIMITS

SUPERSEDED

This map is for the purpose of locating a water right and is not intended to provide legal dimensions for property boundaries.

scale	1" = 1320'	design	DKB
date	1/15/91	drawn	JCP/JHL
file	CYR1WTR4		

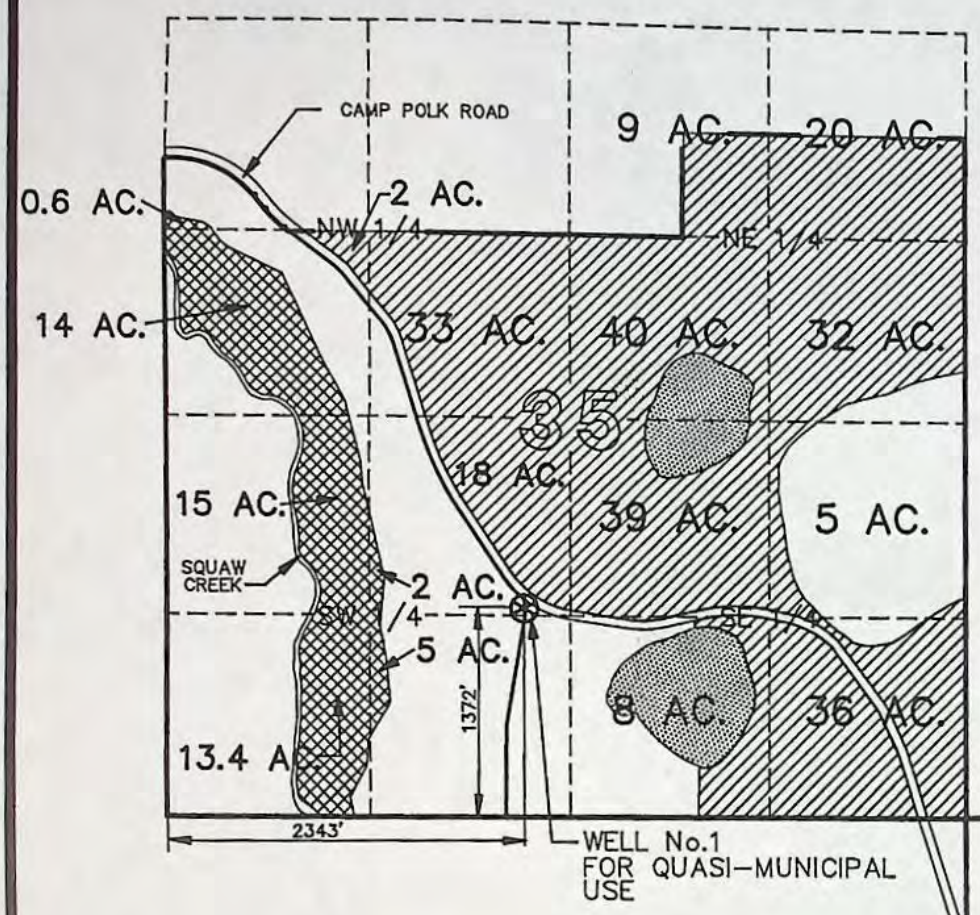
DAVID EVANS AND ASSOCIATES, INC
709 NW WALL STREET, SUITE 102
BEND, OREGON 97701 (503)389-7614

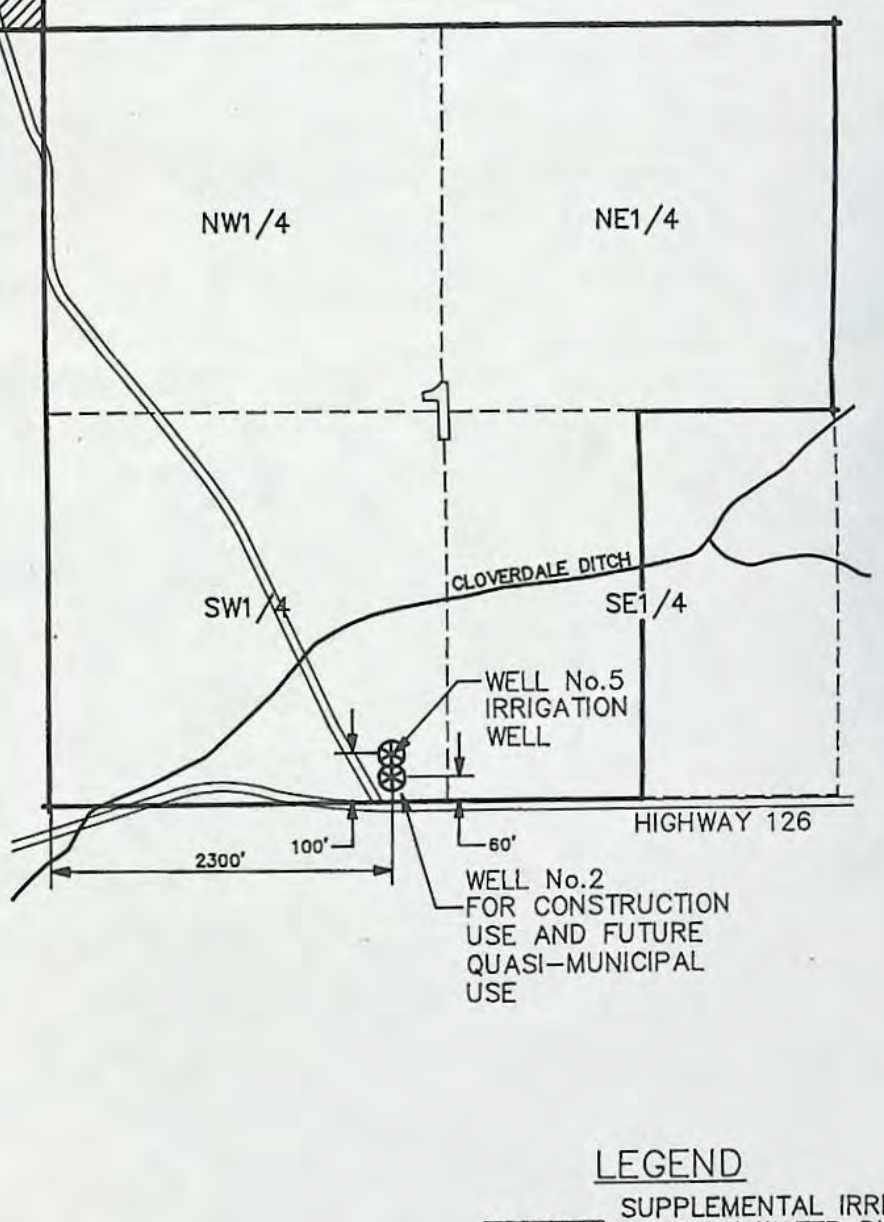
APPLICATION MAP FOR
KMB ENTERPRISES

APPLICATION TO APPROPRIATE GROUND WATER FOR IRRIGATION USE

IN SECTION 35, T14S, R10E, W.M.
DESCHUTES COUNTY, OREGON

Application No. G-12420
Permit No. 6-11577





N

SCALE: 1" = 1320'

SOURCE IS KMB ENTERPRISES IRRIGATION WELL No.5 IN SE 1/4, SW 1/4, SECTION 1, T.15S., R.10E., W.M., DESCHUTES COUNTY OREGON

Certified Water Right Examiner
181WRE
Jerry C. Powell
May 17, 1988
STATE OF OREGON

RECEIVED
FEB 20 1991
WATER RESOURCES DEPT
SALEM, OREGON

This map is for the purpose of locating a water right and is not intended to provide legal dimensions for property boundaries.

LEGEND

- SUPPLEMENTAL IRRIGATION SURFACE WATER RIGHT CERTIFICATE No. 57567 (50 ACRES)
- PROPOSED IRRIGATION (240 ACRES)
- PROPOSED PONDS (25 ACRES)
- WELL LOCATION
- OWNERSHIP LIMITS

scale	1" = 1320'	design	DKB
date	1/15/91	drawn	JCP/JHL
file	CYR1WTR4		

DAVID EVANS AND ASSOCIATES, INC
709 NW WALL STREET, SUITE 102
BEND, OREGON 97701 (503)389-7614

APPLICATION MAP FOR
KMB ENTERPRISES

Application No. G-12420

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) KMB Enterprises
(Please print or type - use dark ink)

Mailing Address: 17204 Highway 126

Sisters (*City*) Oregon (*State*) 97759 (*Zip*) 503-548-3149 (*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.):* Well No. 5 as shown on the attached application map.

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

Distance from development to stream: _____

Elevation difference between streambed and development: _____

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: 18" *Depth in feet:* 250±

Type and size of well casing: 18" Steel Casing *No. of feet:* unknown

Estimated depth to water: 200'±

Type of access port or measuring device: Airline

Wells to be drilled by: Tom Buckner

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:* _____ *cubic feet per second,* ***OR*** 1740 *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:*** Supplement surface water right. Irrigation of 240 acres and maintain ponds for irrigation & aesthetics.

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 240 acres (golf course/Agriculture)

Other (describe) 50 acres supplement irrigation

25 acres of ponds to maintenance

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).*

Water will be delivered from the well to ponds by 4" to 10" pipelines and will flow in open ditches between ponds. Centrifugal pumps will pressurize 4" to 8" mainlines to deliver water from ponds to sprinkler lines.

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

Proposed date construction work will begin 3/15/92

Proposed date construction work will be completed 10/15/92

Proposed date water use will be completed 10/15/94

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* __XX__ *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* __XX__ *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: The well and the place of use are on property being sold to KMB Enterprises on a land sales contract by: John C. Compton, P.O. Box 768 McMinnville, Oregon 97128.

Well No.1 is the source for a Quasi Municipal use of ground water under permit No. G-11146 within the limts of ownership shown for Section 35.

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.

Keith Cyrus — *Signature of Applicant*

3-7-91 — *Date*

_____ *Signature of Co-Applicant, if any*

_____ *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 20th day of February, 1991, at 8 o'clock, a M.

APPLICATION NO: G-12420

A:APPFORM 9/89

STATE OF OREGON

DRAFT

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KMB ENTERPRISES
17204 HIGHWAY 126
SISTERS, OREGON 97759

503-548-3149

to use the waters of WELL #5 in the SQUAW CREEK BASIN for PRIMARY IRRIGATION OF 242.0 ACRES, SUPPLEMENTAL IRRIGATION OF 50.0 ACRES AND MAINTAINING 25.0 ACRES OF PONDS FOR AESTHETICS.

This permit is issued approving Application G-12420. The date of priority is FEBRUARY 20, 1991. The use is limited to not more than 1740 GALLONS PER MINUTE (GPM), BEING 1638 GPM FOR IRRIGATION AND 112 GPM FOR PONDS or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SW 1/4, SECTION 1, T 15 S, R 10 E, W.M.; 100 FEET NORTH AND 2300 FEET EAST FROM SW CORNER, SECTION 1.

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. This right is limited to any deficiency in the available supply of any prior right existing for the same land. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL	PONDS
NE 1/4 NE 1/4	20.0 ACRES		
NW 1/4 NE 1/4	9.0 ACRES		
SW 1/4 NE 1/4	40.0 ACRES		SW 1/4 NE 1/4
SE 1/4 NE 1/4	32.0 ACRES		
NW 1/4 NW 1/4		0.6 ACRE	
SW 1/4 NW 1/4	2.0 ACRES	14.0 ACRES	
SE 1/4 NW 1/4	33.0 ACRES		
NE 1/4 SW 1/4	18.0 ACRES	2.0 ACRES	
NW 1/4 SW 1/4		15.0 ACRES	
SW 1/4 SW 1/4		13.4 ACRES	
SE 1/4 SW 1/4		5.0 ACRES	
NE 1/4 SE 1/4	5.0 ACRES		
NW 1/4 SE 1/4	39.0 ACRES		NW 1/4 SE 1/4
SW 1/4 SE 1/4	8.0 ACRES		SW 1/4 SE 1/4
SE 1/4 SE 1/4	36.0 ACRES		
	SECTION 35		

TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

The well 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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

DRAFT

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1993. Complete application of the water shall be made on or before October 1, 1994.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, .

_____
Water Resources Department
William H. Young
Director

I\We, KMB Enterprises, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application G-12420. By signature below, I\We agree to the proposed terms and conditions for this draft permit.

Matt Cox, Partner 11-26-91
Signature\Title Date

_____
Signature\Title Date

FORM No. 723—BARGAIN AND SALE DEED (Individual or Corporate).

OK SW 1/13817-12C-1550

8-16770

STEVENS-NESS LAW PUB. CO., PORTLAND, OR. 97204

BARGAIN AND SALE DEED

187 - 2701

KNOW ALL MEN BY THESE PRESENTS, That J.C. COMPTON COMPANY, a corporation, *hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto* KMB ENTERPRISES, an Oregon partnership, consisting of Keith Cyrus, Matthew Cyrus and Brian Cyrus, *hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of* Deschutes, *State of Oregon, described as follows, to-wit:*

Lots 1 through 8 in Block 1, Lots 1 through 14 in Block 2, Lots 1 through 8 in Block 3, Lots 1 through 7 in Block 4, Lots 1 through 7 in Block 5, Lots 1 through 7 in Block 6, All in WILD HORSE PLAINS, Deschutes County, Oregon and Lots 1 through 10 in Block 7, Lots 1 through 13 in Block 8, Lots 1 through 14 in Block 9, Lots 1 through 4 in Block 10, All in WILD HORSE MEADOWS, Deschutes County, Oregon.

SUBJECT TO all regulations, assessments, easements, declarations, covenants, conditions and restrictions of record.

TOGETHER WITH adjudicated water rights, if any, it being expressly understood that grantor makes no representations or warranties whatsoever with respect to water rights.

Application No. G-12420
Permit No. G11577

Received
FEB 20 1991
WATER RESOURCES DEPT.
SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 1,000,000.00 ① However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the ② (indicate which)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 11 *day of* July, *19* 89; *if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.*

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

J.C. COMPTON COMPANY, an Oregon corporation

By: John C. Compton, President

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

(ORS 194.570)

STATE OF OREGON,) ss.
County of)

The foregoing instrument was acknowledged before me this ....., *19*....., *by*

.....

.....

.....

Notary Public for Oregon

(SEAL)

My commission expires:

STATE OF OREGON, County of Yamhill) ss.

The foregoing instrument was acknowledged before me this July 11th, *19* 89, *by* John C. Compton, *president, and* xxxxxxx *secretary of* J.C. Compton Company, an Oregon *corporation, on behalf of the corporation.*

Notary Public for Oregon

My commission expires: 1-1-93 *(SEAL)*

(If executed by a corporation, affix corporate seal)

J.C. Compton Company
PO Box 768
McMinnville, Oregon 97128
GRANTOR'S NAME AND ADDRESS

KMB ENTERPRISES
17204 Highway 126
Sisters, Oregon 97759
GRANTEE'S NAME AND ADDRESS

After recording return to:

KMB Enterprises
17204 Highway 126
Sisters, Oregon 97759
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

KMB Enterprises
17204 Highway 126
Sisters, Oregon 97759
NAME, ADDRESS, ZIP

DESCHUTES COUNTY TITLE CO
P. O. BOX 305
[illegible], OREGON 97759

STATE OF OREGON,
STATE OF OREGON) ss.
COUNTY OF DESCHUTES)

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

89 JUL 12 PM 4:05

MARY SUE PENHOLLOW
COUNTY CLERK

BY. [signature] DEPUTY

FEE 10

NO. 89-16770

DESCHUTES COUNTY OFFICIAL RECORDS

Application No. G-12420

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.

Applicant's Name: KMB Enterprises
Address: 17204 Highway 126
City: Sisters *State:* OR *Zip:* 97759 *Day Phone:* 503/548-3149

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
see enclosed	RR-10		X	X
Tax Lot Maps				

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

a) Check the appropriate box below and provide requested information.

☐ *Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):_____. Go to section b) on reverse side.*

☐ *Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.* ***Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)***

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily
CONDITIONAL USE PERMIT	PL-15, COMP PLAN	✓		
SITE PLAN REVIEW	" "	✓		

(over)

Receipt for Request for Land Use Information

WRD Applicant Name:_____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone:_____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: David B. Leslie *Date:* 1/11/91

Title: Associate Planner *Phone:* 388-6575

Signature: David B. Leslie

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:

(1) Public facility policy #2 of the Deschutes County Comprehensive Plan allows water systems outside of urban areas and Rural Service Centers when the system will serve development that is consistent with the compatibility of the land and planned growth of the community.

(2) The applicant should be required to submit technical evidence from a licensed professional documenting that the groundwater pumped from this well is not hydraulically connected to, and will not influence, surface waters.

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

Planning Official Initials: _____

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.

RECEIVED
FEB 20 1991
WATER RESOURCES DEPT.

Applicant Name: KMB Enterprises, Inc.
Address: 17204 Highway 126
Sisters, OR 97759

Phone: 503/548-3149

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

- [X] Irrigation (crop type, golf course, nursery or greenhouse): Irrigation for golf course or agriculture
- [ ] Livestock (type of livestock, feedlot, slaughterhouse): _____
- [ ] 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.) _____
- [ ] 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: _____ _____ _____	_____ Cubic feet per second. 1740 Gallons per minute. _____ Acre-Feet
[ ] Reservoir or pond	
[X] Ground Water	

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

Version: 8/30/90

SECTION 35 T.14S. R.10E.W.M.
DESCHUTES COUNTY
1"=400'

14 10 35

NOV 30 1981
WATER RESOURCES DEPT.
SALEM, OREGON

FEB 30 1981
WATER RESOURCES DEPT.
SALEM, OREGON



...ICATION PROCESSING OUTLINE

Basin:_____

Sub-basin:_____

Application No. G12420
Permit No.

Fees paid: Examination fee: 200 100 POMD3

Recording fees: 150 10

Total: ~~964~~ 564 282 NGBD #764

RATE AND DUTY_____ for irrigation

1. Check for minimum information (OAR 690-11-020)

yes	no	
___	___	Name and mailing address of the applicant.
___	___	Source of the water.
___	___	Quantity of water to be appropriated.
___	___	Location of point of diversion to 1/4 1/4 Section.
___	___	Nature and place of use.
___	___	Name and mailing address of all legal owners of the properties involved.
___	___	Signature of the applicant
___	___	Examination fees.

If minimum information not supplied, excepting legal owner information, then return to applicant with letter explaining deficiencies.

yes	no	
___	___	Water Resources Commission classification limits or restrictions -- If yes, note: _____
___	___	State Engineer's withdrawals -- If yes, note: _____
___	___	Legislative withdrawals -- If yes, note: _____
___	___	If policy statement is unclear check with Resources Management Division.
X	___	Scenic Waterway:_____.
		___ on ___ up-stream ___ w/in 1/4 mile
		___ Notify Parks and Recreation Department
X	X	Out-of-basin diversion
X	___	Need to route to Geology Section due to:
		___ well within one mile of a stream
		___ well within restricted surface water area
		___ wells with request for greater than 5 cfs
		___ well is for heating &/or cooling
		___ well constructed by land owner
		___ well is artesian
		___ artificial ground water recharge project
		___ ground water area under study
___	___	Within Irrigation District:_____
		___ Notify ___ Need excerpt from District
___	___	Legal description of property
___	___	Ownership statement
___	___	Other parties to Notify:_____
___	___	Water Resources Commission review if:
		___Request for greater than 5 cfs
		___Dam height greater than 10 feet
		___Storage of more than 9.2 acre-feet
		___Out-of-basin diversion
		___within or above a scenic waterway
		___conditional uses under basin program
		___requests for larger rate or duty than allowed
		___ground water recharge project
		___other substantial public interest issues
		___requests for review by an agency or person
___	X	Watermaster consent form sent with copy of draft permit application and map._____
___	___	Watermaster comments received _____
___	___	Hydrographic section comments requested_____
___	___	Hydrographic section comments received_____
___	X	O.D.F.W. sent copy of application ~~and map~~ (except groundwater) requesting comment_____
___	___	O.D.F.W. comments received _____
X	___	Report from D.E.Q. received _____
X	___	Publish application information in weekly public notice.
___	___	Notify other owners of development
___	___	PROTESTED
		filed_____
		resolved_____

RESPOND TO WATER WATCH

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 116988

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

INVOICE # _____

RECEIVED FROM: Aspen Lakes Utility Co, LLC

BY:

APPLICATION	G-12420
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 1081 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		$
_____	OTHER:	(IDENTIFY) _____	$

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

4270 WRD OPERATING ACCT

46111

	MISCELLANEOUS				
0407	COPY & TAPE FEES				$
0410	RESEARCH FEES				$
0408	MISC REVENUE: (IDENTIFY)	_____			$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____			$
0240	EXTENSION OF TIME				$ 575.00
	WATER RIGHTS:	**EXAM FEE**		**RECORD FEE**	
0201	SURFACE WATER	$	0202	$	
0203	GROUND WATER	$	0204	$	
0205	TRANSFER	$			
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**	
0218	WELL DRILL CONSTRUCTOR	$	0219	$	
	LANDOWNER'S PERMIT		0220	$	

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

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

____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 116988 DATED: 6-14-15 BY: Erselle Rops

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

Application # G-12420 Permit # G-11577

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

- **WRIG...**
  Money Receipted on: 8-14-15
- **Extension Specialist...**
  - ☑ Added to tracking spreadsheet

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

- **Kate Fitzgerald...**
  - ☐ Publish on Public Notice (initial 30-day comment): Date of notice 8/18/15
  - ☐ Update WRIS Database
  - ☐ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
  - ☐ In the "Ext Filed" field... Enter the date the Extension Application was received.

☐ Yes or ☐ No: **Return file to Extension Specialist after PN** Corey



16900 Aspen Lakes Drive
Sisters, Oregon 97759



Water Resources Dept.
725 Summer St NE
Suite A
Salem, OR 97301

STATE OF OREGON

WATER RESOURCES DEPARTMENT

725 Summer St. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # 63967

INVOICE # _____

RECEIVED FROM: Aspen Lakes Utility LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 241 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 50.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	G12420 / G12421	$ 25.00 each	$
_____	OTHER:	(IDENTIFY) _____		$
_____	OTHER:	(IDENTIFY) _____		$

4270 WRD OPERATING ACCT

	MISCELLANEOUS				
0407	COPY & TAPE FEES				$
0410	RESEARCH FEES				$
0408	MISC REVENUE: (IDENTIFY)	Assign			$ 50.00
TC162	DEPOSIT LIAB. (IDENTIFY)				$
0240	EXTENSION OF TIME				$
	WATER RIGHTS:	**EXAM FEE**		**RECORD FEE**	
0201	SURFACE WATER	$	0202	$	
0203	GROUND WATER	$	0204	$	
0205	TRANSFER	$			
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**	
0218	WELL DRILL CONSTRUCTOR	$	0219	$	
	LANDOWNER'S PERMIT		0220	$	

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 63967 DATED: 10/28/03 BY: Connie Warren

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIPT # 17888

INVOICE # _____

RECEIVED FROM: Aspen Acres Development

BY: _____

APPLICATION	G 12420
PERMIT	G 11577
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-601 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

PCA 66111

MISCELLANEOUS

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	extension of time	$
New) TC165	DEPOSIT LIAB. (IDENTIFY)		$

		EXAM FEE		RECORD FEE
(Existing) TC168	**WATER RIGHTS:**			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$	0206	$
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

_____ OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS $ _____

0467 HYDRO ACTIVITY

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HRDRO APPLICATION	_____	$

RECEIPT # 17888 DATED: 12-8-97 BY: [signature]

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 9774

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

INVOICE #_____

RECEIVED FROM: Aspen Lakes Development
BY: _____

APPLICATION	G 12420
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-601 ☐ OTHER: (IDENTIFY) _____

TOTAL REC'D $ 300.00

0417 WRD MISC CASH ACCT

	ADJUDICATIONS		$
	PUBLICATIONS / MAPS		$
_____	OTHER: (IDENTIFY)	_____	$
_____	OTHER: (IDENTIFY)	_____	$

REDUCTION OF EXPENSE

_____ PCA AND OBJECT CLASS _____ VOUCHER # _____ CASH ACCT. $ _____

0427 WRD OPERATING ACCT

PCA 66111

	MISCELLANEOUS				
0407	COPY & TAPE FEES				$
0410	RESEARCH FEES				$
0408	MISC REVENUE: (IDENTIFY)	Extension			$ 100.00
TC165	DEPOSIT LIAB. (IDENTIFY)				$
	WATER RIGHTS:	EXAM FEE		RECORD FEE	
0201	SURFACE WATER	$	0202		$
0203	GROUND WATER	$	0204		$
0205	TRANSFER	$	0206		$
	WELL CONSTRUCTION	EXAM FEE		LICENSE FEE	
0218	WELL DRILL CONSTRUCTOR	$	0219		$
	LANDOWNER'S PERMIT		0220		$

_____ OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	$

0467 HYDRO ACTIVITY

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HRDRO APPLICATION	_____	$

RECEIPT # 9774 DATED: 1-28-97 BY: Barbara Jungles

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

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 130671

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

INVOICE #_____

RECEIVED FROM: KMB

BY:

APPLICATION	G-12420
PERMIT	G-11577
TRANSFER	

CASH: ☐ CHECK: # ☒ 24-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D $ 200.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS		$
831.087	PUBLICATIONS / MAPS		$
830.650	PARKING FEES Name / month		$
_____	OTHER: (IDENTIFY)		$

REDUCTION OF EXPENSE

CASH ACCT. $

COST CENTER AND OBJECT CLASS VOUCHER #

03-00-0 WRD OPERATING ACCT

Balance of fees on 130671 Extension

	MISCELLANEOUS				
840.001	COPY FEES				$
850.200	RESEARCH FEES				$
880.109	MISC REVENUE: (IDENTIFY)				$ 100.00
520.000	OTHER (P-6) (IDENTIFY)				$
	WATER RIGHTS:	**EXAM FEE**			**RECORD FEE**
842.001	SURFACE WATER	$	842.002		$
842.003	GROUND WATER	$	842.004		$
842.005	TRANSFER	$	842-006		$
	WELL CONSTRUCTION	**EXAM FEE**			**LICENSE FEE**
842.022	WELL DRILL CONSTRUCTOR	$	842.023		$
	LANDOWNER'S PERMIT		842.024		$

_____ OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	$	CARD #	
_____	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	$

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		$
842.115	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

RECEIPT # 130671 DATED: 11-30-95 BY: Flo Fisher

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 118421

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

INVOICE # _____

G

RECEIVED FROM: KMB Enterprises

BY: _____

APPLICATION	12420
PERMIT	11577
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-618 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 300.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS		$
831.087	PUBLICATIONS / MAPS		$
830.650	PARKING FEES Name / month	_____	$
_____	OTHER: (IDENTIFY)	_____	$

REDUCTION OF EXPENSE

_____ CASH ACCT. $

_____ COST CENTER AND OBJECT CLASS _____ VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES		$
850.200	RESEARCH FEES		$
880.109	MISC REVENUE: (IDENTIFY)	Extension	$ 100.-
520.000	OTHER (P-6) (IDENTIFY)	_____	$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
842.001	SURFACE WATER	$	842.002	$
842.003	GROUND WATER	$	842.004	$
842.005	TRANSFER	$	842-006	$

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	$	842.023	$
	LANDOWNER'S PERMIT		842.024	$

_____ OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	$	CARD #	
_____	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	$

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		$
842.115	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION	_____	$

RECEIPT # 118421 DATED: 11-2-94 BY: D. Bushnell

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

NUMBER 0768

Check 100.00 Mo_____ Cash_____

____ Surface Application

____ Reservoir Application

____ Ground Water Application

____ Transfer Application

____ PFO Request

____ Research

____ Hydroelectric Fees

____ Copying

____ Assignment

__X__ Extension of Time Dallas 6-12420

____ Protest

____ Other

KMB ENTERPRISES
17204 HWY 126
SISTERS, OR 97759

FILE#: G 12420

KMB ENTERPRISES
17204 HWY 126
SISTERS, OR 97759

FILE#: G 12420

KMB ENTERPRISES
17204 HWY 126
SISTERS, OR 97759

FILE#: G 12420

J-10-99 DM

See G-12419, 12421

Application No. G12420

Permit No. G-11577

2/20/91

Name KMB ENTERPRISES

Address 17204 HWY 126 SISTERS, OR 97759

Assigned Address

Beginning construction JUN 20 1993

Completion of construction OCT 1 1994

Extended to 10-1-95, 10-1-96, 10-1-97

Complete application of water OCT 1 1995

Extended to 10-1-96, 10-1-97

Form 111

Oregon
Kate Brown, Governor

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

May 16, 2022

GW

WILDHORSE MEADOWS LLC
16900 ASPEN LAKES DR
SISTERS, OR 97759

The Department has reviewed the status of your pump test and any requests for extension(s) or exemption(s) for the following permitted well(s). The results are summarized in the following table:

Application	Water Right	Permitted Well	Pumped Well	Test Date	Request Status	Exemption	Well Name
G 12420	Permit: G 11577 *	DESC0000992	DESC0000992		APPROVED	Public Supply	WELL 5
G 12421	Permit: G 11578 *	DESC0000992	DESC0000992		APPROVED	Public Supply	WELL 5

Please contact me if you have any questions.

Sincerely,

Joe Kemper
503-437-5305
Groundwater Section

cc: GW Pump Test File
cc: Certificates Section/Application File