G8

Name _____

By _____

Addres _____

G-16448 ASSIGNED (5/31/2013)
Jim Klemz
16747 Old Military Drive
Sisters, OR 97759

C11

Priority _____

County _____ WM# _____

RELATED FILES

_____

_____

_____

DEVELOPMENT Date

Completion 10-1-2011

Extended to 10-1-2022

_____

Final Proof received 2-18-2020

~~Proposed~~ Cert. Mailed 9-30-2022

Application No. G16448

Permit No. G 16134

Certificate No. 96647

	Date	Volume	Page
DENIED			
MISFILED			
WITHDRAWN			
CANCELLED			

FEES PAID

Date	Amount	Receipt No.
4/25/05	500.00	74170
10/18/06	250.00	84856
3-15-13	$500.00	108315
2-18-2020	$200.00	131955
5-12-2021	$100.00 Cert. Fee	135232

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address
10/3/2021	Christopher and Theresa Siler	16747 Old Military Drive; Sisters, OR. 97759

PUMP TEST
1/27/2020
APPROVED

REMARKS _____

_____

_____

_____

_____

_____

_____

_____

MAP LOCATION _____

Rev. 04/03

SMEAD 63 HSP000848

Mailing List for final Certificate

Application: G-16448

Permit: G-16134

Certificate: **96647**

Copies Mailed
by: KMWP
(STAFF)
on: SEP 30 2022
(DATE)

Permit/Certificate Holder:

CHRISTOPHER SILER
16747 OLD MILITARY DR
SISTERS OR 97759

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Proposed Certificate to be sent to:

1. Watermaster District #: 11
2. File
3. Vault

Other persons to receive copies: (include map):

1. MICHELE W. SIMS, CWRE #60068

Oregon
Kate Brown, Governor

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

DATE MAILED: SEP 30 2022

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Codi Holmes at 503-979-3184.

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHRISTOPHER SILER
16747 OLD MILITARY DR
SISTERS OR 97759

confirms the right to the use of water perfected under the terms of Permit G-16134. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16448

SOURCE OF WATER: A WELL IN WYCHUS CREEK BASIN

PURPOSE or USE: IRRIGATION USE ON 9.2 ACRES

MAXIMUM RATE: 0.115 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 25, 2005

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	10 E	WM	35	NE NE	570 FEET SOUTH AND 635 FEET WEST FROM NE CORNER, SECTION 35

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	10 E	WM	26	SE SE	2.1
14 S	10 E	WM	35	NE NE	7.1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Use of water under authority of this right may be regulated if analysis of data available after the right is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of groundwater allowed under the terms of this right will not be subject to regulation for Scenic Waterway flows so long as mitigation is maintained.

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation:	18.0 acre-feet annually in the General Zone of Impact, located in the Deschutes River Basin above the Madras gage, which is located below Lake Billy Chinook.
Mitigation Source:	18.0 Mitigation Credits, being 9.0 temporary mitigation credits from a chartered mitigation bank , or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5); 1.89 mitigation credits originating from Mitigation Project MP-25; and 7.11 mitigation credits from Mitigation Project MP-27, both permanent instream transfers, and all credits originating within the General Zone of Impact.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the right. Regulation of the use and/or cancellation of the right will occur if the required mitigation is not maintained.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the water user the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

The water user shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water right proposing to cancel the right

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

The well(s) shall be maintained 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 the water level elevation in the well at all times.

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

The Director may require water level or pump test results every ten years.

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

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

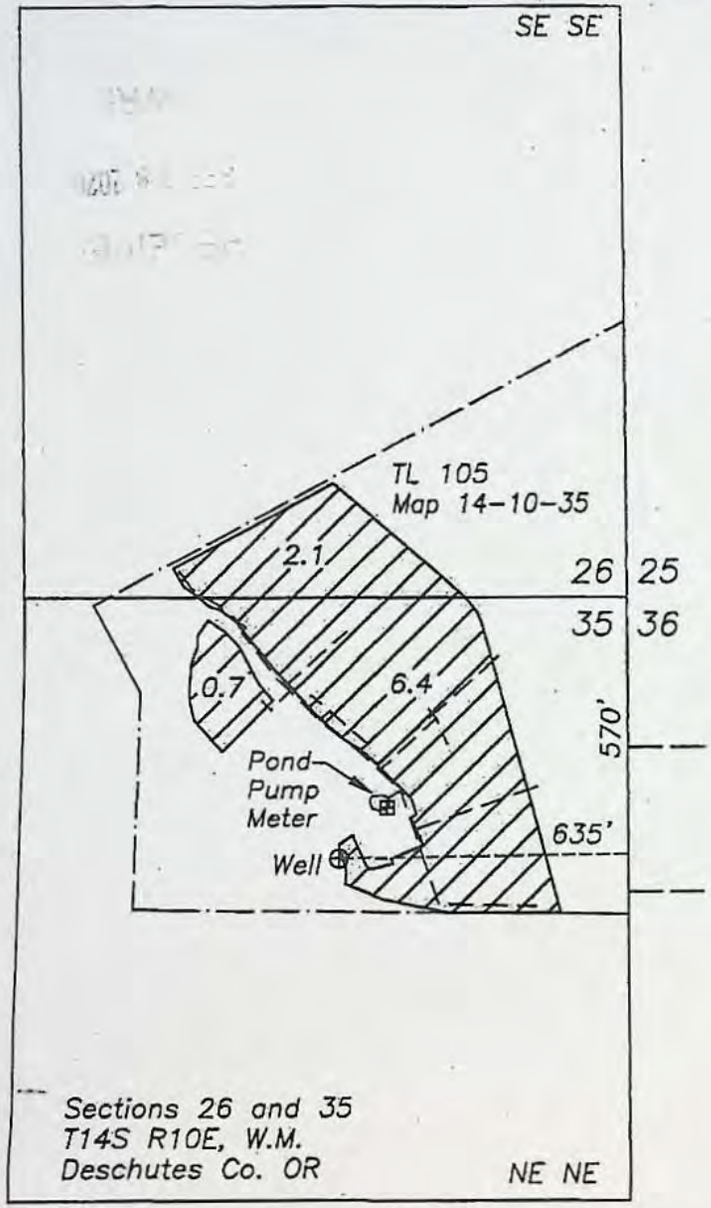
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Issued SEP 30 2022.

Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department



Claim of Beneficial Use
Application G-16448
Permit G-16134



2/11/2020

Certified Water Right Examiner
#0068
Michele W. Sims
July 14, 2004
STATE OF OREGON

Renewal date: 6/30/2020

Parcel boundary

Mainline

Water beneficially used under Permit G-16134, priority date 4/25/2005

Point of Appropriation

635' West and 570' south from the NE Corner of Section 35

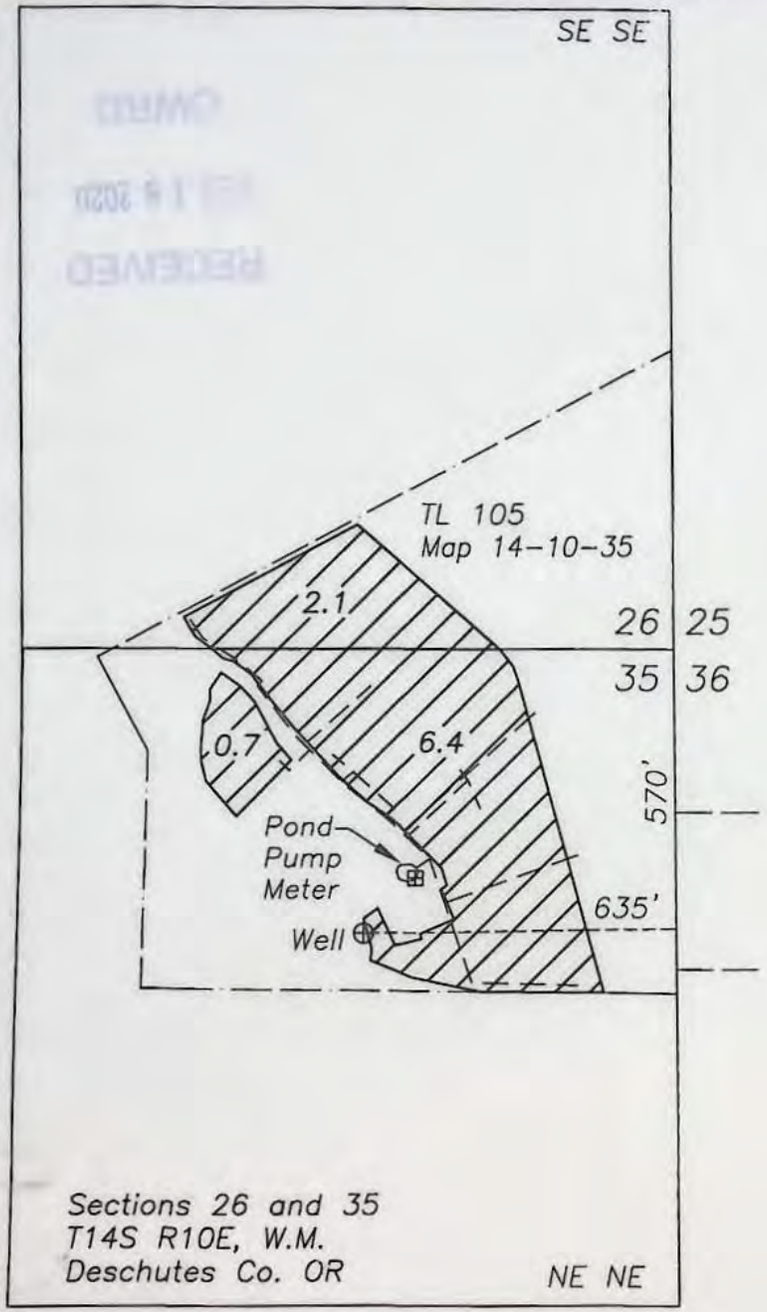
400 0 400 800 1200

graphic scale – feet

This map is for the purpose of identifying the location of the water right. It is not intended to provide legal dimensions or locations of property ownership lines.

Michele W. Sims, Consultant, LLC 14865 Checkrein Sisters, OR 97759 541-408-4777

Claim of Beneficial Use
Application G–16448
Permit G–16134





2/11/2020

Certified Water Right Examiner
#60068
Michele W. Sims
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Michele W. Sims, Consultant, LLC 14865 Checkrein Sisters, OR 97759 541–408–4777

Mailing List for Proposed Certificate

Copies Mailed
by: KF (STAFF)
on: 7/1/2022 (DATE)

Application: G-16448

Permit: G-16134

Certificate:

Permit/Certificate Holder:

CHRISTOPHER SILER
16747 OLD MILITARY DR
SISTERS OR 97759

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Proposed Certificate to be sent to:

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2. File

Other persons to receive copies: (include map):

1. MICHELE W. SIMS, CWRE #60068

Oregon
Kate Brown, Governor

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

DATE MAILED: JUL 0 1 2022

PROPOSED

NOTICE

Reference: G-16448, Permit G-16134

Enclosed are proposed certificates of water rights and a map(s). The map(s) and proposed certificates represent the extent water was used within the terms of the permits based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificates, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificates.

If you agree with the proposed certificates, no response to this notice is required. Sometime after comment period, the recorded certificates of water rights will be mailed to the permit holder of record.

If your name is not listed on the proposed certificates, and you are the current landowner, and would like to have the final certificates issued in your name, you may apply through the Department to have the permits assigned to you. If you have any questions about the assignment process, please contact Mary Bjork at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Administrator

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHRISTOPHER SILER
16747 OLD MILITARY DR
SISTERS OR 97759

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PROPOSED

PROPOSED

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PROPOSED

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

Issued PROPOSED

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

PROPOSED Certificate ******

PERMIT

MEMO –Proof to Satisfaction

Application # G-16448	Permit #	Permit Amendment (T-FILE)#
WRD Reviewer (CW) HOLMES		Date JAN 2022
WRD Peer Reviewer (PR) J Skaug		Date April 2022
Related Files:		

CW	PR	RESEARCH			
☐	☐	**Organize:** file in chronological Order; Pull following items from paper file:			
		☒ CBU Report/Map	☐ App (Permit) Map	☒ Assignment ☐ n/a	☒ Extension ☐ n/a
		☐ Fish Screen Doc ☒ n/a	☒ Pump Test ☐ n/a	☐ SWL (paper)	☐ Water Use Charts
		☐ Permit Amendment ☒ n/a			
		Electronic Application Folder:			
☒	☐	☒ Create CBU folder	☒ Create Work Packet folder		
☒	☐	**Scan:** Above documents into "CBU Folder"			
☒	☐	**Save** other docs electronically: save these in the Work Packet folder per naming conventions			
		☒ Permit	☐ Transfer Order ☒ n/a	☒ POU Report (conflict)	☒ Water Use Report ☐ n/a
		☒ SWL (GW) ☐ n/a	☒ OrMap Tax Lot Map	☒ Ownership Report	☒ BLM Map
		☒ PT Approve/Deny ☐ n/a	☐ Dam Safety ☒ n/a	☒ Mitigation ☐ n/a	☐ Others
☐	☐	**Search :**			
☒	☐	☒ Interactive Mapper	☐ AOI ☒ n/a	☒ Map and TaxLot 14S10E35 105	New Owner & Address: Christopher Theressa Siler
		Research Comments: 1. Ext FO 7/2013 ext c-date 10/1/2022 2. Assignment in 6/2021- Christopher and Theresa Siler			

REVIEW OF CLAIM: Comments on Second Page

Required By Permit/Order	Complied Y/N	CONDITIONS	NOTES:	
☐ Yes ☒ No ☒ n/a	☐ Y ☐ N	Fish Condition		
☒ Yes ☐ No ☐ n/a	☐ Y ☐ N	Meter/Measuring Device		
☒ Yes ☐ No ☐ n/a	☐ Y ☐ N	Water Use Reporting		
☒ Yes ☐ No ☐ n/a	☐ Y ☐ N	Pump Test		
☐ Yes ☒ No ☐ n/a	☐ Y ☐ N	SWL (Month)		
☐ Yes ☐ No ☒ n/a	☐ Y ☐ N	Dam Safety		
☐ Yes ☒ No ☐ n/a	☐ Y ☐ N	Well Id		
☒ Yes ☐ No ☐ n/a	☐ Y ☐ N	Other: mitigation		
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	C-date 10/2/2011	Ext C-date 10/1/2022	

REVIEW OF MAP: ☐ Yes ☐ No is a REVISED Map required?

CW	PR		Notes:
☒	☒	Verify POA/POD Location	
☒	☒	Verify POU	
☒	☒	POU clearly identified use type	
☐	☐	DLC/GOV'T LOT	none

RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA PERMIT	POD/POA CLAIM	PERMITTED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
well 1		0.125		0.16	Limit to 0.115 cfs (9.2@1/80)

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
☐	☐	LETTER FOR CLARIFICATION	
☐	☐	DRAFT (PLEASE EXPLAIN)	
☐	☒	PROPOSED	Developed less acres
☐	☐	FINAL	
☐	☐	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW	
		☐ POA/POD/DAM TABLES/DESCRIPTIONS	☐ PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
☐	☐	SPELL CHECKED DOC	
☐		CERT NUMBER ISSUED	CERT #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW COMMENTS	
☐	☐	SPELL CHECKED DOC BEFORE FINAL CERTIFICATE PRINTED	

CASEWORKER REVIEW COMMENTS:

1. Water user developed 9.2 acre of 10.0 authorized
2. 9.2 acres @ 1/80 = 0.115 cfs
3. pump capacity- good
4. holding reservoir is 0.05 AF

PEER REVIEWER COMMENTS:

HOLMES Codi N * WRD

From: HENDERSON Sarah A * WRD
Sent: Wednesday, February 2, 2022 8:23 AM
To: HOLMES Codi N * WRD
Cc: HENDERSON Sarah A * WRD
Subject: RE: Mitigation Credits G-16448

Hi Codi 😊

Yes, they have met the mitigation requirements. The paragraph needs to be changed a bit because the temporary credits they buy every year are may not always be from MP-44, project numbers may change, see the strike out text and highlighted new info below:

Mitigation Obligation: 18.0 acre-feet annually in the General Zone of Impact, located in the Deschutes River Basin above the Madras gage, which is located below Lake Billy Chinook.

Mitigation Source: 18.0 Mitigation Credits, being 9.0 temporary mitigation credits from a chartered mitigation bank ~~originating from Mitigation Project MP-44~~, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5); 1.89 mitigation credits originating from Mitigation Project MP-25; and 7.11 mitigation credits from Mitigation Project MP-27, both permanent instream transfers, and all credits originating within the General Zone of Impact.

Thank you for keeping me in the loop 😊

Sarah

Please note email address update: sarah.a.henderson@water.oregon.gov

Sarah A. Henderson
Flow Restoration Program Coordinator
Transfer and Conservation Section
725 Summer St. NE, Suite A |Salem, OR 97301
Work Cell 503-979-9872
Email: sarah.a.henderson@water.oregon.gov

OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>
Sent: Tuesday, February 1, 2022 2:38 PM
To: HENDERSON Sarah A * WRD <Sarah.A.HENDERSON@water.oregon.gov>
Subject: Mitigation Credits G-16448

Im working on file G-16448 for 18.0 Mitigation Credits

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation:	18.0 acre-feet annually in the General Zone of Impact, located in the Deschutes River Basin above the Madras gage, which is located below Lake Billy Chinook.
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The CWRE indicates:

> Water user required to purchase 18.0 mitigation credits in the General Zone. 9.0 temporary credits were purchased from MP-44; 7.11 permanent credits were purchased from MP-27; 1.89 permanent credits purchased from MP-25.

Can you confirm the mitigation requirement has been met?

Thanks Friend 😊

Codi Holmes
Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell

OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Oregon
Kate Brown, Governor

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

February 19, 2020

Jim Klemz
70015 Camp Polk Road
Sisters, OR 97759

On February 18, 2020 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application G-16448 Permit G-16134

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

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

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

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the $200.00 COBU recording fee

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

Cc: file
Michele Wright Sims, CWRE.

COPY

Checklist for Claims of Beneficial Use Received at CSG Counter

Application # G-16448	WRD Reviewer Cory M.
Transfer #	
Date Received 2-18-2020	
CWRE Name Michele Wright Sims	

Priority Date: 4-25-2005

Fees Required:

(YES) NO A fee of $200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES NO A fee of $200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

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

MONEY SLIP

DATE: RECEIPT #:

RECEIVED FROM:

APPLICATION / PERMIT / TRANSFER

CASH CHECK # OTHER (IDENTIFY) TOTAL RECD. $

4611

0200 OTHER (IDENTIFY) COBU $200.00

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT – LETTER ATTACHED

Report Review:

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

Groundwater File Review:

Pump Test Required? (YES) NO Pump Test Submitted? YES (NO*)

Pump Test Approved 1/27/2020

*If no, include pump test flyer w/acknowledgment letter

CLAIM OF BENEFICIAL USE for Ground Water Permits claiming 0.1 cfs or less

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

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A fee of $200 must accompany this form for permits with priority dates of July 9, 1987, or later.

Claims received without the correct fee of $200 will be returned.

A separate form shall be completed for each permit.

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

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

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

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

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

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

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

SECTION 1
GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
G-16448	G-16134	NA

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Jim Klemz		**541-549-1147**	
ADDRESS			
70015 Camp Polk Road			
CITY	STATE	ZIP	E-MAIL
Sisters	**OR**	**97759**	**jfklemz@gmail.com**

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

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

PERMIT HOLDER OF RECORD		
Current owner		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT HOLDER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **June 19, 2019**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Jim Klemz	**6/19/2019**	**landowner**

6. County: **Deschutes**

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

OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature

2/11/2020

Certified Water Right Examiner #800088

Michele W. Sims
July 14, 2004

STATE OF OREGON

renews 6/30/2020

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CWRE NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Michele Wright Sims		541-408-4777	
ADDRESS			
14865 Checkrein			
CITY	STATE	ZIP	E-MAIL
Sisters	OR	97759	Sims.mw@gmail.com

Permit Holder's of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	James F. Klemz	Owner	2-7-2020

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SECTION 3
CLAIM DESCRIPTION

1. Point(s) of Appropriation (POA):

POA NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Well	**DESC56863**	**L-75464**

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

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

POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Well	**IR**	**pasture**	**3/1 to 10/31**	**0.115 cfs**
Total Quantity of Water Used				**0.115 cfs**

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

Water is pumped from the well into the pond, then in to the distribution system.

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

4. Variations:

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

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

The user was allowed to develop 10.0 acres, but only developed 9.2 acres. The footprint of the water is different than shown on the application map.

5. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Well	**0.125 cfs**	**0.169 cfs**	**NA**	**IR**	**10.0**	**9.2**

SECTION 4

SYSTEM DESCRIPTION

Are there multiple POAs? **NO**

If *"YES"* you will need to copy and complete Sections 4B through 4F for each POA.

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

Well

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A. Place of Use

Attach Claim of Beneficial Use map.

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

B. Appropriation and Delivery System Information

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

1. Is a pump used? **YES**

2. Pump Information (Well)

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Grundfos	**40S-150-44DS**		**Submersible**

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
15 hp	**50 psi**	**496'**	**flat**	**0.169 cfs**

4. Provide pump calculations:

Q = (15hp)(7.04) = 0.169 cfs
496'+127'

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
NA			

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

2. Pump Information (Pond)

Manufacturer	Model	Serial Number	Type (centrifugal, turbine or submersible)
Berkeley	**LTH- 5**	**s40097**	**centrifugal**

3. Theoretical Pump Capacity

Horsepower	Operating PSI	Lift from Source to Pump *If a well, the water level during pumping	Lift from Pump to Place of Use	Total Pump Output (in cfs)
5hp	**90 psi**	**3'**	**flat**	**0.143 cfs**

4. Provide pump calculations:

Q = (5hp)(6.61) = 0.143 cfs
3'+228.6'

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

Initial Meter Reading	Ending Meter Reading	Duration of Time Observed	Total Pump Output (in cfs)
NA			

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

6. Sprinkler Information

Size	Operating PSI	Sprinkler Output (GPM)	Total Number of Sprinklers	Maximum Number Used	Total Sprinkler Output (cfs)
Hunter I25	**90**	**3.5 gpm**	**172**	**12**	**1.34 cfs**
5/32"	**90**	**6.9 gpm**	**64**	**8**	**0.98 cfs**
gun	**90**	**40 gpm**	**1**	**1**	**0.09 cfs**

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

7. Additional notes or comments related to the system:

Pop-ups irrigate most of pasture, but hand lines and a gun are used to fill in areas not covered by pop-ups.

C. Groundwater Source Information (Well and Sump)

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

Top of well

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

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
See log						

3. In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

DESC56863

4. Is the appropriation from a dug well (sump)? NO

D. Storage

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

If "YES" is it a: Storage Tank NO

Bulge in System / Reservoir

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

2. Storage Tank:

Material (concrete, fiberglass, metal, etc.)	Capacity (in gallons)	Above Ground or Buried
NA		

3. Bulge in System / Reservoir:

Reservoir Name or Number (correspond to map)	Approximate Dam Height	Approximate Capacity (in acre feet)
Pond	NA (excavated)	0.05

E. Gravity Flow Pipe

(The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

1. Does the system involve a gravity flow pipe? NO

F. Gravity Flow Canal or Ditch

(The Department typically uses Manning's formula for canals and ditches)

1. Provide description and calculations if necessary:

NA

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SECTION 5
CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	**12/14/2006**		
BEGIN CONSTRUCTION (A)	**NA**		
COMPLETE CONSTRUCTION (B)	**10/1/2011**		**Applied for extension 3/15/2013 Issued 7/30/2013**
COMPLETE APPLICATION OF WATER (C)	**10/1/2011 10/1/2022**	**6/19/2019**	**Meter installed, mitigation credits purchased, water applied, use reported**

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

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

3. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? **NO**

4. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? **NO**

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

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

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

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

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

e. Has a pump test exemption been approved by the Department? **YES**

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

6. Measurement Conditions:

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

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

b. Has a meter been installed? **YES**

c. Meter Information

POA Name or #	Manufacturer	Serial #	Condition (working or not)	Current Meter Reading	Date Installed
Well	**GPI**	**unknown**	**Not working at visit**	**na**	**2014**
Well	**GPI**	**unknown**	**Working (new)**	**31.4**	**July 2019**

7. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **YES**

b. Have the reports been submitted? **YES**

Method of Submitting Report (Paper or Electronic)	Water User Reporting ID
Electronic	**62407**

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

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

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

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

c. Other conditions? **YES**

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

Water user required to purchase 18.0 mitigation credits in the General Zone. 9.0 temporary credits were purchased from MP-44; 7.11 permanent credits were purchased from MP-27; 1.89 permanent credits purchased from MP-25.

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SECTION 6
ATTACHMENTS

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

Attachment Name	Description
Well log	**DESC56863**

SECTION 7
CLAIM OF BENEFICIAL USE MAP

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

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

Irrigation areas mapped using a Bad Elf Surveyor GPS unit. Additional mapping based on aerial photos (GoogleEarth images dated 7/27/2018)

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

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

STATE OF OREGON

DESC 56863

WELL ID # L75464

WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

(START CARD) # 176133

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

(1) OWNER:

Well Number: 1

Name James F. Klemz

Address 18137 Fadjur Lane

City Sisters State OR Zip 97759

(2) TYPE OF WORK:

[X] New Well [ ] Deepening [ ] Alteration (repair/recondition) [ ] Abandonment

(3) DRILL METHOD:

[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger

[ ] Other

(4) PROPOSED USE:

[X] Domestic [ ] Community [ ] Industrial [ ] Irrigation

[ ] Thermal [ ] Injection [ ] Livestock [ ] Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval [ ] Yes [X] No Depth of Completed Well 663 ft.

Explosives used [ ] Yes [X] No Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
12in	0	25	Bentonite	0	25	17sacks
8in	25	665				

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E

[X] Other Poured Dry

Backfill placed from ft. to ft. Material

Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8in	+1	25	.250	[X]	[ ]	[X]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
Liner:	6in	-3	663	.188	[X]	[ ]	[X]	[ ]
					[ ]	[ ]	[ ]	[ ]

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

[X] Perforations Method Factory

[ ] Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
613	663	1/8	480	6in	pipe	[ ]	[X]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]

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

[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
50+	90	620	1 hr.

Temperature of Water 51 Depth Artesian Flow found

Was a water analysis done? [ ] Yes By whom

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

[ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other

Depth of strata:

(9) LOCATION OF WELL by legal description:

County Deschutes Latitude Longitude

Township 14S N or S. Range 10E E or W. of WM.

Section 35 NE 1/4 NE 1/4

Tax lot 105 Lot Block Subdivision

Street Address of Well (or nearest address) 70007 Camp Polk Rd., Sisters, OR 97759

(10) STATIC WATER LEVEL:

496 ft. below land surface. Date 7/2/05

Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 500

From	To	Estimated Flow Rate	SWL
500	600	15-20	496
600	665	50+	496

(12) WELL LOG:

Ground elevation

Material	From	To	SWL
Top Soil	0	1	
Brown Fractured Rock & Soil	1	18	
Gray Basalt	18	46	
Red Cinder	46	68	
Brown Sandstone	68	290	
Black Sandstone	290	325	
Brown Sandstone	325	427	
Redish Conglomerate	427	500	
Red Cinder WB	500	515	496
Broken Gray Basalt WB	515	570	496
Red Cinder WB	570	593	496
Fractured Gray Basalt WB	593	600	496
Brown Sandstone & Pumice Lenses WB	600	665	496
Well bore sloughed in 2 ft. while installing 6"liner casing.			

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JUL 07 2005
WATER RESOURCES DEPT
SALEM, OREGON

Date started 6/27/05 Completed 7/2/05

(unbonded) Water Well Constructor Certification:

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

WWC Number

Signed Date

(bonded) Water Well Constructor Certification:

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

WWC Number 1385

Signed Robert Buckner Date 7/6/05

Robert Buckner

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER

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Oregon
Kate Brown, Governor

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

January 27, 2020

JIM KLEMZ
16747 OLD MILITARY DR
SISTERS, OR 97759

GW

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 16448	Permit: G 16134 *	DESC0056863	DESC0056863		APPROVED	Unreas Burden	

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Please contact me if you have any questions.

Sincerely,

Aurora Bouchier
503-986-0841
Groundwater Section

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

Oregon
Kate Brown, Governor

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

June 3, 2021

Christopher Siler
Theresa Siler
16747 Old Military Drive
Sisters, OR 97759

Reference: Application G-16448, Permit G-16134

The assignment from Jim Klemz to Christopher and Theresa Siler has been recorded in the records of the Water Resources Department.

The Departments records will now show Christopher and Theresa Siler as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 135232 covering the recording fee is also enclosed.

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

Sincerely,

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

Enclosure: Original Request and Receipt #135232

cc: Jim Klemz – 1447 N Roadrunner Rd, Apache Junction, AZ 85119
Data Center, OWRD (cover letter & request)
File

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

Request for Assignment

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

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

I, Jim Klemz
(Name of Current Holder of Record)

1447 N Roadrunner Rd — Apache Junction AZ 85119 — 303-981-6002
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

[X] hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)

[ ] hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; *(You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right*)*

[ ] hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # G-16448 ; Permit # G-16134 ; Transfer # _____;

Limited License # _____; Groundwater Statement # _____;

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

Christopher and Theresa Siler
(Name of New Owner)

16747 Old Military Drive — Sisters, OR 97759 — 916-296-5698
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

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

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

Witness my hand this 9th (Day) day of April (Month), 2021 (Year).

Signature of Current Holder of Record _____

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

Assign - Approve
6-4-2021 MBB

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 135232

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

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

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, March 11, 2020 5:16 PM
To: 'Suzanne Carvlin'
Cc: Patty Vandiver Cordoni; Jim Klemz
Subject: RE: Old Military Groundwater Permit/Right

Suzanne,

I pulled the file this afternoon and performed a cursory review of the permit and Claim.

The permit contained the following conditions:

1. Installation of a meter;
2. Reporting of water use;
3. Pump Test;
4. Mitigation Credits;
5. Submittal of a Progress Report;
6. Full application of water to beneficial use by October 1, 2022 (use of water plus compliance with conditions of the permit); and
7. Submittal of a Claim of Beneficial Use.

My cursory review found the following:

1. Meter has been installed
2. Water Use has been reported to the Department https://apps.wrd.state.or.us/apps/wr/wateruse_query/wr_wur_wris_report.aspx?snp_id=150408
3. Pump Test Exemption has been approved (January 27, 2020)
4. Combination of both permanent and temporary credits as described in permit on page 2 https://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Permit&permit_char=G&permit_nbr=16134
5. Progress Report, as required by the Extension of Time Final Order, was submitted https://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=WRFolder&folder_image_id=46995
6. Claim of Beneficial Use was submitted on February 18, 2020. Claim asserts full beneficial use of water as June 19, 2019.

The Claim submitted on February 18, 2020, appears to be the same as the version that you supplied in your e-mail. The final step in the water right process is the review of the Claim and the issuance of a certificate.

At this point the permit holder has completed the items that they need to do to facilitate the final step.

The Department is currently working on Claims submitted in 2016. It will likely be a few years until this Claim is pulled for review. If the permit holder desires to have the review of the Claim completed sooner, they can request processing through the Reimbursement Authority Program. Here is a link to that process:

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

Another point of interest. The Claim is for 9.2 acres of irrigation. At the time of certificate issuance, the Department can reduce the mitigation requirement for the right because fewer acres were developed (permit authorized 10 acres). This would mean that fewer temporary credits would need to be purchased on a seasonal basis. The reduced credits would be in 7.56 credits as opposed to the 9.0 credits listed in the permit.

Again, this is based on a cursory review. If additional information or clarification is required at the time of the technical review of the Claim, the Department will contact the permit holder of record.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: Suzanne Carvlin <suzanne@homeinsisters.com>
Sent: Tuesday, March 10, 2020 4:13 PM
To: Gerry Clark <Gerald.E.Clark@state.or.us>; ASHLEY Ladeena K * WRD <Ladeena.K.Ashley@oregon.gov>; Patty Vandiver Cordoni <patty.cordoni@cascadesir.com>; Jim Klemz <OldMilitaryDr16747@skyslope.com>
Subject: Old Military Groundwater Permit/Right

Hello Gerry and Ladena,

You were both so helpful with my water permit on my property and my neighbor Cate O'Hagan's Edgington Ranch, which we sold with her water right certificate, thank you so much!

I have a new question for you. I have a property listed in Sisters that has a 5-acre groundwater permit on Old Military Road. Our seller thinks that he has everything turned in to get the permit turned into a right. Do you have a record of what is complete and if it is a matter of just getting the permit signed off?

I attached the Klemz' water permit documents that I have.

What more do they need to have this completed?

Here is our clients' tax account information:

3 Tax Accounts

1. Account: 205848
Situs Address: 16747 OLD MILITARY DR, SISTERS, OR 97759
Map and Taxlot: 1410350000105
Property Tax (Current Year): $4,891.37
Assessor Acres: 5.00
Zoning: EFSCU – Exclusive Farm Use – Sisters Cloverdale Subzone

No HOA, No CC&Rs
Deed restrictions, see attachments

2. Account: 190971
Situs Address: 16747 OLD MILITARY DR, SISTERS, OR 97759
Map and Taxlot: 1410350000105
Property Tax (Current Year): $1,665.97
Assessor Acres: 20.70
Zoning: EFSCU – Exclusive Farm Use – Sisters Cloverdale Subzone

No HOA, No CC&Rs
- **Deed restrictions, see attachments**

3. Account: 131293
Situs Address: 69565 PINE RIDGE DR, SISTERS, OR 97759
Map and Taxlot: 141036B002700
Property Tax (Current Year): $899.54
Assessor Acres: 5.30
PANORAMIC VIEW ESTATES
Lot 2 Block 1
Zoning: RR10 – Rural Residential 10-acre Minimum
5- acres is used as the legal lot of record for entire property and is not divisible or buildable
No HOA, Yes CC&Rs for Panoramic View Estates

Thank you ever so, water experts!!

Suzanne

Your local Real Estate Expert with the Global Reach



Suzanne Carvlin
REALTOR®, GRI, ABR, SRS, RENE, RSPS, e-PRO®
www.HomeinSisters.com
290 E Cascade Ave, PO Box 609, Sisters, OR 97759
suzanne@homeinsisters.com
M: 818.216.8542 O: 541.588.6614 Ext. 190
Cascade | Sotheby's INTERNATIONAL REALTY

View My Webpage
Download My App

I enjoy representing Sisters, Oregon real estate and take great pleasure in helping my extraordinary clients discover their next home.

Call me to buy or sell your home in Sisters, Oregon today!

Luxury is an Experience, not a price point.



STATE OF OREGON

WATER RESOURCES DEPARTMENT

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

RECEIPT # 131955 INVOICE # _____

RECEIVED FROM: James F. Klenz
BY: Fay Bailey Klenz

APPLICATION	G-16448
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 5239 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 200.00

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		$

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	$

0200 OTHER (IDENTIFY) COBL $200.00

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 131955 DATED: 2-18-2020 BY: _____

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

Copies made for Darker font on Address

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

Reque

EIVED

1 2 2021

OWRD

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

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

I, Jim Klemz
(Name of Current Holder of Record)

1447 N Roadrunner Rd — Apache Junction AZ 85119 — 303-981-5022
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

☒ hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)

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

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # G-16448 ; Permit # G-16134 ; Transfer # _____ ;

Limited License # _____ ; Groundwater Statement # _____ ;

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

Christopher and Theresa Siler
(Name of New Owner)

16747 Old Military Drive — Sisters, OR 97759 — 916-296-5698
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

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

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

Witness my hand this 9th (Day) day of April (Month), 2021 (Year).

Signature of Current Holder of Record _____

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

DO NOT WRITE IN THIS BOX

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

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

Request for Assignment

RECEIVED
MAY 12 2021
OWRD

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(Name of Current Holder of Record)

1447 N Roadrunner Rd — Apache Junction AZ 85119 — 303-981-6022
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

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Signature of Current Holder of Record _____

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Oregon Water Resources Department
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Salem, Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Request for Assignment

RECEIVED
MAY 12 2021
OWRD

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STATE OF OREGON

WATER RESOURCES DEPARTMENT

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

RECEIPT # 135232 INVOICE # _____

RECEIVED FROM: Chris Siler
BY: Theresa Siler

APPLICATION	G-16948
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 166 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 100.00

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

4/6111

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0250 OTHER (IDENTIFY) Assignment $100.00

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 135232 DATED: 5-12-2021 BY: _____

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

RECEIVED

MAY 12 2021

OWRD

RECORDING REQUESTED BY:

Western Title & Escrow

220 S Pine Street, Suite 102
Sisters, OR 97759

Deschutes County Official Records **2020-43387**
D-D
Stn=7 PG **08/27/2020 01:35 PM**
$20.00 $11.00 $10.00 $61.00 $6.00 **$108.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Nancy Blankenship - County Clerk

AFTER RECORDING RETURN TO:
Order No.: WT0195218-TLV
Christopher S. Siler and Theresa L. Siler, as tenants by the entirety
PO Box 597
Ashland, OR 97520

SEND TAX STATEMENTS TO:
Christopher S. Siler and Theresa L. Siler
PO Box 597
Ashland, OR 97520

APN: 205848
190971
131293
Map: 14103500 00105

141036B0 02700

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

James F. Klemz and Fay B. Klemz, as tenants by the entirety, Grantor, conveys and warrants to **Christopher S. Siler and Theresa L. Siler, as tenants by the entirety**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Deschutes, State of Oregon:

Lot 2, Block 1, PANORAMIC VIEW ESTATES, Deschutes County, Oregon, together with the following described parcel:

A portion of Parcel 2 and Parcel 3, Partition Plat 1998-34, situated in the Southeast Quarter (SE ¼) of Section 26 and the Northeast Quarter (NE ¼) of Section 35, Township 14 South, Range 10 East, Willamette Meridian, Deschutes County, Oregon; being more particularly described as follows:

Beginning at a 5/8" iron rod at the corner common to Sections 25, 26, 35 and 36 on the East boundary of Parcel 3, Partition Plat 1998-34; thence South 00°52'47" East, on the East line of said Section 35 and said East boundary, 702.08 feet to a ½" iron pipe at the Southeast corner of said Parcel 3; thence North 89°29'55" West, along the South boundary of said Partition Plat, 1089.86 feet to a 5/8" iron; thence, leaving said South boundary, North 00°30'05" East, 483.06 feet to a 5/8" iron rod; thence North 28°42'16" West, 219.83 feet to a 5/8" iron rod on the Northerly boundary of Parcel 3; thence North 61°41'00" East, along said Northerly boundary, 1332.94 feet to a 5/8" iron rod at the Northeast corner of said Parcel 3 on the East line of said Section 26; thence South 00°38'51" East, on the East line of said Parcel 3 and the East line of said Section 26, 615.70 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION THREE HUNDRED THOUSAND AND NO/100 DOLLARS **($1,300,000.00)**. (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS

STATUTORY WARRANTY DEED
(continued)

INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 8-24-20

James F. Klemz

Fay B. Klemz

State of OREGON
County of Deschutes

This instrument was acknowledged before me on 8/24/2020 by James F. Klemz and Fay B. Klemz.

Notary Public - State of Oregon

My Commission Expires: 1-21-2022

OFFICIAL STAMP
TIANA LEE VANLANDUYT
NOTARY PUBLIC-OREGON
COMMISSION NO. 970418
MY COMMISSION EXPIRES JANUARY 21, 2022

RECEIVED
MAY 12 2021
OWRD

EXHIBIT "A"
Exceptions

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.

The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 190971 and 205848

Regulations, including levies, liens, assessments, water and irrigation rights and easements for ditches and canals of the Three Sisters Irrigation District.

Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.

Covenants, conditions and restrictions, as disclosed in Deed,
Recording Date: December 17, 1947
Recording No.: 84-258

Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
Recording Date: April 10, 1969
Recording No: 164-50

Easements, conditions, restrictions and notes as delineated on the recorded plat Panoramic View Estates.

The effect of that certain Maintenance Agreement, including the terms and provisions thereof,
Recording Date: April 2, 1982
Recording No.: 22-534

Reservation of rights to use all easements, as disclosed in Memorandum of Contract of Sale,
Recording Date: December 12, 1997
Recording No.: 473-117

Permanent Easement and Temporary Easement, including the terms and provisions thereof,
Recording Date: December 12, 1997
Recording No.: 473-128

Deed Restrictions, including the terms and provisions thereof,
Recording Date: December 12, 1997
Recording No.: 473-145

Easements, conditions, restrictions and notes as delineated on the recorded plat Partition Plat No. 1998-34.

Permanent Access Easement, including the terms and provisions thereof,
Recording Date: June 29, 2004
Recording No.: 2004-38443

EXHIBIT "A"
Exceptions

Amendment No. 1 and Complete Restatement of Permanent Easement and Maintenance Agreement,
Recording Date: July 8, 2019
Recording No.: 2019-23619

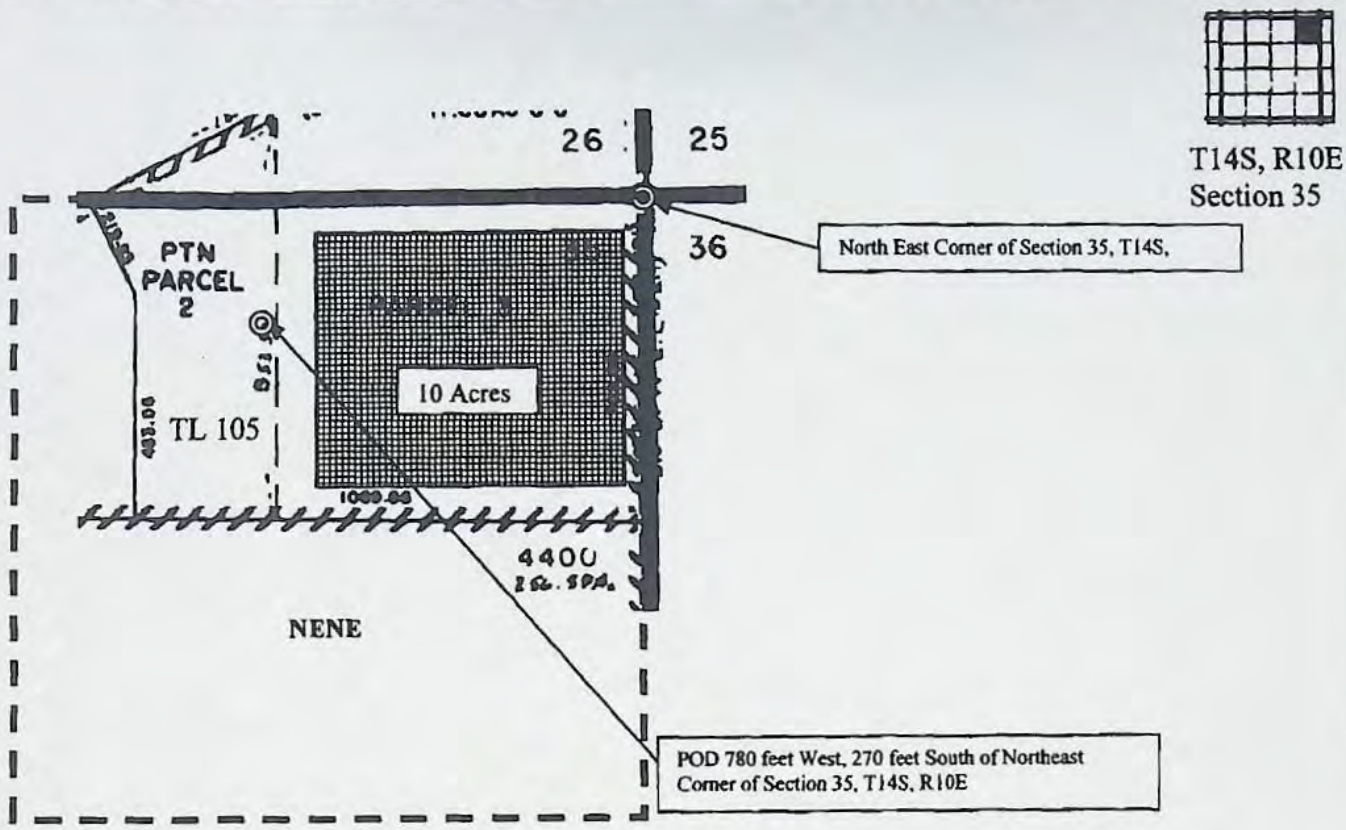
THE SILER FAMILY
16747 Old Military Drive
Sisters, OR 97759

EUGENE OR 974
10 MAY 2021 PM 4 L



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

97301-126673



Application Map for Groundwater Permit
For
Jim Klemz

Proposed Place of Use ◎ Approximate Well Location ◎ Approximate Marker Location

T14S R10E Section 35, NE ¼, NE ¼, Tax Lot 0105

1 inch equals 400 feet

April 21, 2005

NORTH

Deschutes Irrigation, LLC
P.O. Box 1830
Bend, OR 97709
541-389-2857
waterrights@usa.com

RECEIVED
APR 25 2005
WATER RESOURCES DEPT
SALEM, OREGON

APP G - 16448

Oregon
Kate Brown, Governor

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

January 27, 2020

JIM KLEMZ
16747 OLD MILITARY DR
SISTERS, OR 97759

GW

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 16448	Permit G 16134 *	DESC0056863	DESC0056863		APPROVED	Unreas Burden	

Please contact me if you have any questions.

Sincerely,

Aurora Bouchier
503-986-0841
Groundwater Section

cc GW Pump Test File
cc Certificates Section/Application File

MEMORANDUM

TO: JUSTIN IVERSON, GROUND WATER SECTION

FROM: CERTIFICATE SECTION – TONYA MILLER *

SUBJECT: PUMP TEST EXEMPTION FOR
APPLICATION G-16448, PERMIT G-16134

DATE: SEPTEMBER 23RD, 2019

The attached pump test was recently received. We have retained the original for the application file.

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Monday, September 23, 2019 11:34 AM
To: 'Michele Sims'; BARNETT Halley J * WRD
Cc: MILLER Tonya L * WRD; BOUCHIER Aurora C * WRD
Subject: RE: Permit G-16134 request for pump test exemption

Michele,

Sorry for not responding sooner, I was out on vacation all last week.

From checking with some folks, we were unable to locate the exemption request. Thank you for providing it. We will get the request logged in and forwarded to the Groundwater Section for review.

Gerry

Gerry Clark
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: Michele Sims <sims.mw@gmail.com>
Sent: Monday, September 16, 2019 11:13 AM
To: BARNETT Halley J * WRD <Halley.J.Barnett@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; MILLER Tonya L * WRD <Tonya.L.Miller@oregon.gov>; BOUCHIER Aurora C * WRD <Aurora.C.Bouchier@oregon.gov>
Subject: Re: Permit G-16134 request for pump test exemption

Here is the completed form from my file. He sent the original in around July 16.

thanks-

Michele Sims PLS, CWRE
14865 Checkrein
Sisters, Oregon 97759
541-408-4777 (mobile)
orwaterrights.com

On Mon, Sep 16, 2019 at 10:52 AM Michele Sims <sims.mw@gmail.com> wrote:

> I will find out.
>
> Michele Sims PLS, CWRE
> 14865 Checkrein

RECEIVED
SEP 16 2019
OWRD

Sisters, Oregon 97759
541-408-4777 (mobile)
orwaterrights.com

On Mon, Sep 16, 2019 at 10:43 AM BARNETT Halley J * WRD <Halley.J.Barnett@oregon.gov> wrote:

Hi Michele,

The Groundwater Section has not yet received a pump test or exemption request for technical review. All pump tests and exemption requests need to go through the Certificates section, so I am Cc'ing Gerry Clark and Tonya Miller to see if they've received the pump test exemption request. Do you happen to know if the client sent the request to a particular person?

Thank you,

Halley Barnett, GIT

GROUNDWATER DATA SPECIALIST

Halley.J.Barnett@oregon.gov

503-986-0879

From: Michele Sims <sims.mw@gmail.com>
Sent: Monday, September 16, 2019 10:32 AM
To: BARNETT Halley J * WRD <Halley.J.Barnett@oregon.gov>
Subject: Permit G-16134 request for pump test exemption

Hi Halley-

I am just checking on the status of a request for pump test exemption for G-16134. Client sent it in July, and is in the process of selling the land, so wants to have an idea of when he might know if he needs to do the pump test.

thanks-

RECEIVED
SEP. 16 2019
OWRD

Michele Sims PLS, CWRE

14865 Checkrein

Sisters, Oregon 97759
541-408-4777 (mobile)
orwaterrights.com

RECEIVED
SEP 16 2019
OWRD

OREGON WATER RESOURCES DEPARTMENT

PUMP TEST UNREASONABLE BURDEN EXEMPTION REQUEST FORM

Owner Name/Business Name	Phone No.	Additional Contact No.
Jim Klemz	541-549-1147	303-981-6032
Address		
16747 Old Military Drive		
City	**State**	**Zip**	**E-Mail**
Sisters	OR	97759	jfklemz@gmail.com

If there is a reason why a pump test cannot be performed on a well, or a reason why a pump test cannot meet all of the specifications outlined in OAR 690-217-0005 to 690-217-0055, the owner may request from the Director an exemption from the pump test requirement. Requests shall be in writing and include the reason why a pump test cannot be performed or meet the full specifications. Exemptions, or conditioned exemptions, shall be granted if the reasons are found to be valid and eliminating the problem or meeting the full specifications would place an unreasonable burden on the well owner. Exemptions shall be granted for public water supply wells if pump testing will cause interruption of service to customers. OAR 690-217-0015(3) and (4).

1. List each well and associated water right(s) for which you are requesting an exemption. If a well is listed on more than one water right, be sure to include them all here. If additional space is needed, please attach another form. If available, please attach all water well reports (i.e. well logs) and a map showing the locations of all wells listed on this form.

	Well Log # (Ex. MAR 90000)	Well Tag # (Ex. L-000000)	Owner Well Name or #	Application	Permit	Transfer
a	DESC56863	L-75464		G-16448	G-16134	T-
b		L-		G-	G-	T-
c		L-		G-	G-	T-
d		L-		G-	G-	T-
e		L-		G-	G-	T-

(Continued)

	Twp (Ex: 25S)	Rng (Ex: 31E)	Sec (Ex: 12)	QQ (Ex: SE/SW)	Surveyed Location (Ex: 100 ft N & 735 ft E fr SE cor, sec 5)	Latitude (Ex: 44.94473659)	Longitude (Ex: -123.02707000)
a	14S	10E	35	NE NE	635' W and 570' S from NE Cor. Sec. 35	44.32902	-121.49602
b							
c							
d							
e							

2. Please explain why the test cannot be performed or meet the required pump test program specifications:

The well pump has performed exceptionally well for the last13 years. I have never experienced an issue with the well running dry. The irrigation system runs 8 hours per day in the peak summer season which is adequate to maintain the pastures. The irrigation runs from 6:00 AM to 11:00 AM and from 4:00 PM to 8:00 PM. The pond is fully recharged by 10:00 PM. Under normal circumstances the inflow from the well to the pond is 33gpm. There is a control valve regulating inflow to the pond which is throttled down just enough to maintain water pressure at the house for domestic use. Performance of the pump test presents an unreasonable financial burden and I hereby request an exemption.

RECEIVED
SEP 16 2019
OWRD

I hereby certify that the well(s) requested for exemption(s) are under my ownership.

Signature: _____ **Date** 7-16-19

File

Oregon
Kate Brown, Governor

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

December 6, 2016

Jim Klemz
16747 Old Military Dr
Sisters, OR 97759

REFERENCE: Application G-16448 / Permit G-16134

Dear Permit Holder:

The Water Right Services Division received your written Progress Report for Permit G-16134. Receipt of the progress report was published on the Department's weekly Public Notice, dated November 1, 2016. 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.

Your next written progress report for Permit G-16134 is due no later than **October 1,** 2021. The report must be received by the Department no sooner than 30 days prior to the due date.

For your convenience, I have enclosed your next *Progress Report Form.* Please calendar this October 1, 2021 due date, as no further reminders will be sent.

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, 2022. ***Failure to submit a written progress report will most likely result in any future extensions being denied.***

If you have any questions, please feel free to contact me by telephone at (503) 986-0825.

Sincerely,

Corey Courchane
Adjudication & Extension Specialist

Enclosure

cc: Application G-16448
Watermaster District 11 – Jeremy Giffin

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

1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2016 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 10/24/2016

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: 11/1/2016

☑ 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** Corey Courchane.

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: 12-6-16

☑ Update Progress Report Worksheet.xls

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

CC: Watermaster 11 - Jeremy Griffin

File G-16448

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Jim Klemz Attn:

Application: G-16448

Permit: G-16134

County: Deschutes

Source: A well in Wychus Creek Basin

Use: Irrigation use on 10.0 acres

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: Jim Klemz

Application G-16448
Permit G-16134

Report Due no later than October 1, 2016
DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2016

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-16134. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2011 and October 1, 2016	FINANCIAL INVESTMENT
Mar 2016	New 15 hp well pump with VFD controller	$12,500
	and converter from single to 3-phase power	
Apr 2016	Cleared 1.5 acres for pasture, installed	$2,300
	irrigation, seed and fertilize	
Mar 2015	Install underground sprinklers in	$1,100
	central pasture	

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

Working steadily to maximize beneficial use per permit conditions.

3. Total number of acres irrigated to date= 9 *(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), or**

Maximum rate used to date = 35 **gpm (gallons per minute), or**

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.***

INCOMPLETE REORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature _____ Date 10-20-16

RECEIVED BY OWRD
OCT 24 2016
SALEM, OR

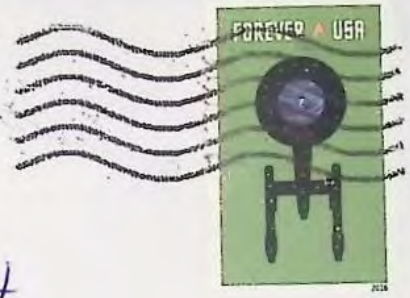
Reviewed by Corey C.
10-25-16

Diligence shown

Fay Bailey Klemz
16747 Old Military Dr
Sisters, OR 97759

PORTLAND OR 970

20 OCT 2016 PM 2 L



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

97301-126673

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16448

Final Order

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

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

Application History
On April 25, 2005, JIM KLEMZ submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on September 12, 2006, concluding that, with the mitigation proposed by the applicant, water is available for the proposed use and that the proposed use would ensure the preservation of the public welfare, safety and health. The protest period closed October 27, 2006, and no protest was filed.

On July 29, 2005, House Bill 3494, enacted by the 73rd Oregon Legislative Assembly, was signed by the Governor. Under Section 2 of this 2005 Act, Oregon Administrative Rules (OAR) 690-505-0600 through 690-505-0630, certified effective by the Secretary of State on September 27, 2002, satisfy the requirements relating to mitigation under Oregon Revised Statutes (ORS) 390.805 to 390.925, 537.322 to 537.360 and 537.505 to 537.795.

As required by OAR 690-505-0615, the applicant must submit proposed mitigation that meets the requirements of OAR 690-505-0610(2)-(5). Pursuant to OAR 690-505-0620, a permit shall not be issued until the applicant provides documentary evidence that mitigation water, in an amount satisfying the mitigation obligation, is legally protected instream.

The applicant submitted a mitigation proposal to provide 18.0 acre-feet of mitigation water within the General Zone of Impact. The applicant proposed to obtain credits or suitable mitigation that meets the requirements of OAR 690-505-0610(2)-(5) within the

General Zone of Impact. One mitigation credit is equivalent to one acre-foot of mitigation water.

On March 23, 2006, the Department received Documentary Evidence that 9.0 mitigation credits had been obtained within the General Zone of Impact. The mitigation credits originated from mitigation project MP-44, which is an instream lease.

On November 14, 2006, the Department received additional Documentary Evidence that a total of 9.0 mitigation credits had been obtained within the General Zone of Impact. 1.89 mitigation credits originated from mitigation project MP-25, and 7.11 mitigation credits originated from mitigation project MP-27, both being permanent instream transfers.

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

Order

Application G-16448 therefore is approved as proposed by the Proposed Final Order, and Permit G-16134 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED December 14, 2006

E. Timothy Wall for

Phillip C. Ward, Director
Water Resources Department

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

If you have previously filed a protest and want to know its status, please contact Mike Reynolds at 503-986-0820.

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

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

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JIM KLEMZ
70015 CAMP POLK RD
SISTERS, OR 97759-9761

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

APPLICATION FILE NUMBER: G-16448

SOURCE OF WATER: A WELL IN WYCHUS CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 10.0 ACRES

MAXIMUM RATE: 0.125 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 25, 2005

WELL LOCATION: NE ¼ NE ¼ SECTION 35, T14S, R10E, W.M.; 270 FEET SOUTH & 780 FEET WEST FROM NE CORNER, SECTION 35

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼ 10.0 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may

require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation is maintained.

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation:	18.0 acre-feet annually in the General Zone of Impact, located in the Deschutes River Basin above the Madras gage, which is located below Lake Billy Chinook.
Mitigation Source:	18.0 Mitigation Credits, being 9.0 temporary mitigation credits originating from Mitigation Project MP-44, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5); 1.89 mitigation credits originating from Mitigation Project MP-25; and 7.11 mitigation credits from Mitigation Project MP-27, both permanent instream transfers, and all credits originating within the General Zone of Impact.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

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

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

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

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

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

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 14, 2006

E. Timothy Wall for

Phillip C. Ward, Director
Water Resources Department

File

Oregon
Kate Brown, Governor

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

April 18, 2016

JIM KLEMZ
16747 OLD MILITARY DR
SISTERS, OR 97759

REFERENCE: Application G-16448 / Permit G-16134

Dear Permit Holder:

On July 30, 2013, the Department issued a Final Order approving an Extension of Time for Permit G-16134. The Final Order contained a condition to submit a progress report to the Department by October 1, 2016.

This letter is being sent to you as a reminder the progress report is due on October 1, 2016.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your progress report no later than October 1, 2016.

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, 2022.

Failure to submit written progress reports will most likely result in any future extensions being denied.

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0825.

Sincerely,

Corey A Courchane
Extensions
Water Rights Services Division

Enclosure

cc: Application G-16448
Watermaster District 11 – Jeremy Giffin

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-16448

Final Order
Extension of Time for Permit Number G-16134
Permit Holder: Jim Klemz

Permit Information
Application File G-16448 Permit G-16134
Basin: 5 – Deschutes / Watermaster District 11
Date of Priority: April 15, 2005

Authorized Use of Water
Source of Water: A Well in Wychus Creek Basin
Purpose of Use: Irrigation of 10.0 Acres
Maximum Rate: 0.125 Cubic Feet per Second (cfs)

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

Application History

Permit G-16134 was issued by the Department on December 14, 2006. The permit called for completion of construction and complete application of water to beneficial use by October 1, 2011. On March 15, 2013, Jim Klemz submitted to the Department an Application for Extension of Time for Permit G-16134. In accordance with OAR 690-315-0050(2), on May 28, 2013, the Department issued a Proposed Final Order proposing to extend the time to complete construction to 2022 and the time to fully apply water to beneficial use to October 1, 2022. The protest period closed July 12, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

Appeal Rights

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

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 28, 2013.

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 condition:

CONDITION

1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016, and October 1, 2021.** ***Forms 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.

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-16448, Permit G-16134, therefore, is approved. The deadline for completing construction and for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2011 to October 1, 2022.

DATED: July 30, 2013

Dwight W. French, Water Right Services Administrator,
for PHILLIP C. WARD, DIRECTOR

- If you have any questions about statements contained in this document, please contact Michele McAleer at (503) 986-0825.

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

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: Jim Klemz

Application G-16448
Permit G-16134

Report Due no later than October 1, 2016
DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2016

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-16134. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2011 and October 1, 2016	FINANCIAL INVESTMENT

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

3. Total number of acres irrigated to date= _____ *(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), or**

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

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.***

INCOMPLETE REORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature_____ Date_____

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: Jim Klemz

Application G-16448
Permit G-16134

Report Due no later than October 1, 2021
DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2021

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-16134. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2016 and October 1, 2021	FINANCIAL INVESTMENT

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

3. Total number of acres irrigated to date= _____ *(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), or**

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

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.***

INCOMPLETE REORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature_____ Date_____

Mailing List for Extension FO Copies

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

FO Date: July 30, 2013

Copies Mailed

By: SH
On: 7/30/13

Application G-16448
Permit G-16134

Original mailed to Applicant:

Jim Klemz
16747 Old Military Drive ✓
Sisters, OR 97759

Copies sent to:

1. WRD - App. File G-16448/ Permit G-16134 ✓

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 – Laura Wilke – Permit with mitigation requirements
   Done by MRM *Date* 7/31/13

If Progress Reports are included:
(DONE BY EXTENSION SPECIALIST)
Add record to Progress Report tracking sheet.xls Done: by MRM Date 1/23/13
2014 to 2024

CASEWORKER: MRM

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-16134, Water Right Application G-16448 in the name of Jim Klemz	)))	PROPOSED FINAL ORDER

Permit Information

Application File G-16448 Permit G-16134
Basin: 5 – Deschutes / Watermaster District 11
Date of Priority: April 15, 2005

Authorized Use of Water
Source of Water: A Well in Wychus Creek Basin
Purpose of Use: Irrigation of 10.0 Acres
Maximum Rate: 0.125 Cubic Feet per Second (cfs)

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

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-16134, water right Application G-16448. A copy of Permit G-16134 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system and to apply water to full beneficial use from October 1, 2011 to October 1, 2022.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure
cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

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

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

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

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-16134 was granted by the Department on December 14, 2006. The permit authorizes the use of up to 0.125 cfs of water from A Well in Wychus Creek Basin for irrigation of 10.0 acres. The permit specified complete application of water was to be made on or before October 1, 2011.

2. The permit holder submitted an "Application for Extension of Time" to the Department on March 15, 2013 requesting 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-16134 be extended from October 1, 2011 or to October 1, 2022. This is the first permit extension requested for Permit G-16134.

3. Notification of the Application for Extension of Time for Permit G-16134 was published in the Department's Public Notice dated May 28, 2013. 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[1], 537.248[2], 537.630[3] and/or 539.010(5)[4].

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

4. On March 15, 2013, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

5. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999, including this application.

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.

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

[2]ORS 537.248 applies to reservoir permits only.

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

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

6. As of March 15, 2013, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.

7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2022, 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-16134 is both reasonable and necessary.

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

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

Reasonable Diligence of the Appropriator *[OAR 690-315-0040(2)(a)]*
The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

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

8. Work was accomplished within the time allowed in the permit or previous extension as follows:

   a. Construction of the well was completed prior to October 1, 2011.

   b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-16134.

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

9. The following beneficial use of water was made during the permit or previous extension time limits:

   a. Since the issuance of Permit G-16134 on December 14, 2006, a maximum rate of 0.06 cfs of water has been appropriated from the well for irrigation of 7.0 acres. The authorized amount of water for irrigation of 10.0 acres is 0.125 cfs.

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

10. The water right permit holder's conformance with the permit or previous extension conditions.

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

Financial Investments *[OAR 690-315-0040(3)(d)]*

11. Financial investments made toward developing the beneficial water use.

    a. As of March 15, 2013, the permit holder has invested approximately $76,000, which is approximately 75 percent of the total projected cost for complete development of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose *[OAR 690-315-0040(2)(b)]*

12. The permit holder anticipates an additional $25,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit G-16134.

The Market and Present Demands for Water *[OAR 690-315-0040(2)(d-e)]*

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

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

    a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-16134; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-16134, located within the Whychus Creek Basin, is not located within a limited or critical ground water area. Whychus Creek is located within or above any state or federal scenic waterway, however 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. Whychus Creek is not listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date *[OAR 690-315-0040(4)(d)]*.

    a. As of March 15, 2013, the permit holder has invested approximately $76,000.

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

    a. None have been identified.

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

    a. None have been identified.

18. 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)]*

19. 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)]*

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

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

21. None have been identified.

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, 2022[5], as required by OAR 690-315-0040(1)(c).

[5]Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the

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 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 18 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-16134.

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 and the time to apply water to beneficial use under Permit G-16134 from October 1, 2011 to October 1, 2022.

CONDITIONS

1. **Checkpoint Condition**
The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016, and 2021.** ***Forms 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

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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.

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: May 28, 2013

Dwight French, Water Right Services Administrator

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

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 **July 12, 2013,** being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

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

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
   a. Issue a final order on the extension request; or
   b. Schedule a contested case hearing if a protest has been submitted, and:

1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

- If you have any questions about statements contained in this document, please contact Michele McAleer at (503) 986-0825.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Fax: 503-986-0901 Salem, OR 97301-1266

Mailing List for Extension PFO Copies

PFO Date: May 28, 2013

Copies Mailed

Application G-16448
Permit G-16134

By: CH
On: 5/30/13

Original mailed to Applicant:

✓ Jim Klemz
16747 Old Military Drive
Sisters, OR 97759

Copies sent to:

✓ 1. WRD - App. File G-16448/ Permit G-16134

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 Giffen ~ MRM 5/31/13.

✓ 4. WRD – Laura Wilke – Permit with mitigation requirements
Done by MRM *Date* 5/31/13

CASEWORKER: MRM

Extension PFO Checklist for

Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 16448 Permit: G- 16134 Permit Amendment? No ☒ Yes ☐ T- _____ ☐ pending ☐ approved

Permit Holder's Name: Jim Klemz

Permit Holder's Mailing Address: 16747 Old Military Drive, Sisters, OR 97759 email n/a

Phone Number: none given

POD Location: Township 14S Range 10E Section 35 ¼¼ NENE

Drainage Basin: 5 County: Deschutes Watermaster District: 11 Watermaster: Jeremy Giffen

Date Permit was issued: 12/14/2006 **Priority Date:** 4/15/2005 **Date of PN:** 4/16/2013

Source: A WELL IN WYCHUS CREEK BASIN

Use: IRRIGATION USE ON 10.0 ACRES

"Q": 0.125 CUBIC FOOT PER SECOND

Orig "A" Date: _____ **Orig "B" Date:** 10/1/_____ **Orig "C" Date:** 10/1/2011

Extension request rec'd: 3/15/2013 **Last Authorized "B" Date:** 10/1/_____ **Last Authorized "C" Date:** 10/1/2011

Request Number (1, 2, 3…): 1 **Proposed "B" Date:** 10/1/2022 **Proposed C Date:** 10/1/2022

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	shall install a meter or other meas device/maintain such/keep monthly record/submit annually to the Dept
☒	☐	Mitigation obligation - 18.0 AF annually in General Zone of Impact, DRB above Madras gage, below Lake Billy Chinook
☒	☐	Mitigation source: 18.0 mit cred, being 9.0 temp from MP-44, or suitable replacement, and 1.89 mit cred from MP-27 (both instream transfers in Gen ZOI)
☐	☐	
☐	☐	

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: $**76,000** Estimated Remaining Cost: $**25,000**

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

- Permit holder has beneficially used **0.06** ☒cfs☐gpm☐af of the total permitted quantity of water on **7.0** acres

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N

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

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

Identify the closest surface water or localized water basin. Wychus Creek/Deschutes River Basin

Ground Water Permits: Is the POA located…

Surface Water Permits: Is the POD located…

Yes No

☒ ☐ above a state scenic waterway? Name Deschutes River 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: **2016 & 2021**)

☐ 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:

*Wild and Scenic River segment - Odin Falls near Redmond, to upper end Lake Billy Chinook (GW has interference with this segment in the Deschutes Mitigation Area).

Well is DESC 56863

Extension "PFO" Dates

Mailing / Issuance Date: May 28, 2013 **Protest Deadline Date:** July 12, 2013

Reviewer's Name: [signature] **Date:** 4/11/2013

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 108315

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

INVOICE # _____

RECEIVED FROM: James F. Klemz

BY: Fay Bailey Klemz

APPLICATION	G-16448
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 4330 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	$
_____	OTHER: (IDENTIFY) _____	$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	46111	$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY) _____		$
TC162	DEPOSIT LIAB. (IDENTIFY) _____		$
0240	EXTENSION OF TIME		$ 500.00

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: 108315 DATED: 3-15-13 BY: BWilliamson

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

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

April 16, 2013

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 16448 **(Permit** G 16134 **).** Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

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

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

If you have questions concerning your extension of time application, please contact Michele McAleer 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.**

Application # G-16448 Permit # G-16634

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: 3-15-13
- **Extension Specialist ...**
  - ☑ Added to tracking spreadsheet

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

- **Codi Holmes...**
  - ☑ Publish on Public Notice (initial 30-day comment): Date of notice 4/16/13
  - ☑ 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** _____

Point of Diversion Characteristics

Right:	Permit: G 16134 *
Name:	JIM KLEMZ

TRSQQ: 14.00S-10.00E-35-NENE

County: Deschutes
Basin: Deschutes
WM District: 11
WM Region: SC
Withdrawn Area:
WAB: WHYCHUS CR > DESCHUTES R - AT MOUTH (70753)
Priority WAB: WHYCHUS CR @ mouth (70753)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Deschutes Scenic Waterway
Division 33: UPPER COLUMBIA
Water Quality Limited:

wild & scenic from Dickiop Dam to Bend urban growth boundary at SW corner Sec 13, 18S, 11E.

Also - Oden Falls to upper end of Lake Billy Chinook

and - Pelton Dam → Columbia R.

Completeness Checklist for Permit Extension of Time Application

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

☑ 1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.

☑ 2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____

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

☑ 3. Is the extension applicant's name and mailing address supplied? _____

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

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

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

☑ 4. Is the appropriate Extension of Time Application used? _____

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

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

☑ 5. Are the requested date(s) for extension identified *(Page 1)*? _____

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

"B-Date" = date by which construction of the water delivery system for the permit is to be completed.
"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.

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

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

☑ 6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____

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

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

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

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

Application for Extension of Time for a Water Right Permit

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

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

This application and a summary of review criteria and procedures that are generally applicable to this application are available at http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

I, <u>JIM KLEMZ</u>
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

<u>16747 OLD MILITARY DR</u> ADDRESS | <u>SISTERS</u> CITY | <u>OR</u> STATE | <u>97759</u> ZIP

_____ PHONE | _____ E-MAIL ADDRESS

the permit holder of: Application Number <u>G-16448</u>

Permit Number <u>G-16134</u>
[OAR 690-315-0020(3)(b)]

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do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, <u>2011</u>, be extended to October 1, <u>2022</u>,

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, <u>2011</u>, be extended to October 1, <u>2022</u>.

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

- This completed Application for Extension of Time.
- Statutory fee of $500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

$500 STATUTORY FEE TO:

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

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GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link: http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://www.wrd.state.or.us/OWRD/LAW/index.shtml.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.

- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at *http://www.wrd.state.or.us* (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification;, a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

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

1. **Did the actual construction of the water system/well drilling begin within the time specified in the permit?** ☒ **Yes** ☐ **No**



TIP: *Not all permits specify a date by which construction was to begin.*

Date construction began is: 6/27/2005

Details of construction: WELL DRILLED, PUMP INSTALLED, BURIED PIPELINES INSTALLED, PASTURE CLEARED AND PLANTED, TOTALIZING FLOW METER INSTALLED, POND WITH IRRIGATION PUMP INSTALLED, IRRIGATION BEGUN.

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

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? ☒ Yes ☐ No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.

TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	8/2012	TOTALIZING FLOW METER INSTALLED, RECORDING BEGUN.
2	3/23/06 11/14/06	OWRD RECEIVED DOCUMENTARY EVIDENCE OF 9.0 LEASED GENERAL ZONE MITIGATION CREDITS. OWRD RECEIVED ADDITIONAL DOCUMENTARY EVIDENCE OF 9.0 PERMANENT GENERAL ZONE MITIGATION CREDITS.
3	NA	NA

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension). Include a copy of your hand-numbered permit with the application.*

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	2013	TOTALIZING FLOW METER INSTALLED AFTER "C" DATE. WATER USE REPORTING TO BEGIN WITH 2013 IRRIGATION SEASON.
2	NA	NA
3	2022	SYSTEM AS INSTALLED CANNOT DELIVER FULL FLOW RATE.

** ***Condition No:*** *Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension. Include a copy of your hand-numbered permit with the application.*

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

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

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

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CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED *List any work done before the permit was issued – eg. well drilled.*	COST*
7/2/2005	WELL DRILLED / PUMP INSTALLED	$25,000
9/14/2005	MITIGATION LEASED & PERMANENTLY PURCHASED	$25,000
7/2006	POND INSTALLED	$4,000

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER *List work/actions done during the permitted time period.*	COST*
12/14/2006	**Date the permit was signed** - find date above signature on last page of permit.	
2007	BURIED MAINLINES, IRRIGATION PUMP INSTALLED	$16,000
2007	PASTURE CLEARED AND PLANTED	$5,000
NA	**Date the permit specified "Actual Construction Work" shall begin ("A-Date")** -not all permits contain this date.	
10/1/2011	**Date the permit specified complete application of water to the use shall be made ("C-Date")** - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" *COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.*	COST*
8/2012	INSTALLED TOTALIZING FLOW METER, WATER USE RECORDING BEGUN	$1,000
	Total Cost for Chart-C	**$76,000**

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

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

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD *List all work done during the last authorized extension period.*	COST*
10/1/NA	**"Extended From" date for complete application of water used in the 1st (or the most recent) Application for Extension of Time.**	**NA**
	Total Cost of Chart-D	**NA**

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

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

4. **Cost of project to date:** $76,000
(The total combined cost from CHART-C and CHART-D)

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

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

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

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

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

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

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

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

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

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	IF DRILLED: Well Tag Number e.g. # 27566 or N/A	IF DRILLED: Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	IF DRILLED: Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	IF DRILLED: Is this well authorized or utilized under any OTHER water rights?	IF DRILLED: If yes, provide the Permit, Certificate, or Transfer No.
WELL	WEL	Yes ☒ No ☐	DESC 56863	#75464	Yes ☒ No ☐	0.06 CFS	Yes ☐ No ☒	-NA -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
Total instantaneous rate from all wells utilized under this permit						0.06 CFS		

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: _____

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

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

Total acres irrigated to date: 7

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

Well #WELL Acres 7 **Well #____ Acres____**

Well #____ Acres____ **Well #____ Acres____**

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2015	UPGRADE DOMESTIC & IRRIGATION STORAGE	$5,000
2017	UPGRADE PUMP IN WELL	$15,000
2019	CLEAR PASTURE & EXTEND IRRIGATION SYSTEM	$5,000
2021	FULLY IRRIGATE PLANTED PASTURE	
Year: 2022	**Date intend to apply water to full beneficial use under the terms and conditions of this permit.**	
	Total Cost	**$25,000**

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

8. **Estimated remaining cost to complete the project:** $25,000
(The total cost from CHART-F)

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

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

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

____

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

____

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

———

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

WATER LEVEL IS DEEPER THAN EXPECTED SO WHEN WELL RUNS AT ACCEPTABLE DOMESTIC PRESSURE, FLOW RATE FOR IRRIGATION IS BELOW THAT AUTHORIZED BY PERMIT. WELL PUMP AND STORAGE NEED TO BE MODIFIED TO ACCOMPLISH FULL AUTHORIZED FLOW RATE.

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.
REQUIRED DESIGN CHANGES AND SYSTEM MODIFICATIONS TO WELL AND STORAGE REQUIRE SIGNIFICANT TIME AND MONEY. SCHEDULE IS CONSERVATIVE BEST ESTIMATE.

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

SEE ATTACHED PHOTOGRAPHS.

I am the permit holder, or have written authorization from the permit holder (attached to this Extension of Time Application), 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.

John A. Short Agent — 12-3-12

Signature **Date**

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MAR 15 2013

SALEM, OR

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JIM KLEMZ
70015 CAMP POLK RD
SISTERS, OR 97759-9761

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

APPLICATION FILE NUMBER: G-16448

SOURCE OF WATER: A WELL IN WYCHUS CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 10.0 ACRES

MAXIMUM RATE: 0.125 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 25, 2005

WELL LOCATION: NE ¼ NE ¼ SECTION 35, T14S, R10E, W.M.; 270 FEET SOUTH & 780 FEET WEST FROM NE CORNER, SECTION 35

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼ 10.0 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

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Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may

require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation is maintained.

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation:	18.0 acre-feet annually in the General Zone of Impact, located in the Deschutes River Basin above the Madras gage, which is located below Lake Billy Chinook.
Mitigation Source:	18.0 Mitigation Credits, being 9.0 temporary mitigation credits originating from Mitigation Project MP-44, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5); 1.89 mitigation credits originating from Mitigation Project MP-25; and 7.11 mitigation credits from Mitigation Project MP-27, both permanent instream transfers, and all credits originating within the General Zone of Impact.

(2)

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Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

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

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

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

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

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

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

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

(3) Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 14, 2006

E. Timothy Wall for

Phillip C. Ward, Director
Water Resources Department

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MAR 15 2013

SALEM, OR

STATE OF OREGON

DESC 56863

WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

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

WELL ID # L75464

(START CARD) # 176133

(1) OWNER:

Well Number: 1

Name James F. Klemz

Address 18137 Fadjur Lane

City Sisters State OR Zip 97759

(2) TYPE OF WORK:

[X] New Well [ ] Deepening [ ] Alteration (repair/recondition) [ ] Abandonment

(3) DRILL METHOD:

[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger

[ ] Other

(4) PROPOSED USE:

[X] Domestic [ ] Community [ ] Industrial [ ] Irrigation

[ ] Thermal [ ] Injection [ ] Livestock [ ] Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval [ ] Yes [X] No Depth of Completed Well 663 ft.

Explosives used [ ] Yes [X] No Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
12in	0	25	Bentonite	0	25	17sacks
8in	25	665				

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E

[X] Other Poured Dry

Backfill placed from ft. to ft. Material

Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8in	+1	25	.250	[X]	[ ]	[X]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
Liner:	6in	-3	663	.188	[X]	[ ]	[X]	[ ]
					[ ]	[ ]	[ ]	[ ]

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

[X] Perforations Method Factory

[ ] Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
613	663	1/8	480	6in	pipe	[ ]	[X]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]

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

[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
50+	90	620	1 hr.

Temperature of Water 51 Depth Artesian Flow found

Was a water analysis done? [ ] Yes By whom

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

[ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other

Depth of strata:

(9) LOCATION OF WELL by legal description:

County Deschutes Latitude Longitude

Township 14S N or S. Range 10E E or W. of WM.

Section 35 NE 1/4 NE 1/4

Tax lot 105 Lot Block Subdivision

Street Address of Well (or nearest address) 70007 Camp Polk Rd., Sisters, OR 97759

(10) STATIC WATER LEVEL:

496 ft. below land surface. Date 7/2/05

Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 500

From	To	Estimated Flow Rate	SWL
500	600	15-20	496
600	665	50+	496

(12) WELL LOG:

Ground elevation

Material	From	To	SWL
Top Soil	0	1	
Brown Fractured Rock & Soil	1	18	
Gray Basalt	18	46	
Red Cinder	46	68	
Brown Sandstone	68	290	
Black Sandstone	290	325	
Brown Sandstone	325	427	
Redish Conglomerate	427	500	
Red Cinder WB	500	515	496
Broken Gray Basalt WB	515	570	496
Red Cinder WB	570	593	496
Fractured Gray Basalt WB	593	600	496
Brown Sandstone & Pumice Lenses WB	600	665	496
Well bore sloughed in 2 ft. while installing 6"liner casing.			

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JUL 07 2005
WATER RESOURCES DEPT
SALEM, OREGON

Date started 6/27/05 Completed 7/2/05

(unbonded) Water Well Constructor Certification:

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

WWC Number

Signed Date

(bonded) Water Well Constructor Certification:

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

WWC Number 1385

Signed Robert Buckner Date 7/6/05

Robert Buckner

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER

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MAR 15 2013

SALEM, OR



Google earth

feet 700
meters 200

8-1-11 Klemz

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MAR 15 2013

SALEM, OR



Google earth

feet 700
meters 200

8131)06
Klemz

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MAR 15 2013

SALEM, OR









Klemme Pictures Taken 10-19-12 John Short

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MAR 15 2013

SALEM, OR

Oregon Water Right Agent Authorization

To Oregon Water Resources Department:

I/We, the undersigned, as owner(s) of that Oregon water right referenced below, do hereby authorize John A. Short of Water Right Services, LLC as our agent to represent me/us in all matters relating to this water right.

Application: **G-16448**

Permit: **G-16134**

Permit Amendment:

Transfer:

Certificate:

Signature	Printed Name	Date
X	James F. Klemz	Mar 14, 2013

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MAR 15 2013

SALEM, OR

Water Right Services, LLC

John A. Short CCB# 197121

P.O. Box 1830
Bend, OR 97709

541-389-2837

johnshort@usa.com
www.oregonwater.us

Mailing List for FO Copies

Application #G-16448

Original mailed to applicant with claim of beneficial use form:

JIM KLEMZ
70015 CAMP POLK RD
SISTERS, OR 97759-9761

Copies sent to:
1. WRD - File # G-16448
2. WRD - Laura Snedaker
3. DRC- Gen Hubert

Copies Mailed
By: _____
(SUPPORT STAFF)
on: 10-15-06
(DATE)

FO and Map Copies sent to (remember to reduce copy margins):
4. WRD - Watermaster District #: 11

Copies sent to Other Interested Persons *(CWRE, Agent, Commenter, etc.)*
5. John Short, Deschutes Irrigation, LLC.

"$10 LETTER" sent to Interested Persons who have not protested or paid for copies
1. _____
2. _____
3. _____

CASEWORKER : Anita Huffman

Oregon
Theodore R. Kulongoski, Governor

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SALEM, OREGON

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

OREGON WATER RESOURCES DEPARTMENT
DESCHUTES BASIN MITIGATION CREDIT
DOCUMENTARY EVIDENCE FORM

This form is to be completed when mitigation credits are obtained from a mitigation credit holder, other than a mitigation bank, by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules. If there are any questions about this form, please contact the Department.

Ground Water User Information:

Name: Jim Klemz
Mailing Address (Street, City, State, Zip): 18137 Fadjur Lane, Sisters OR 97759
Phone Number (Home and Work - including area code): _____ E-Mail (optional): jim.klemz@seccteam.com
Ground Water Application, Permit, or Certificate #: G-16448
Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): 18 credits
Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): General

Mitigation Credit Holder Information:

Mitigation Credit Holder Name: Deschutes Irrigation, LLC
Mailing Address: P.O. Box 1830, Bend, OR 97709
Phone Number (Home and Work - including area code): 541-389-2837 E-Mail (optional): waterrights@usa.com

If mitigation credits have changed hands beyond the original credit holder, a complete assignment record (chain-of-custody) for the mitigation credits should be included with this documentary evidence form to help demonstrate that the credits are valid. This information may be obtained from the mitigation credit holder.

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based.

Project Type Codes: Allocation of Conserved Water = ACW; Permanent Instream Transfers = PT; Storage Release = SR; Aquifer Recharge = AR; Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID	# Mitigation Credits Assigned	Zone of Impact	Mitigation Project Type Code (see above)
MP-27	7.11	General	PT
MP-25	1.89	General	PT

Add additional mitigation projects and credits below using above format:

____

Mitigation Project Operator (if other than original credit holder): _____(for example, name of storage project or aquifer recharge project operator)
Mailing Address: _____
Phone Number (including area code): _____

For Stored Water Releases (if applicable):
Name of Reservoir: _____
Reservoir Permit/Certificate: _____ Contract Number(s): _____

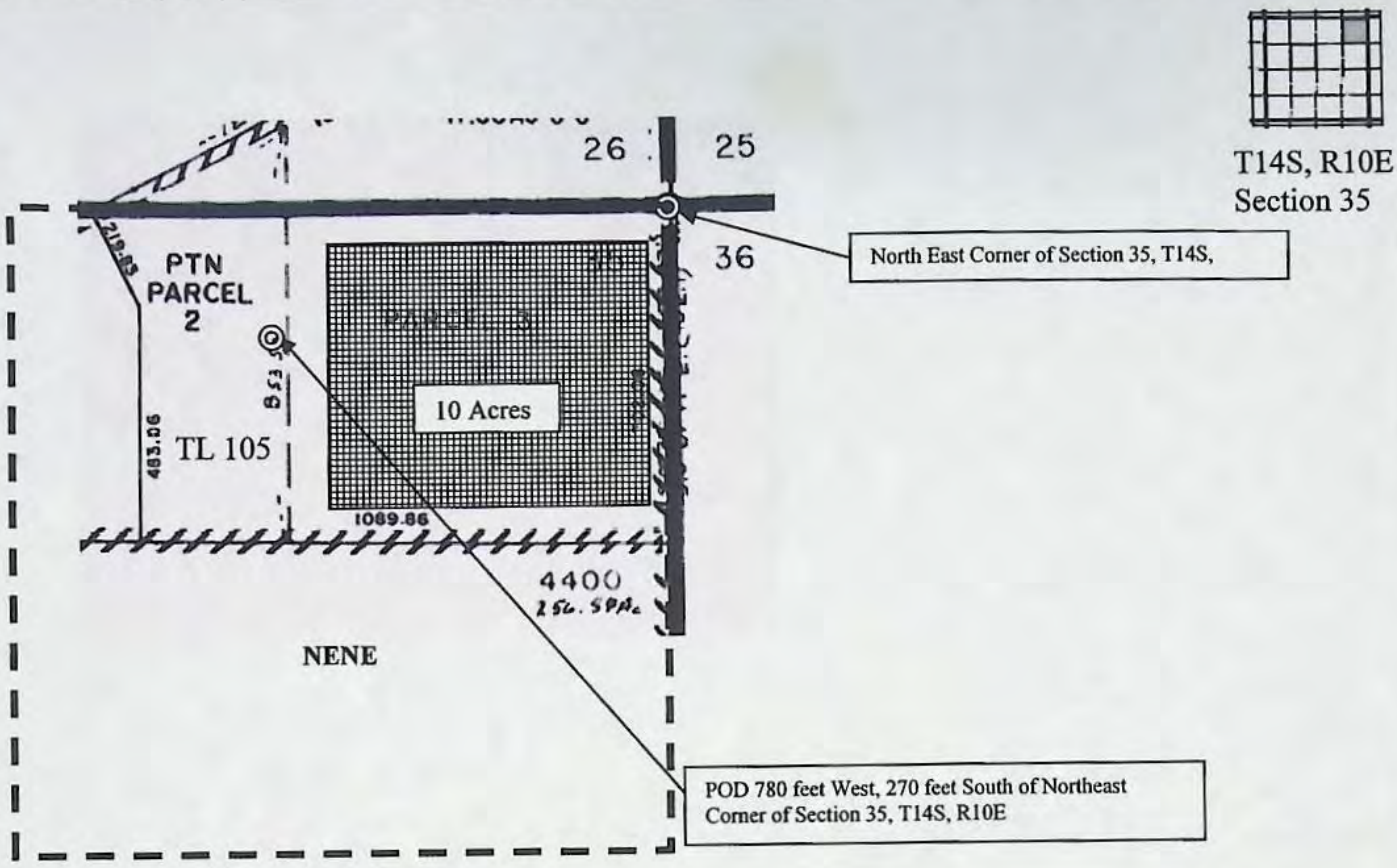
The above described mitigation credits have been transferred from Deschutes Irrigation, LLC, mitigation credit holder, to Jim Klemz, ground water application/permit/certificate holder.

Jeff Shut
Mitigation Credit Holder Signature

11-14-06
Date

Jeff Shut Agent
Ground Water Application/Permit/Certificate Holder Signature

11-14-06
Date



Application Map for Groundwater Permit
For
Jim Klemz

Proposed Place of Use ◎ Approximate Well Location ◎ Approximate Marker Location

T14S R10E Section 35, NE ¼, NE ¼, Tax Lot 0105

1 inch equals 400 feet

April 21, 2005

NORTH

Deschutes Irrigation, LLC
P.O. Box 1830
Bend, OR 97709
541-389-2857
waterrights@usa.com

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SALEM, OREGON

App G-16448
Permit no G-16134

DESCHUTES GWSA FO CHECKLIST

Application # G16448 **Applicant:** Jim Klemz **PFO week:** ___ **FO week :** ___

✓ Has applicant **name and/or address changed**, or has the file been **assigned**? (Y) / N
If new: Addrss – 70015 Camp Polk Rd, Sisters, OR 97759-9761

Were **comments** received? If so, from whom and when? none
Respond to significant comments, issues, or disputes related to the proposed use of water

Mitigation team notified? (Y) N Comments rec'd? None substantial.

Verify names and mailing addresses of all commentors, affected landowners and those who paid $10 fee on PFO cc: list.

Have **affected landowner**(s) been notified? Y / N / (NA) If not, do not issue FO. Send a letter to affected landowner(s).

Has applicant provided mitigation information (Y) / N If yes, has documentary evidence been submitted? MP-44 – 9cr MP 25 - 1.89 MP 27 - 7.11

Will the mitigation be provided incrementally? Y/(N) If Yes, list date of 1st increment and source ___

Are requested **GW conditions included** in permit? (Y)/ N If not, add condition(s) ___

Do PFO conclusions **require modification** due to typos or errors? Y / (N) What and why? ___

Mitigation Credits don't constitute proof/change.

Fees

Base Fee	Water Amount (Q)	
$100 / $150 $250 / (~~$300~~)	1st CFS/AF	200
	___ Addl @ ___	+ ___

300 (base) + 200 (Q) = 500 (total exam fee)

EXAM FEE REQUIRED	500	RECORDING FEE REQUIRED	$175 / (~~$250~~)
EXAM FEE PAID	- 500	RECORDING FEE PAID	- 250
STILL OWED	0	STILL OWED	0

FO type ___ DENIAL ✓ FO w/ Permit # G16134 ___ FO w/o permit ___ lacks fees ___ lacks easement ___ lacks documentary evidence

Name: Anita Huffman **Date:** 11/15/10 **Peer Reviewer:** jmc

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

DESCHUTES IRRIGATION, LLC

"Pasture Irrigation From Your Well"

Attn: Anita Huffman
1 page + cover

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SALEM, OREGON

P.O. Box 1830 • Bend, Oregon 97709 • (541) 38 WATER • 541 389-2837

Oregon
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SALEM, OREGON

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

OREGON WATER RESOURCES DEPARTMENT
DESCHUTES BASIN MITIGATION CREDIT
DOCUMENTARY EVIDENCE FORM

This form is to be completed when mitigation credits are obtained from a mitigation credit holder, other than a mitigation bank, by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules. If there are any questions about this form, please contact the Department.

Ground Water User Information:

Name: Jim Klemz
Mailing Address (Street, City, State, Zip): 18137 Fadjur Lane, Sisters OR 97759
Phone Number (Home and Work - including area code): _____ E-Mail (optional): jim.klemz@seccteam.com
Ground Water Application, Permit, or Certificate #: G-16448
Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): 18 credits
Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): General

Mitigation Credit Holder Information:

Mitigation Credit Holder Name: Deschutes Irrigation, LLC
Mailing Address: P.O. Box 1830, Bend, OR 97709
Phone Number (Home and Work - including area code): 541-389-2837 E-Mail (optional): waterrights@usa.com

If mitigation credits have changed hands beyond the original credit holder, a complete assignment record (chain-of-custody) for the mitigation credits should be included with this documentary evidence form to help demonstrate that the credits are valid. This information may be obtained from the mitigation credit holder.

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based.

Project Type Codes: Allocation of Conserved Water = ACW; Permanent Instream Transfers = PT; Storage Release = SR; Aquifer Recharge = AR; Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID	# Mitigation Credits Assigned	Zone of Impact	Mitigation Project Type Code (see above)
MP-27	7.11	General	PT
MP-25	1.89	General	PT

Add additional mitigation projects and credits below using above format:

_____

Mitigation Project Operator (if other than original credit holder): _____(for example, name of storage project or aquifer recharge project operator)
Mailing Address: _____
Phone Number (including area code): _____

For Stored Water Releases (if applicable):
Name of Reservoir: _____
Reservoir Permit/Certificate: _____ Contract Number(s): _____

The above described mitigation credits have been transferred from Deschutes Irrigation, LLC, mitigation credit holder, to Jim Klemz, ground water application/permit/certificate holder.

John A Short — 11-14-06
Mitigation Credit Holder Signature — Date

John A Short Agent — 11-14-06
Ground Water Application/Permit/Certificate Holder Signature — Date

Please print in ink or type all information.

July 21, 2003

OREGON WATER RESOURCES DEPARTMENT
DESCHUTES BASIN MITIGATION CREDIT
DOCUMENTARY EVIDENCE FORM FOR MITIGATION BANKS

*This form is to be completed by a **Mitigation Bank** when mitigation credits are obtained from a mitigation bank by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules.*

Ground Water User Information:

Name: Jim Klemz
Mailing Address (Street, City, State, Zip): 18137 Fadjur Lane, Sisters, OR 97759
Phone Number (Home and Work): (541) 923-1879 E-Mail (optional): _____
Ground Water Application, Permit, or Certificate #: G-16448
Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): 9.0
Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): General

Mitigation Bank Information:

Mitigation Bank Name: Deschutes Water Exchange
Mailing Address: 700 NW Hill St., Bend, OR 97701
Phone Number: (541) 382-4077, ext 16 E-Mail (optional): gen@deschutesrc.org

Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based (The Mitigation Bank shall notify purchasers of mitigation credits of the category of credits purchased. The Bank shall state if the credits are temporary or whether subject to the continued maintenance of a mitigation project. By Charter agreement, the Mitigation Bank has assumed an obligation to maintain or replace mitigation credits based on non-permanent mitigation projects.). Project Type Codes: Instream Lease = ISL; Time-Limited Instream Transfer = TLT; Allocation of Conserved Water = ACW; Permanent Instream Transfers = PT; Storage Release = SR; Aquifer Recharge = AR; Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID	# Mitigation Credits Assigned	Zone of Impact	Mitigation Project Type Code (see above)
MP-44	9.0	General	ISL
MP-___	_____	_____	___

Add additional mitigation projects and credits below using above format:

_____

Mitigation Project Operator (if other than original credit holder): DWE (for example, name of storage project or aquifer recharge project operator)
Mailing Address: _____
Phone Number: _____

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WATER RESOURCES DEPT
SALEM, OREGON

For Stored Water Releases (if applicable):
Name of Reservoir: _____
Reservoir Permit/Certificate: _____ Contract Number(s): _____

The above described mitigation credits have been transferred from _____, mitigation credit holder, to _____, ground water application/permit/certificate holder.

Genevieve Hubert
Mitigation Bank Signature

3/21/06
Date

Jim Klemz
Ground Water Application/Permit/Certificate Holder Signature

3-11-06
Date

Jim Klemz

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16448

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of $250.00. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **October 27, 2006**, issuance of a permit may be delayed.

Proposed Final Order

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

Application History

On April 25, 2005, JIM KLEMZ submitted an application to the Department for the following water use permit:

- Amount of Water: 0.125 CUBIC FOOT PER SECOND
- Use of Water: IRRIGATION USE ON 10.0 ACRES
- Source of Water: A WELL IN WYCHUS CREEK(FORMERLY KNOWN AS SQUAW CREEK)BASIN
- Area of Proposed Use: DESCHUTES COUNTY within SECTION 35, TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

On March 3, 2006, the Department mailed the applicant notice of its Initial Review, determining that "*The use of 0.125 CUBIC FOOT PER SECOND (CFS) of water from A WELL IN SQUAW CREEK BASIN for IRRIGATION USE ON 10.0 ACRES is not allowable, and it appears unlikely that you will be issued a permit. However, by providing mitigation that meets the requirements of OAR 690-505-0610, the use may be approved.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On March 7, 2006, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

The March 3, 2006 Initial Review included the Notice of Mitigation Obligation for the proposed groundwater use pursuant to the Deschutes

Ground Water Mitigation Rules. The applicant proposed to the obtain mitigation credits to satisfy the mitigation obligation of the proposed ground water use. On March 23, 2006, the applicant provided Documentary Evidence that 9.0 Mitigation Credits within the General Zone of Impact had been obtained. Because the mitigation obligation is 18.0 AF, an additional 9.0 AF of mitigation is required prior to the issuance of a permit.

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

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

Findings of Fact

The Department has determined that the proposed ground water use is located within the Deschutes Ground Water Study Area (DGWSA) and is subject to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505. The Deschutes Ground Water Mitigation Rules identify that new ground water appropriations within the DGWSA will have the potential for substantial interference with surface water rights (OAR Chapter 690, Division 09) and will cause a measurable reduction in scenic waterway flows (ORS 390.835).

The Department has determined the proposed use will have the potential for substantial interference with the Deschutes River. The Department also finds there is a preponderance of evidence that the proposed use will measurably reduce surface water flows necessary for the Deschutes River Scenic Waterway (ORS 390.835(9)).

Senior water rights exist on a well in Deschutes River Basin, or on downstream waters.

The Department has determined that the applicant must mitigate for the proposed ground water use pursuant to the Deschutes Groundwater Mitigation Rules (OAR 690-505). A permit may not be issued unless the mitigation obligation of the proposed ground water use, as identified by the Department, is satisfied. Water in an amount equal to the mitigation

obligation must be legally protected instream before a permit may be issued.

The Department has determined the mitigation obligation for the proposed use of groundwater for irrigation of 10.0 acres from March 1 through October 31 is 18.0 acre-feet. The mitigation obligation represents the Department's determination of consumptive use of the proposed groundwater use (OAR 690-505-0610(5)).

To satisfy the mitigation obligation, the applicant must also provide mitigation water in the zone of impact identified by the Department. The proposed use for this application is located within the General Zone of Impact, defined as anywhere in the Deschutes River Basin above the Madras Gage, which is located below Lake Billy Chinnook (OAR 690-505-0610(5)).

The applicant has proposed to obtain 18.0 mitigation credits within the General Zone of Impact. Documentary evidence has been provided to the Department that the applicant has obtained 9.0 mitigation credits from mitigation project MP-44, which is a temporary instream lease that expires December, 2009. An additional 9.0 mitigation credits will be required prior to the issuance of a permit. Each mitigation credit is equivalent to 1.0 acre-foot of mitigation water.

Following submission of the applicant's mitigation proposal, the Department requested comments on the application and proposed mitigation from Oregon Department of Fish and Wildlife, Department of Environmental Quality, Division of State Lands, Department of Parks and Recreation, and Department of Agriculture pursuant to the Deschutes Ground Water Mitigation Rules. No significant comments relating to the mitigation obligation were received.

The Department finds that the mitigation proposed by the applicant will satisfy the mitigation required under OAR Chapter 690, Division 505; therefore, pursuant to OAR 690-505-0630, the proposed ground water appropriation is deemed to be a ground water appropriation that does not have the potential for substantial interference with surface water.

The Department finds that the Deschutes Basin Program allows the use of groundwater for irrigation.

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

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

As required by the Deschutes Ground Water Mitigation Rules, any Final Order issued approving the proposed use, and any subsequent permit will include the following conditions (690-505-0620(1)):

Mitigation Obligation:	18.0 acre-feet annually in the General Zone of Impact, located in the Deschutes River Basin above the Madras Gage which is located below Lake Billy Chinnook.
Mitigation Source:	18.0 Mitigation Credits, being 9.0 mitigation credits originating from Mitigation Project MP-#44, and an additional 9.0 mitigation credits from a chartered mitigation bank, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5), within the General Zone of Impact.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the terms and conditions of a valid contract, or a satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit or subsequent certificate(s).

The next step in the permit application process under OAR 690-310 is the Final Order. The applicant has provided the Department with documentary evidence that the qualifying credits have been obtained.

Conclusions of Law

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

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

The mitigation proposed by the applicants will satisfy the mitigation required under OAR 690-505. Therefore, notwithstanding OAR 690-09:

groundwater is available for the proposed use;

the proposed use will not measurably reduce surface water flows necessary for the Deschutes River Scenic Waterway;

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

The applicant shall provide mitigation pursuant to the Scenic Water Way Act, ORS 390.835{9)(d)(A) and (10).

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

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

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest. . . or in a finding of the department that shows:

(A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and

(B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

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

Recommendation

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

DATED September 12, 2006

E. Timothy Ward

Phillip C. Ward, Director for
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this proposed final order. Protests must be received in the Water Resources Department no later than **October 27, 2006**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;

- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of $250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.*

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than **October 27, 2006**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the proposed final order as issued;
- A detailed statement of how the requester would be harmed if the proposed final order is modified; and
- A standing fee of $50.00. If a hearing is scheduled, an

additional fee of $200.00 must be submitted along with a request for intervention.

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

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

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

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

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

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

DRAFT This is not a permit. DRAFT

STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JIM KLEMZ
18137 FADJUR LANE
SISTERS, OR 97759

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

APPLICATION FILE NUMBER: G-16448

SOURCE OF WATER: A WELL IN WYCHUS CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 10.0 ACRES

MAXIMUM RATE: 0.125 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 25, 2005

WELL LOCATION: NE ¼ NE ¼ SECTION 35, T14S, R10E, W.M.; 270 SOUTH & 780 FEET WEST FROM NE CORNER, SECTION 35

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼ 10.0 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as

may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation is maintained.

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation:	18.0 acre-feet annually in the General Zone of Impact, located in the Deschutes River Basin above the Madras gage, which is located below Lake Billy Chinnook.
Mitigation Source:	18.0 Mitigation Credits, being 9.0 mitigation credits originating from Mitigation Project MP-#44, and an additional 9.0 mitigation credits from a chartered mitigation bank, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5), within the General Zone of Impact.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditions of a valid contract, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit, or subsequent certificate(s).

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

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

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

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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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2006

DRAFT - THIS IS NOT A PERMIT

_____
Phillip C. Ward, Director
Water Resources Department

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

ADDRESS SERVICE REQUESTED

W R&A D J

UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004602067
$ 00.63⁰
SEP 12 2006
MAILED FROM ZIP CODE 97301

Original already sent to address on 9-21-06 JRS

RECEIVED
SEP 25 2006
WATER RESOURCES DEPT
SALEM, OREGON

G-16448
JIM KLEMZ
10920 PARK RANGE RD
LITTLETON CO 80127

KLEM920 801272029 1405 20 09/19/06
FORWARD TIME EXP RTN TO SEND
KLEMZ
70015 CAMP POLK RD
SISTERS OR 97759-9761

RETURN TO SENDER

Anita Huffman

From: Laura Snedaker [Laura.K.SNEDAKER@wrd.state.or.us]
Sent: Tuesday, September 12, 2006 12:46 PM
To: 'Anita Huffman'
Subject: resent - PSI for G-16448 (Klemz)

-->

Anita:

Was looking at the PSI for Klemz per the PFO and noted that it conflicted with the IR or seems to. Looks like the IR identified the PSI as being with Whychus Creek and the PFO identifies the PSI as being with the Deschutes River. Do you know which it is supposed to be?

Laura

Laura Snedaker

Senior Water Resources Coordinator

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

OK has been changed

Jonnine Skaug

From: Jonnine Skaug [Jonnine.L.SKAUG@wrd.state.or.us]
Sent: Wednesday, September 20, 2006 10:36 AM
To: 'Mary Rohling'
Subject: Address Change App # G-16448

Hi Mary,

I have a change of address for Jim Klemz.

Old Address:

10920 Park Range Rd
Littleton, CO 80127

New Address:

70015 Camp Polk RD
Sisters, OR 97759-9761

Thank You!

Jonnine Skaug
Water Rights/Adjudication Division
OR Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301
phone: 503-986-0807
fax: 503-986-0901

Anita Huffman

From: John Short [waterrights@usa.com]
Sent: Wednesday, September 20, 2006 8:16 AM
To: 'Anita Huffman'
Subject: RE: Klemz-change of address

Hello Anita,

This is my email from Jim. I thought I had forwarded it to you, but are you under a different address?

Sent: Thursday, August 31, 2006 4:49 AM
To: John Short
Subject: RE: water

John,

I already paid those fees. My address is now 70015 Camp Polk Road, Sisters 97759

Jim

John A. Short

Deschutes Irrigation, LLC an Oregon Mitigation Bank

Water Rights for Dry Properties

P.O. Box 1830

Bend, OR 97709

38-WATER

541-389-2837

waterrights@usa.com

-----Original Message-----
From: Anita Huffman [mailto:Anita.M.HUFFMAN@wrd.state.or.us]
Sent: Wednesday, September 20, 2006 8:08 AM
To: 'John Short'
Subject: Klemz-change of address

Hi John,
I just got the PFO for Jim Klemz (G-16448) back in the mail, the forwarding time expired, so it was returned to us. I'm having support staff remail to an address in Sisters. I need to have an 'official' letter noting the change of address. As his agent, I think you can do this.

Thanks.

Anita Huffman
Water Rights Caseworker
Water Rights Division
Oregon Water Resources Department
VOICE: 503-986-0815 FAX: 503-986-0901

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

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.63⁰
0004602067 SEP 12 2006
MAILED FROM ZIP CODE 97301

W R&A D J

ADDRESS SERVICE REQUESTED

Re-Sent 9-21-06 MS

G-16448
JIM KLEMZ
10920 PARK RANGE RD
LITTLETON CO 80127

X 802 NO 1 405 C 00 09/16/06
FORWARD TIME EXP RTN TO SEND
KLEMZ
70015 CAMP POLK RD
SISTERS OR 97759-9761

RCTURN TO SENDER

97301@1266

DESCHUTES RIVER
CONSERVANCY

March 21, 2006

Anita Huffman
Oregon Water Resources Dept.
Water Rights Section
725 Summer St. NE, Suite A
Salem, OR 97301-4172

Anita,

Enclosed please find the Documentary Evidence Form for Jim Klemz, Ground Water Application # G-16448. The Documentary Evidence is for 9.0 temporary mitigation credits in the General Zone of Impact.

Please let me know if you need anything else or if you have any questions.

Yours,

Genevieve Hubert

Genevieve Hubert
Program Manager
DRC – Deschutes Water Exchange Mitigation Bank

Cc: Laura Snedaker, OWRD
Jeremy Giffin, Water Master

RECEIVED
MAR 23 2006
WATER RESOURCES DEPT
SALEM, OREGON

700 NW Hill Street • Bend, Oregon 97701
(P.O. Box 1560 • 97709)
541.382.4077 • Fax 541.382.4078
www.deschutesrc.org / info@deschutesrc.org

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16448

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of $250.00. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **October 27, 2006**, issuance of a permit may be delayed.

Proposed Final Order

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

Application History

On April 25, 2005, JIM KLEMZ submitted an application to the Department for the following water use permit:

- Amount of Water: 0.125 CUBIC FOOT PER SECOND
- Use of Water: IRRIGATION USE ON 10.0 ACRES
- Source of Water: A WELL IN WYCHUS CREEK(FORMERLY KNOWN AS SQUAW CREEK)BASIN
- Area of Proposed Use: DESCHUTES COUNTY within SECTION 35, TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

On March 3, 2006, the Department mailed the applicant notice of its Initial Review, determining that "*The use of 0.125 CUBIC FOOT PER SECOND (CFS) of water from A WELL IN SQUAW CREEK BASIN for IRRIGATION USE ON 10.0 ACRES is not allowable, and it appears unlikely that you will be issued a permit. However, by providing mitigation that meets the requirements of OAR 690-505-0610, the use may be approved.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On March 7, 2006, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

The March 3, 2006 Initial Review included the Notice of Mitigation Obligation for the proposed groundwater use pursuant to the Deschutes

Ground Water Mitigation Rules. The applicant proposed to the obtain mitigation credits to satisfy the mitigation obligation of the proposed ground water use. On March 23, 2006, the applicant provided Documentary Evidence that 9.0 Mitigation Credits within the General Zone of Impact had been obtained. Because the mitigation obligation is 18.0 AF, an additional 9.0 AF of mitigation is required prior to the issuance of a permit.

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

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

Findings of Fact

The Department has determined that the proposed ground water use is located within the Deschutes Ground Water Study Area (DGWSA) and is subject to the Deschutes Ground Water Mitigation Rules, OAR Chapter 690, Division 505. The Deschutes Ground Water Mitigation Rules identify that new ground water appropriations within the DGWSA will have the potential for substantial interference with surface water rights (OAR Chapter 690, Division 09) and will cause a measurable reduction in scenic waterway flows (ORS 390.835).

The Department has determined the proposed use will have the potential for substantial interference with the Deschutes River. The Department also finds there is a preponderance of evidence that the proposed use will measurably reduce surface water flows necessary for the Deschutes River Scenic Waterway (ORS 390.835(9)).

Senior water rights exist on a well in Deschutes River Basin, or on downstream waters.

The Department has determined that the applicant must mitigate for the proposed ground water use pursuant to the Deschutes Groundwater Mitigation Rules (OAR 690-505). A permit may not be issued unless the mitigation obligation of the proposed ground water use, as identified by the Department, is satisfied. Water in an amount equal to the mitigation

obligation must be legally protected instream before a permit may be issued.

The Department has determined the mitigation obligation for the proposed use of groundwater for irrigation of 10.0 acres from March 1 through October 31 is 18.0 acre-feet. The mitigation obligation represents the Department's determination of consumptive use of the proposed groundwater use (OAR 690-505-0610(5)).

To satisfy the mitigation obligation, the applicant must also provide mitigation water in the zone of impact identified by the Department. The proposed use for this application is located within the General Zone of Impact, defined as anywhere in the Deschutes River Basin above the Madras Gage, which is located below Lake Billy Chinnook (OAR 690-505-0610(5)).

The applicant has proposed to obtain 18.0 mitigation credits within the General Zone of Impact. Documentary evidence has been provided to the Department that the applicant has obtained 9.0 mitigation credits from mitigation project MP-44, which is a temporary instream lease that expires December, 2009. An additional 9.0 mitigation credits will be required prior to the issuance of a permit. Each mitigation credit is equivalent to 1.0 acre-foot of mitigation water.

Following submission of the applicant's mitigation proposal, the Department requested comments on the application and proposed mitigation from Oregon Department of Fish and Wildlife, Department of Environmental Quality, Division of State Lands, Department of Parks and Recreation, and Department of Agriculture pursuant to the Deschutes Ground Water Mitigation Rules. No significant comments relating to the mitigation obligation were received.

The Department finds that the mitigation proposed by the applicant will satisfy the mitigation required under OAR Chapter 690, Division 505; therefore, pursuant to OAR 690-505-0630, the proposed ground water appropriation is deemed to be a ground water appropriation that does not have the potential for substantial interference with surface water.

The Department finds that the Deschutes Basin Program allows the use of groundwater for irrigation.

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

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

As required by the Deschutes Ground Water Mitigation Rules, any Final Order issued approving the proposed use, and any subsequent permit will include the following conditions (690-505-0620(1)):

Mitigation Obligation: 18.0 acre-feet annually in the General Zone of Impact, located in the Deschutes River Basin above the Madras Gage which is located below Lake Billy Chinnook.

Mitigation Source: 18.0 Mitigation Credits, being 9.0 mitigation credits originating from Mitigation Project MP-#44, and an additional 9.0 mitigation credits from a chartered mitigation bank, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5), within the General Zone of Impact.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee, the use of water under this right is subject to the terms and conditions of a valid contract, or a satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit, or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit or subsequent certificate(s).

The next step in the permit application process under OAR 690-310 is the Final Order. The applicant has provided the Department with documentary evidence that the qualifying credits have been obtained.

Conclusions of Law

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

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

The mitigation proposed by the applicants will satisfy the mitigation required under OAR 690-505. Therefore, notwithstanding OAR 690-09:

groundwater is available for the proposed use;

the proposed use will not measurably reduce surface water flows necessary for the Deschutes River Scenic Waterway;

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

The applicant shall provide mitigation pursuant to the Scenic Water Way Act, ORS 390.835{9)(d)(A) and (10).

The proposed use will not injure other water rights.

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

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

For these reasons, the required presumption has been established.

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

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest. . . or in a finding of the department that shows:

(A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and

(B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

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

Recommendation

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

DATED September 12, 2006

E. Timothy Ward

Phillip C. Ward, Director for
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this proposed final order. Protests must be received in the Water Resources Department no later than **October 27, 2006**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;

- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of $250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.*

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than **October 27, 2006**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the proposed final order as issued;
- A detailed statement of how the requester would be harmed if the proposed final order is modified; and
- A standing fee of $50.00. If a hearing is scheduled, an

additional fee of $200.00 must be submitted along with a request for intervention.

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

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

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

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

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

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

STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JIM KLEMZ
18137 FADJUR LANE
SISTERS, OR 97759

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

APPLICATION FILE NUMBER: G-16448

SOURCE OF WATER: A WELL IN WYCHUS CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 10.0 ACRES

MAXIMUM RATE: 0.125 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 25, 2005

WELL LOCATION: NE ¼ NE ¼ SECTION 35, T14S, R10E, W.M.; 270 SOUTH & 780 FEET WEST FROM NE CORNER, SECTION 35

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼ 10.0 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as

may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced. However, the use of groundwater allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows so long as mitigation is maintained.

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

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

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

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

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

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

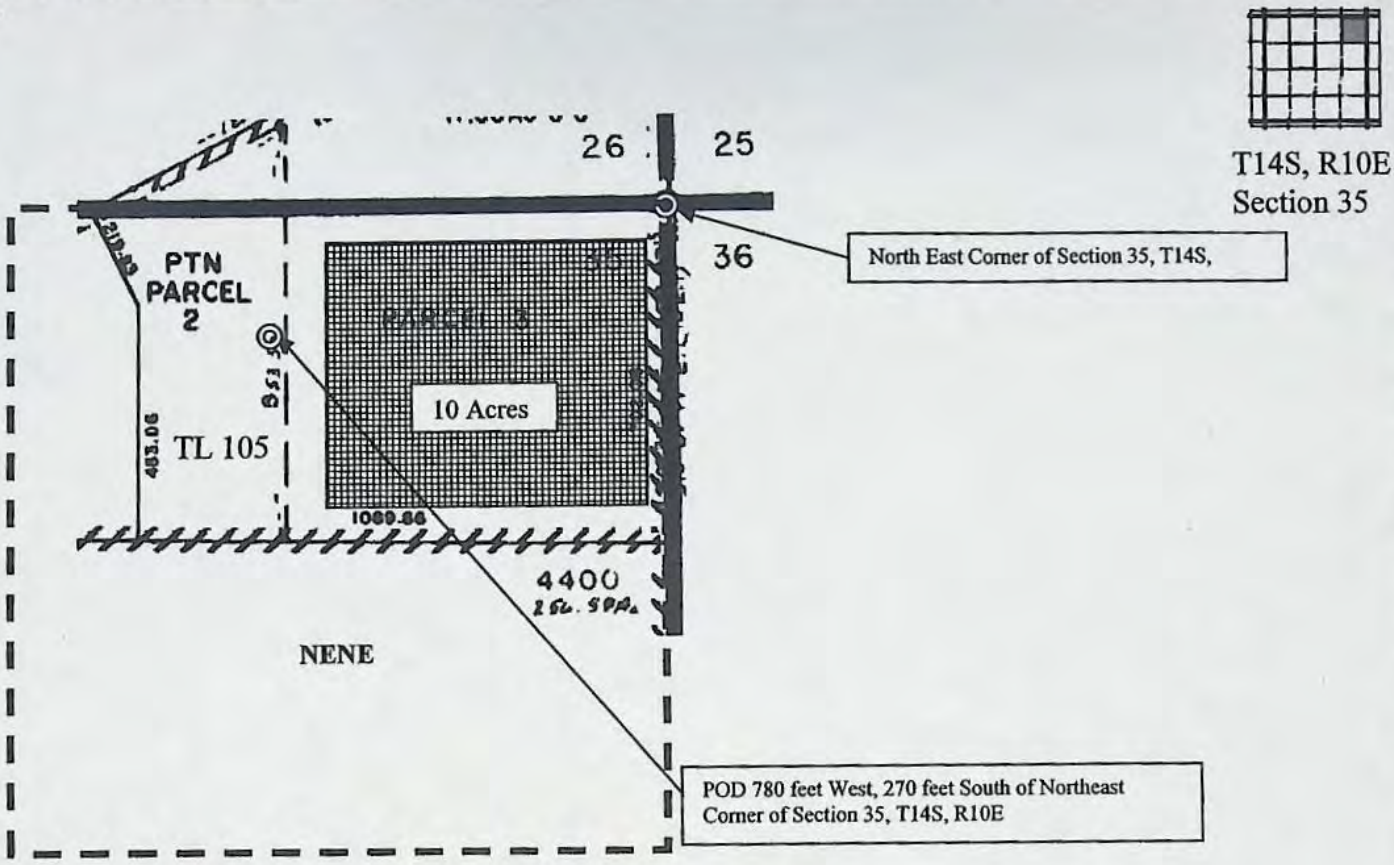
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2006

DRAFT - THIS IS NOT A PERMIT

_____

Phillip C. Ward, Director
Water Resources Department



Application Map for Groundwater Permit
For
Jim Klemz

Proposed Place of Use ◎ Approximate Well Location ◎ Approximate Marker Location

T14S R10E Section 35, NE ¼, NE ¼, Tax Lot 0105

1 inch equals 400 feet

April 21, 2005

NORTH

Deschutes Irrigation, LLC
P.O. Box 1830
Bend, OR 97709
541-389-2857
waterrights@usa.com

RECEIVED
APR 25 2005
WATER RESOURCES DEPT
SALEM, OREGON

APP G - 16448

Mailing List for PFO Copies

Application #G-16448 PFO Date September 7, 2006

Original mailed to:

Applicant: JIM KLEMZ, 18137 FADJUR LANE, SISTERS, OR 97759

Copies sent to:
1. WRD - File # G-16448
2. Water Availability: Ken Stahr
3. WRD - Laura Snedaker
4. DRC-Bruce Alyward

Copies Mailed
By: _____
(SUPPORT STAFF)
on: 9/11/06
(DATE)

PFO and Map Copies sent to:
5. WRD - Watermaster # 11
6. ODFW: Steve Marx & Clair Kunkel (Bend) (one copy only)
7. ODFW - Rick Kepler
8. Columbia River Intertribal Fish Commission
9. US Fish & Wildlife
10. NW Power Planning Council
11. DEQ — Bonnie Lamb, Eastern Region
12. DOA (Salem): Jim Johnson & Paul Measeles (one copy per office)
13. Oregon State Parks Department (Jan Houck and Dave Wright) (one copy per office)
14. Division of State Lands-BEND (Nancy Pustis)

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

JOHN SHORT, DESCHUTES IRRIGATION, LLC, PO BOX 1830, BEND, OR 97709

JIM KLEMZ, 10920 PARK RANGE RD, LITTLETON, CO, 80127

Affected Landowners (include "Notice of Proposed Final Order--Affected Landowner"):

CASEWORKER : huffmaam

Anita Huffman

From: John Short [waterrights@usa.com]
Sent: Thursday, August 31, 2006 10:56 AM
To: 'Anita Huffman'
Subject: FW: water

Hello Anita,

Below is Jim Klemz' new address and you should documentary evidence for 5 acres of permanent and 5 acres leased from the DRC.

Thanks for your work!

John

-----Original Message-----
From: Jim.Klemz [mailto:Jim.Klemz@seccteam.com]
Sent: Thursday, August 31, 2006 4:49 AM
To: John Short
Subject: RE: water

John,

I already paid those fees. My address is now 70015 Camp Polk Road, Sisters

Jim

> -----Original Message-----
> From: John Short [mailto:waterrights@usa.com]
> Sent: Wed 8/30/2006 5:18 PM
> To: Jim.Klemz
> Cc:
> Subject: water
>
> Hey Jim,
>
> Things are moving along on your water right. We applied for 10 acres, you bought 5 acres and if my memory isn't failing, you intended to lease the other 5 in case you eventually wanted the full 10. If this is correct, I'll get the lease paperwork out to you (it costs $250 one time registration plus $130 per acre for this year's lease). In the future, you'd need to pay just the annual lease to keep the extra 5 acres alive or buy permanent mitigation like you did or let 5 acres die just sticking with the 5 you've bought already.
>
> Lastly, I just need to confirm that your current address is: 18137 Fadjur Ln, Sisters, OR 97759.
>
> Thanks for your help.
>
> Sincerely,
>
> John

DESCHUTES BASIN PFO CHECKLIST

Application #: G 16448

PFO WEEK _____ PRIORITY DATE 4/25/05

County Deschutes Township _____ Range _____ Section _____ 1/4 1/4 _____

1. Is the file complete by the Minimum Requirements Checklist? Y / N
2. Mitigation Team review completed? Y/N Comments Received? Y/N none significant exp 12/09
3. Zone of Impact General ISL
4. Proposing Credits? Y/N Mitigation Credits Needed 18.0. obtained 9° MP-44, needs 9 more
5. Mitigation Source MP-44 for 9 credits Expired at time of PFO? Y/N
6. Proposing a Project? Y/N _____
7. Incremental Mitigation? Y/N If yes, note dates and amount _____
8. If incremental and use is Q-muni, do they expect to begin construction within five years of permit issuance? Y/N
9. Have conflicts been addressed? Y / N _____
10. Rate 1/80 Duty 3 Irrigation Season 3/1-10/31
11. Period of Allowed Use same
12. Allowed Rate of Use 0.125 cfs (10 Ac Irr)
13. Is the use **Small** (≤0.1cfs, ≤9.2AF, ~~**Medium** (>0.1 or <1.5cfs, >9.2 or <100AF)~~ or **Large** (≥1.5 cfs, ≥100 AF)?
    If the use is Municipal use **Large TOTALIZING** condition.
14. Conditions W, Dcsch. mit.
15. IR Public Notice Date 3/7/06 Comments Received? Y / N _____
16. Was the application filed on or after October 23, 1999? Y / N If yes, then no A date.
17. Final Report Checklist
    - ___ Documents used in determination are attached to this checklist and highlighted
    - ___ Fill out PFO CC List (don't forget to check for other property owners)
      - __a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N
      - __**b. Check Watermaster Dist. on the CC list and draft permit.**
    - ___ Spell Check and Accuracy Check
    - ___ Final PFO report hard copy check (format, margins, etc.)
    - ___ Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

NOTES:

Has only 9° mit credits from MP-44 (exp 12/09)

Name: _____ Date: _____

Peer Reviewer Amy Date: 9/5

Revised 3/27/06

Anita Huffman

From: Laura Snedaker [Laura.K.SNEDAKER@wrd.state.or.us]
Sent: Friday, August 11, 2006 12:10 PM
To: 'Anita Huffman'
Subject: Documentary Evidence for G-16448 (Klemz)

-->

Anita:

On March 23, 2006, a documentary evidence form was submitted to the Department from the DWE Mitigation Bank to demonstrate that mitigation credits have been obtained for the proposed use. GW Permit Application G-16448 has a mitigation obligation of 18.0 AF in the General Zone of Impact. The credits obtained by the applicant are from MP-44, which is an instream lease that generated credits in the General Zone of Impact and the Middle Deschutes Zone of Impact. They have obtained 9.0 credits from MP-44 for use in the General Zone of Impact. **This is only a portion of the mitigation credits needed to satisfy the mitigation obligation.** There are sufficient credits available in this account to supply the 9.0 credits obtained by the applicant. I have debited the MP-44 account by 9.0 credits (subtracted from both zones for use in the general zone) and assigned them to GW permit application G-16448.

Thanks, Laura

Laura Snedaker

Senior Water Resources Coordinator

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

Phone: (503) 986-0884

Web: www.oregon.gov/OWRD

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See http://www.impsec.org/email-tools/sanitizer-intro.html
for details. $Revision: 1.139 $Date: 2003-09-07 10:14:23-07
Subject: RE: Mitigation Obligation Notification-comments please
Date: Thu, 23 Mar 2006 17:23:26 -0800
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: Mitigation Obligation Notification-comments please
Thread-Index: AcZO1GpvQg0P2cA2Q2aLfmEy4khWkgADR32Q
From: "PUSTIS Nancy" <Nancy.Pustis@state.or.us>
To: "Anita M Huffman" <Anita.M.Huffman@state.or.us>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.7 required=5.0 tests=BAYES_00,HTML_FONTCOLOR_BLUE,
HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

DSL has no comment.

From: Anita M Huffman [mailto:Anita.M.Huffman@state.or.us]
Sent: Thursday, March 23, 2006 3:53 PM
To: MARX Steven D; NICHOLS Dick; HOUCK Jan; JOHNSON James W; MEASELES Paul A; PUSTIS Nancy; KUNKEL Clair M; LAMB Bonnie; KEPLER Rick J; GIFFIN Jeremy T; SNEDAKER Laura K
Subject: Mitigation Obligation Notification-comments please

The following applicant has submitted a response to the Mitigation Obligation.

Application G-16448 JIM KLEMZ Use: IRRIGATION OF 10.0 ACRES Rate of Use: 0.125cfs Maximum Volume of Use: 30.0AF
Mitigation Obligation: 18.0 AF Zone of Impact: GENERAL ZONE Source: MP-44 (Temporary Credits)

This applicant has submitted documentary evidence of purchase of 9.0 mitigation credits from the Deschutes River Conservancy. This is half of the mitigation credits required for the proposed use. A permit will not be issued until the applicant has obtained a total of 18.0 credits, however the information provided by the applicant meets the criteria to *continue* the water right application review.

Please respond with your answers by April 7, 2006.

RESPONSE TO NOTICE OF MITIGATION OBLIGATION
CREDIT OR PROJECT OPTION

OAR 690-50-06610(2) states a mitigation obligation may be satisfied by obtaining mitigation credits or by providing for implementation of a mitigation project. Please read and complete the acknowledgment of Mitigation Obligation.

Applicant(s) Jim Klemz

Applicant's Agent Deschutes Irrigation, LLC

Application number G-16448

Proposed Use **Irrigation**

Rate of water requested **0.125** (cubic foot per second) (56 gallons per minute)

Volume of water requested 30 **(acre-feet)**

Mitigation Obligation **18** **(acre-feet)**

Zone of Impact **General Zone of Impact**

Please read and initial the following statements:

JH I/We intend to provide mitigation in the amounts noted above and in the appropriate zone of impact.

JH I/We understand that mitigation must be provided within five years of issuance of the final order for this application.

The proposed mitigation source for this use will be: (please check)

__X__ Purchase Mitigation Credits (and/or) _____ A mitigation project resulting in credits
Please describe the type of project, e.g., transfer, etc and any associated water right certificate, if known: ____Leased mitigation credits from the DRC and MP-25_____

_____

_____

I understand that I must provide mitigation credits in the amount noted, or a suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5) within the appropriate zone of impact.

APPLICANT(S)_____ or

Applicant's agent JH _____

Date 4/5/06 Telephone Number: 541-389-2837

RECEIVED
APR 07 2006
WATER RESOURCES DEPT
SALEM, OREGON

To: DGWSA notification team
From: Anita M Huffman <Anita.M.HUFFMAN@wrd.state.or.us>
Subject: Mitigation Obligation Notification-comments please
Cc:
Bcc:
Attached:

The following applicant has submitted a response to the Mitigation Obligation.

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Please respond with your answers by April 7, 2006.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, $300

U.S.P.S. Form 3547

fee due 75 ¢

return
to sender

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

WR&ADJ
Oregon Water Resources Department
725 Summer St NE Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

UNITED STATES POSTAGE
02 1A $ 00.63⁰
0004602007 MAR 03 2006
MAILED FROM ZIP CODE 97301

KLEM920 801272030 1405 12 03/07/06
FORM 3547

KLEMZ
18137 FADJUR LN
SISTERS OR 97759-9729

G-16448
JIM KLEMZ
10920 PARK RANGE RD
LITTLETON CO 80127

U.S. POSTAL SERVICE
PS FORM 3547

SERVICE
3547

To: Herbert.L.MOSGAR@wrd.state.or.us
From: Glaphre Floth <Glaphre.C.FLOTH@wrd.state.or.us>
Subject: WR Public Notice

Herb,
I noticed while going over the WR Public Notice for March 7, 2006 on page 4 a possible problem. G-16448 for Jim Klemz it says it is located in Umatilla County but has 14S 10E 35. So either the legal description is incorrect or the County. With that description it looks to be Jefferson Co. Just a FYI. Thanks for your assistance. Glaphre

WRIS shows as Deschutes?
Not sure why it pulled as
Umatilla – Look @ file when PN
for PTO

3/15/06

Jonnine

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

March 3, 2006

JIM KLEMZ
10920 PARK RANGE RD
LITTLETON, CO 80127

Reference: File G-16448

Dear Mr. Klemz:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.

2. The use of water from A WELL IN SQUAW CREEK BASIN for IRRIGATION USE ON 10.0 ACRES is allowable under the Deschutes Basin Program.

3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with Squaw Creek. Therefore, in accordance with OAR 690-410-0070(1) and 690-400-0010(11)(a)(A), surface water availability and public interest considerations related to the surface water source must also be considered in the evaluation of this application.

4. The proposed use is within the Deschutes River Scenic Water Way.

5. Surface water is not available any time of the year due to prior, senior water rights on the Deschutes River and downstream waters.

6. The proposed use of hydraulically connected ground water with the potential for substantial interference is not allowable from April 15 through September 30 of each year (OAR 690-33-120(2)(a)).

7. The unfavorable findings of this Initial Review may be overcome if you provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules. Please refer to OVERCOMING THE UNFAVORABLE DETERMINATIONS section below for details.

Summary of Initial Determinations

Because items #3 and #5 above are unfavorable, the use of 0.125 CUBIC FOOT PER SECOND (CFS) of water from A WELL IN SQUAW CREEK BASIN for IRRIGATION USE ON 10.0 ACRES is not allowable, and it appears unlikely that you will be issued a permit. However, by providing mitigation that meets the requirements of OAR 690-505-0610, the use may be approved.

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

Overcoming the Unfavorable determinations:
Because of the hydraullic connection to surface water by your well, unless you provide mitigation, by law, the Water Resources Department is required to deny your application. The unfavorable findings of this initial review may be overcome if you provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules, OAR 690-505-0500 through 0630. These mitigation rules provide a process under which ground water applicants may mitigate for the impact that their proposed ground water use would have on surface water flows. The Department has determined your mitigation obligation to be **18.0 acre-feet** of mitigation water annually. The required mitigation is based on the use 0.125 CFS of ground water for irrigation of 10.0 acres from March 1 through October 31. The mitigation obligation is calculated based on a factor of 1.8 acre-feet of water per acre on average as being consumptively used for irrigation.

Location of Mitigation: The Department has determined your mitigation must be located in the **General Zone of Impact**- defined as anywhere in the Deschutes Basin above the Madras gage, located on the Deschutes River below Lake Billy Chinook.

To satisfy your mitigation obligation you can either complete a mitigation project as described in the attached administrative rules, or obtain 18.0 qualifying mitigation credits from an individual or mitigation bank. The Department can provide you with a list of sources to obtain credits. If you obtain credits, you must submit documentary evidence demonstrating that the credits meet the requirements of OAR 690-505-0610. This documentary evidence must be provided prior to the issuance of a permit.

Please contact the Department if you propose to implement a mitigation project. The Department must make a preliminary determination as to whether the proposed project will likely meet your mitigation obligation.

You must return the enclosed RESPONSE TO NOTICE OF MITIGATION OBLIGATION CREDIT OR PROJECT OPTION form so the Department can move forward to the next phase of processing. The form must be returned no later than **March 16, 2006** or the Department will propose to deny your application.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a $50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, March 17, 2006**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

1. Measurement, recording and reporting conditions:

   A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

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

the right or as those quantities may be subsequently reduced. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows provided the required mitigation is maintained.

GROUND WATER MITIGATION CONDITIONS

Mitigation Obligation:	18.0 acre-feet of mitigation water in the General Zone of Impact (anywhere in the Deschutes Basin above the Madras gage, located on the Deschutes River below Lake Billy Chinook.)
Mitigation Source:	Obtain 18.0 Mitigation Credits, or suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5), within the General Zone of Impact.

Mitigation water must be legally protected instream for instream use within the General Zone of Impact and committed for the life of the permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s), will occur if the required mitigation is not maintained.

The permittee shall provide additional mitigation if the Department determines that average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

If mitigation is from a secondary right for stored water from a storage project not owned or operated by the permittee the use of water under this right is subject to the terms and conditons of a valid contract, or satisfactory replacement, with the owner/operator of the storage project, a copy of which must be on file in the records of the Water Resources Department prior to use of water.

Failure to comply with these mitigation conditions shall result in the Department regulating the ground water permit or subsequent certificate(s), proposing to deny any permit extension application for the ground water permit, and proposing to cancel the ground water permit or subsequent certificate(s).

If you have any questions:

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

Sincerely,

Anita Huffman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16448
WAB 5-70753
POU 5-70753
GW

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-16448

Applicant: JIM KLEMZ

County: Deschutes

Watermaster: 11

Priority Date: April 25, 2005

Source: A WELL IN SQUAW CREEK BASIN

Use: IRRIGATION USE ON 10.0 ACRES

Quantity: 0.125 CUBIC FOOT PER SECOND

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 1A SQUAW CR

Well Location(s): NENE SECTION 35, T14S, R10E, M.D.M.;270 SOUTH & 780 FEET WEST FROM NE CORNER, SECTION 35

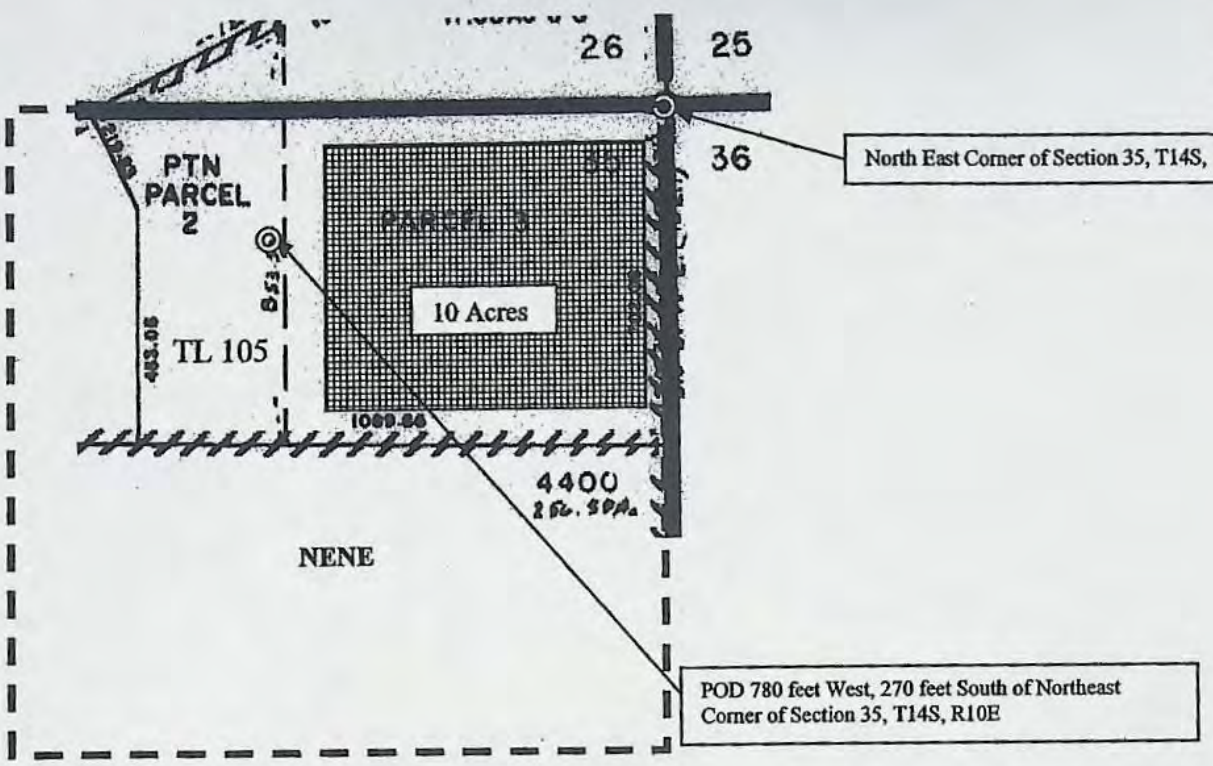
Place of Use:

NE ¼ NE ¼ 10.0 ACRES
SECTION 35
TOWNSHIP 14 SOUTH, RANGE 10 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 3, 2006

PUBLIC NOTICE DATE: Tuesday, March 7, 2006

30 DAY COMMENT DEADLINE DATE: Thursday, April 6, 2006



Application Map for Groundwater Permit
For
Jim Klemz

Proposed Place of Use ◎ Approximate Well Location ◎ Approximate Marker Location

T14S R10E Section 35, NE ¼, NE ¼, Tax Lot 0105

1 inch equals 400 feet

April 21, 2005

NORTH

Deschutes Irrigation, LLC
P.O. Box 1830
Bend, OR 97709
541-389-2857
waterrights@usa.com

RECEIVED
APR 25 2005
WATER RESOURCES DEPT
SALEM, OREGON

APP G-16448

Mailing List for IR Copies

Application #G-16448 IR Date: March 3, 2006

Original mailed to:

Applicant: JIM KLEMZ , 10920 PARK RANGE RD, LITTLETON, CO 80127

Copies Mailed
By: TCB
(SUPPORT STAFF)
on: 3/3/06
(DATE)

Copies sent to:
1. WRD - File # G-16448
2. WRD - Water Availability: Ken Stahr
3. WRD - Laura Snedaker

IR, Map, and Fact Sheet Copies sent to:
4. WRD - Watermaster # 11
5. ODFW District Biologist: Steve Marx
6. Columbia River Intertribal Fish Commission
7. US Fish & Wildlife
8. NW Power Planning Council
9. DOA- Jim Johnson
10. State Parks
11. DEQ-Nichola

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

John Short, Deschutes Irrigation, LLC

COPYSHT.IR

Caseworker: Anita Huffman

***REMINDER**: Copy **all** IR's for uses in the geographic Umatilla Basin to Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, 73239 Confederated Way, Pendleton, OR 97801.*

***REMINDER**: Copy **all** IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)*

IR CHECKLIST DESCHUTES GROUNDWATER STUDY AREA

Application #: G16448 **Applicant:** Jim Kume

Use(s): IRR of 10° Acres **Priority Date:** 4/25/05

✓ If quasi/muni, **reviewed by Bill Fujii** Y / N / (NA)

✓ Is the **application complete?** (Y) / N

✓ **Prohibited by ORS 538?** Y / (N) If so, do not do an IR; return app & fees to applicant.

✓ **GW Review** ☐ surface classification triggered ☒ Is there PSI? stream name Deschutes R.

☐ will not ☐ will likely be available ...without injury... and/or within the capacity of the resource
☐ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource

✓ **WM Dist-** 11

✓ Is there a **conflict?** Y / (N) / NA

☐ If conflict, are rights from a different source?
☐ If supplemental, ☐ check for primary right on same land
☐ will this be making up a deficiency in rate?

✓ Allowed under **Basin Program** (Y) / N Limitations? (Y) N 690-505-0600 Rules

✓ **Zone of Impact** General

✓ **Mitigation Obligation** @ 18° AF

✓ **303D** Y / (N) / NA (cc: DEQ Regional Manager) **BOTTLED WATER** Y / N (cc: DOA Food Safety Division)

✓ **Rate** 1/80 **Rate** Max 0.125 (56gpm) Req 0.125

Duty 3 **Season** Allowed 3/1-10/31 Req 3/1-10/31

✓ **Land use** approval (OK) needs approval county notified NA

✓ Does the applicant intend to begin **use within 5 years?** (Y) / N
(If not, bring to supervisor's attention.)

✓ Statement allowing someone to act as **authorized agent?** (Y) / N / NA Deschutes IRR, LLC

✓ **Conditions:** 7B, Desch. mitigation

Small ≤ 0.1 CFS, ≤ 9.2 AF, **Medium** > 0.1 or < 1.5 CFS, > 9.2 or < 100AF, **Large** ≥ 1.5 CFS, ≥ 100 AF
use at least Medium for: ~~human consumption~~ (SWW), siltcoos lake, livestock SWW, Galesville/BOR
uses that **require** Large: GW condition 7I, temp control (NU), gov. entity and tenmile lake

✓ Is the stream **withdrawn?** Y / (N) / (NA) season allowed

✓ **Basin Maps** have been checked Y / (N) **River Mile**

✓ **SWW** ABOVE (WITHIN) (if so, notify state parks & record app # in book) Name Deschutes R.

✓ Is the use located within Oregon **Streamflow Restoration** Area? Y (N) / NA

Application #: G16448 **Applicant:** Jim Klemz

✓ CWRE, representative, etc. to notify? (Y) / N Deschutes IR, LLC - John Short.

Addn'l info req'd? (Y) / (N) NA
(If Y, send certified)

Attachments included? Y / (N) / NA

Fees

Base Fee	Water Amount (Q)	
$100 / $150 $250 / ($300)	1st CFS/AF	200-
	____ Addl CFS/AF @ ____	+ ____

300- + 200- = 500-
(base) (Q) (total exam fee)

EXAM FEE REQUIRED	500-
EXAM FEE PAID	-500
STILL OWED	0

Name: Anita Huffman **Date:** _____ **Peer Reviewer:** _____

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

Analysis for Application: G16448

Location: 14S-10E-35-NENE

Uses: IR 10 P

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
11	SC	Jeremy Giffin	1128 NW Harriman	Bend	97701	541-388-6669		541-388-5101

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
70753	5	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 1

County

COUNTY	FIPS
Deschutes	41017

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

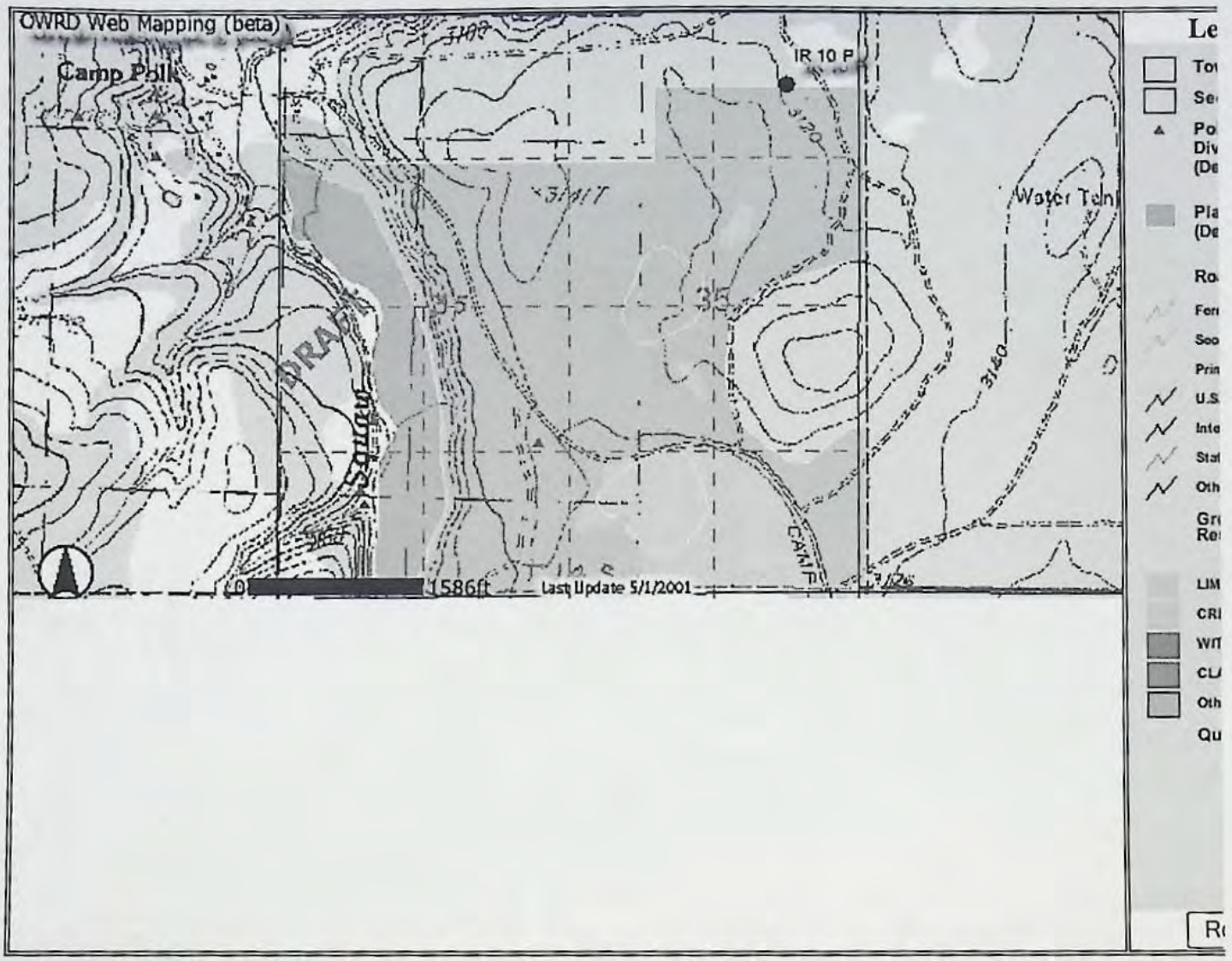
Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

g-16448


OWRD Web Mapping (beta)
Camp Polk
IR 10 P
Water Tank
3160
3120
1586ft
Last Update 5/1/2001

Platcard Report

Township 14S Range 10E Section 35

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
ⓘ	- 01/16/1985	G10624 -		xfr#: T8795					10.18 IR			0.38 IR										
ⓘ	- 01/16/1985	G10624 -		xfr#: T8797		4.29 IR	0.78 IR		0.2 IR			0.07 IR										
ⓘ	- 01/16/1985	G10624 -		xfr#: T9073		7.87 IR	0.22 IR		1.79 IR			0.12 IR										
ⓘ	- 03/05/1948	S18203 57567		xfr#: T4956						0.6 IR	14.0 IR		2.0 IR	15.0 IR	13.4 IR	5.0 IR						
ⓘ	G12042 03/07/1990	G11146 -			QM	QM	QM	QM		QM	QM	QM	QM	QM	QM	QM	QM	QM	QM	QM		
ⓘ	G12419 02/20/1991	G11576 -			QM	QM	QM	QM		QM	QM	QM	QM			QM	QM	QM	QM	QM		
ⓘ	G12420 02/20/1991	G11577 -					AS											AS	AS			
	02/20/1991				20.0 IR	9.0 IR	40.0 IR	32.0 IR			2.0 IR	33.0 IR	18.0 IR				5.0 IR	39.0 IR	8.0 IR	36.0 IR		
	02/20/1991									0.6 IS (s)	14.0 IS (s)		2.0 IS (s)	15.0 IS (s)	13.4 IS (s)	5.0 IS (s)						
ⓘ	G14903 01/08/1999	-		WD					19.1 IR WD	0.9 IR WD												

Page:**1** 2 Next Last

Return to Platcard Query Screen

Run Time: 2 seconds

Platcard Report

Township 14S Range 10E Section 35

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
ⓘ	G14904 01/08/1999	-							4.6 IR	14.7 IR	0.5 IR	1.4 IR										
ⓘ	G14905 01/08/1999	-		WD	21.1 IR WD	23.9 IR WD	1.0 IR WD		3.8 IR WD	0.9 IR WD		0.2 IR WD										
ⓘ	G16448 04/25/2005	-			10.0 IR																	
ⓘ	S23064 03/05/1948	S18203 24619		CN						0.6 IR CN	14.0 IR CN		2.0 IR CN	15.0 IR CN	13.4 IR CN	5.0 IR CN						

Page:First Previous 1 **2**

Return to Platcard Query Screen

Run Time: 1 seconds

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-16448

ROUTED TO: Water Rights

TOWNSHIP/
RANGE-SECTION: 14S/10E-35

CONDITIONS ATTACHED? [X] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:
Within USGS GW study Area

Reviewer: K. Lite

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date **9/8/2005**

FROM: Ground Water/Hydrology Section **K. Lite** (Reviewer's Name)

SUBJECT: Application G- **16448** Supersedes review of _____ (Date of Review(s))

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

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

A. GENERAL INFORMATION: Applicant's Name: **Klemz** County: **Deschutes**

A1. Applicant(s) seek(s) **0.12** cfs from **1** well(s) in the **Deschutes** Basin, **Squaw Creek** subbasin Quad Map: **Henkle Butte**

A2. Proposed use: **Irrigation** Seasonality: **March 1 – October 31**

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

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	**Desc 56863**	**1**	**Deschutes Fm**	**0.12**	**14S/10E-35AAB**	**270' S, 780' E fr NE cor S 35**
2						
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	**3120**	**500**	**496**	**7/2/2005**	**665**	**25**	**25**	**663**	**613-663**	**50**		**A**

Use data from application for proposed wells.

A4. **Comments: WELL IS CONSTRUCTED INTO WATER BEARING ZONES WITHIN THE DESCHUTES FM. GROUND WATER FLOW IS TOWARDS THE NORTHEAST WITH THE NEAREST DISCHARGE AREA (DESCHUTES RIVER), ABOUT 11 MILES DISTANCE. WATER LEVEL IN THE WELL IS BELOW THE ELEVATION OF THE NEAREST SURFACE WATER SOURCE (SQUAW CREEK). WELL IS LOCATED WITHIN THE DESCHUTES GROUND WATER STUDY AREA.**

A5. ☒ **Provisions of the Deschutes** Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☒ **are,** *or* ☐ **are not,** activated by this application. (Not all basin rules contain such provisions.)
Comments: **Within USGS Study Area Boundary.**

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

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

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

a. ☐ **is** over appropriated, ☒ **is not** over appropriated, *or* ☐ **cannot be determined to be** over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;

b. ☐ **will not** *or* ☐ **will** likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;

c. ☐ **will not** *or* ☐ **will** likely to be available within the capacity of the ground water resource; or

d. ☒ **will, if properly conditioned,** avoid injury to existing ground water rights or to the ground water resource:
   i. ☒ The permit should contain condition #(s) **7B**;
   ii. ☐ The permit should be conditioned as indicated in item 2 below.
   iii. ☐ The permit should contain special condition(s) as indicated in item 3 below;

B2. a. ☐ **Condition** to allow ground water production from no deeper than _____ ft. below land surface;

b. ☐ **Condition** to allow ground water production from no shallower than _____ ft. below land surface;

c. ☐ **Condition** to allow ground water production only from the _____ ground water reservoir between approximately_____ ft. and_____ ft. below land surface;

d. ☐ **Well reconstruction** is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

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

B3. **Ground water availability remarks: THE NEAREST STATE OBSERVATION WELL IS OBS WELL 1301 (DESC 2929), ABOUT 1.8 MILES TO THE SOUTH-SOUTHWEST. IT HAS BEEN MONITORED PERIODICALLY SINCE 1978. STATE OBSERVATION WELL 1301 APPEARS TO BE IN DYNAMIC EQUILIBRIUM. THE LONG-TERM TREND SHOWS A DECADAL-SCALE WATER LEVEL FLUCTUATION THAT IS COINCIDENT WITH CLIMATE CYCLES. THE DECADAL FLUCTUATION HAS A MAXIMUM AMPLITUDE OF APPROXIMATELY 15- FEET. SINCE 2001, THE WATER LEVEL HAS DROPPED ABOUT 14 FEET, MOSTLY AS A RESULT OF DECREASED RECHARGE.**

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. **690-09-040 (1):** Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: _____

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

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

Basis for aquifer hydraulic connection evaluation: _____

Water Availability Basin the well(s) are located within: _____

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

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

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

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

Comments: _____

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

Non-Distributed Wells Well SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS												
Interference CFS												

Distributed Wells Well SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS												
Interference CFS												
	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS												
Interference CFS												
	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS												
Interference CFS												
	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS												
Interference CFS												
	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS												
Interference CFS												
	%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS												
Interference CFS												

(A) = Total Interf.												
(B) = 80 % Nat. Q												
(C) = 1 % Nat. Q												
(D) = (A) > (C)												
(E) = (A / B) x 100	%	%	%	%	%	%	%	%	%	%	%	%

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

Basis for impact evaluation: _____

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

C5. ☐ **If properly conditioned**, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:

i. ☐ The permit should contain condition #(s)_____;

ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

C6. **SW / GW Remarks and Conditions**_____

References Used: **USGS WRIR 00-4162; WRIR 02-4015; OWRD STATE OBSERVATION WELL DATA (OBS WELL 1301); APPL. FILE G-16448; WELL REPORT DESC 56863; HENKLE BUTTE AND SISTERS QUADRANGLE MAPS.**

D. WELL CONSTRUCTION, OAR 690-200

D1. **Well #:** _____ **Logid:** _____

D2. **THE WELL does not meet current well construction standards based upon:**
- a. ☐ review of the well log;
- b. ☐ field inspection by _____;
- c. ☐ report of CWRE _____;
- d. ☐ other: (specify) _____

D3. **THE WELL construction deficiency:**
- a. ☐ constitutes a health threat under Division 200 rules;
- b. ☐ commingles water from more than one ground water reservoir;
- c. ☐ permits the loss of artesian head;
- d. ☐ permits the de-watering of one or more ground water reservoirs;
- e. ☐ other: (specify) _____

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

D5. **THE WELL**
- a. ☐ **was,** *or* ☐ **was not** constructed according to the standards in effect at the time of original construction or most recent modification.
- b. ☐ I don't know if it met standards at the time of construction.

D6. ☐ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. ☐ Well construction deficiency has been corrected by the following actions: _____

_____ _____, 200____.

(Enforcement Section Signature)

D8. ☐ **Route to Water Rights Section (attach well reconstruction logs to this page).**

Oregon Water Resources Department

MEMO Sept. 8, 2005

TO **Application G-** 16448

FROM **GW:** K. Cite
(Reviewer's Name)

SUBJECT **Scenic Waterway Interference & General/Local Surface Water Impact Evaluation for Deschutes Ground Water Study Area**

The source of appropriation is within or above the Deschutes Scenic Waterway

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING UNDER ORS 390.835:

The Department has found that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of the Deschutes Scenic Waterway in quantities necessary for recreation, fish and wildlife.

LOCALIZED IMPACT FINDING

☐ The proposed use of ground water will have a localized impact to surface water in the

_____ River/Creek Subbasin

If the localized impact box above is checked, then the water use under any right issued pursuant to this application is presumed to have a localized impact on surface water within the identified subbasin. Mitigation of the impact, originating from within the Local Zone of Impact identified by the Department, will be required before a permit may be issued for the proposed use.

If the localized impact box above is not checked, then the water use under any right issued pursuant to this application is presumed to have a general (regional) impact on surface water. Mitigation of the impact, originating anywhere within the Deschutes Basin above the Madras gage, will be required before a permit may be issued for the proposed use.

WATER RESOURCES DEPARTMENT MEMORANDUM

DATE 9/8/2005

APPLICATION_NUMBER G 16448

OWNER KLEMZ

AMOUNT_REQUESTED 56 **GPM** **NUMBER_OF_WELLS** 1 **BASIN** DESCHUTES

SUB_BASIN DESCHUTES

QUADRANGLE_MAP_1 HENKLE BUTTE **COUNTY** DESCHUTES

WELL_# 1 **WELL_LOG_STATUS** DRILLED, LOG AVAILABLE **POA_AMOUNT** 56 **GPM**

WELL_LOG_NUMBER DESC 56863 **DPN_LOG_1**

TWNSHP 14S **RANGE** 10E **SECTION** 35 **QQQ** AAB

PROPOSED_LEGAL_LOCATION 270 FEET SOUTH AND 780 FEET EAST FROM THE NE CORNER, SECTION 35

DISTANCE_FROM_STREAM_1 2480 FEET **STREAM_1** SQUAW CREEK

DISTANCE_FROM_STREAM_2 **STREAM_2**

PROPOSED_WELL_DEPTH

WELL_ELEV 3120 **STREAM_ELEV** 2970 **WELL_ELEV_minus_STREAM_ELEV** 150

WELL_DEPTH 665 **SWL** 496

SEAL_DEPTH 25 **SWL_DATE** 7/2/2005

CASING_DEPTH 25 **FIRST_WATER_DEPTH** 500

LINER_DEPTH 663 **WELL_TEST_1_TYPE** AIR

PERFORATIONS_SCREENS_1 613-663 **YIELD_1** 50 **GPM**

PERFORATIONS_SCREENS_2 **DRAWDOWN_1**

AQUIFER_TYPE UNCONFINED **DURATION_1** 1 **HR**

HYDRAULIC_CONNECTION NOT AT NEAREST REACH

DIVISION_9_FINDING POTENTIAL FOR SUBSTANTIAL INTERFERENCE

ZONE_OF_IMPACT MAIN STEM DESCHUTES RIVER

CONDITIONED_WATER_RIGHTS_IN_AREA SEE ATTACHMENTS

OTHER_NEARBY_WATER_RIGHTS SEE ATTACHMENTS

DENSITY_OF_NEARBY_WELLS SEE ATTACHMENTS

COMMENTS WELL IS CONSTRUCTED INTO WATER BEARING ZONES WITHIN THE DESCHUTES FM. GROUND WATER FLOW IS TOWARDS THE NORTHEAST WITH THE NEAREST DISCHARGE AREA ABOUT 11 MILES DISTANCE. WATER LEVEL IN THE WELL IS BELOW THE ELEVATION OF THE NEAREST SURFACE WATER SOURCE. WELL IS LOCATED WITHIN THE DESCHUTES GROUND WATER STUDY AREA AND SUBJECT TO DIVISION 690-505-0500 TO 0620.

REFERENCES USGS WRI REPORT 00-4162; USGS WRI REPORT 02-4015; HENKLE BUTTE AND SISTERS QUADRANGLE MAPS; APPL. FILE G-16448; WELL REPORTS DESC 56863; DIVISION 690-505.

Well Location	15.00S10.00E2CDA
Oregon Water Resources Department Well Log ID	DESC 2929
Oregon Water Resources Department State Observation Well Number	1301
Well depth, in feet below land surface	195
Land surface elevation, in feet above mean sea level	3125
Primary use of well	DOMESTIC

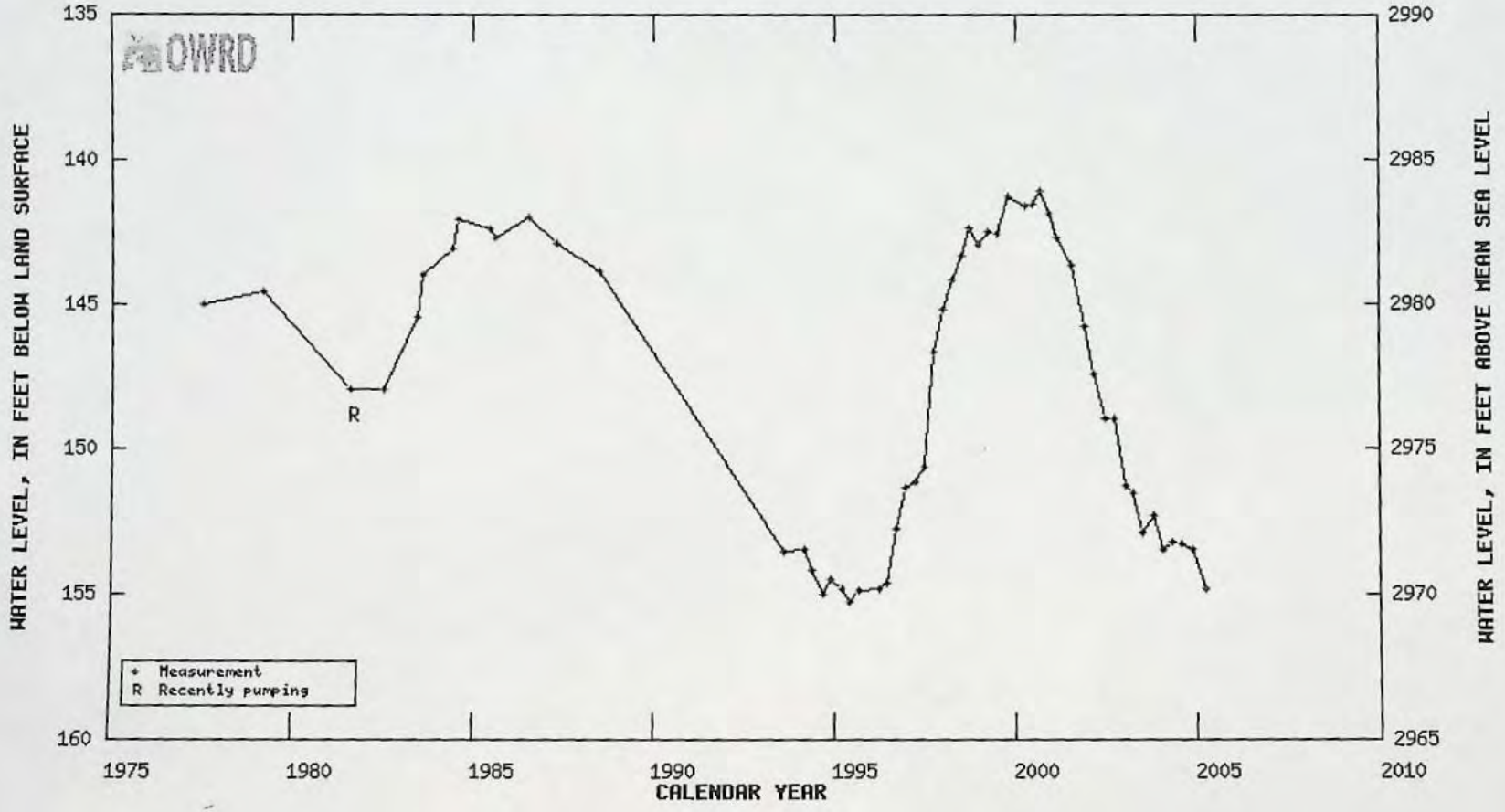
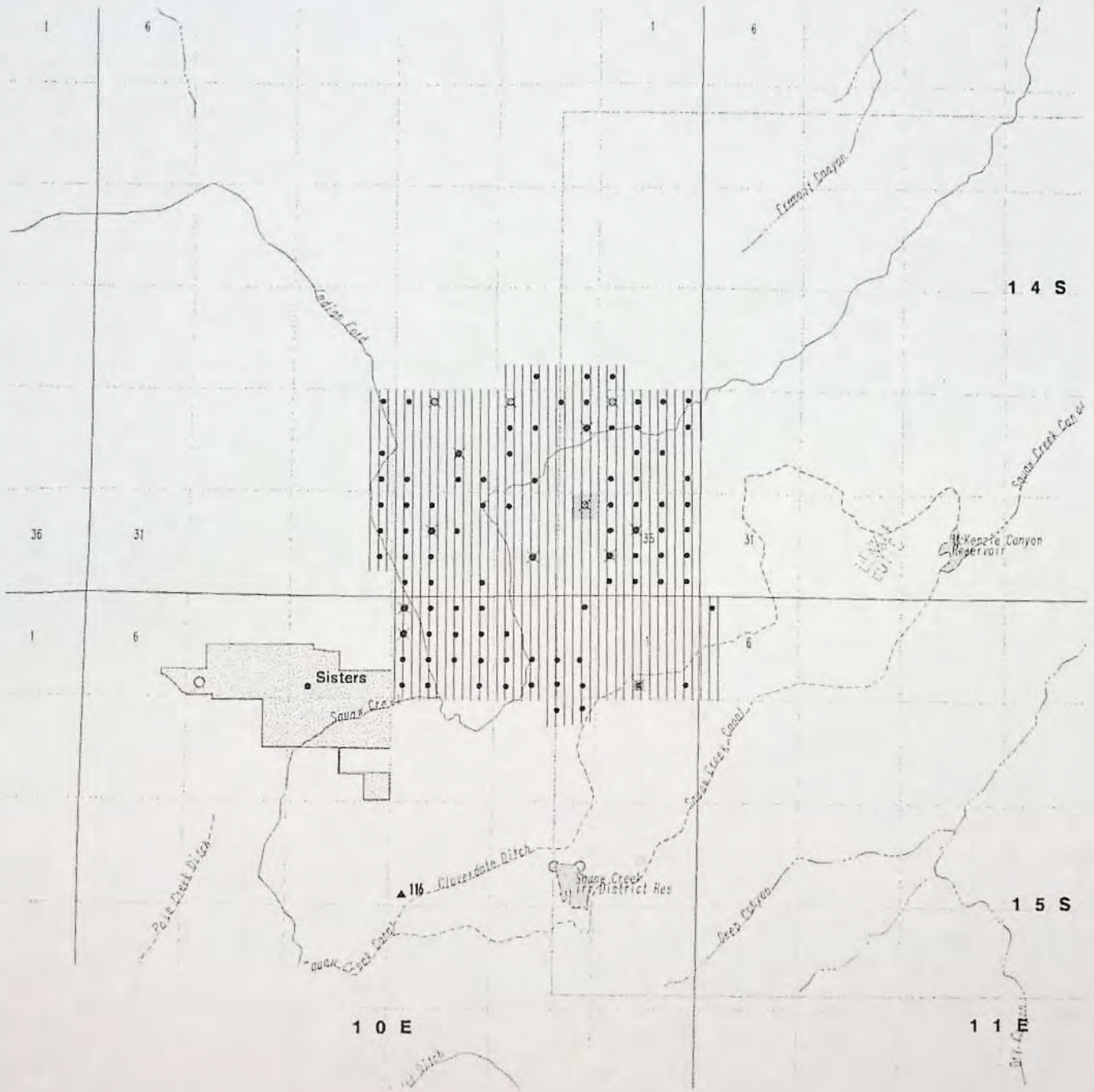


Table showing water-level data for State Well DESC 2929, State Observation Well # 1301

Wells in the vicinity of application G 16448

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



WELL LOGS WITHIN 1 MILE OF APPLICATION G 16448

ABANDON:	12
RECONDITIONED:	16
REPAIRED:	2
CONVERSION:	0
DEEPENINGS:	62
NEW CONSTRUCT:	450
COMMUNITY USE:	12
DOMESTIC USE:	502
INDUSTRIAL USE:	0
INJECTION USE:	0
IRRIGATION USE:	18
THERMAL USE:	0
LIVESTOCK USE:	0

****

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 16448

$RECNO	APPLICATION	PERMIT	CLAIM	LOC-QQ	USE_CODE
1	G 12447	G 11525	0	14.00S10.00E27NENW	IR
2	G 14972	0	0	14.00S10.00E25NWNW	QM
3	G 16258	0	0	14.00S10.00E26NWNW	IR
4	G 15592	0	0	14.00S10.00E26SENE	DN
4	G 4611	G 4335	0	14.00S10.00E26SENE	DO
5	G 13763	G 12699	0	14.00S10.00E27NWSE	IR
6	G 16448	0	0	14.00S10.00E35NENE	IR
7	G 9961	G 9036	0	14.00S10.00E36SENW	IR
8	G 14624	G 13509	0	14.00S10.00E34SENW	IR
9	G 16296	0	0	14.00S10.00E36NWSW	IR
10	G 12042	G 11146	0	14.00S10.00E35NESW	QM
10	G 12419	G 11576	0	14.00S10.00E35NESW	QM
11	G 13783	G 12851	0	15.00S10.00E 3NWNW	IR
11	0	0	0	15.00S10.00E 3NWNW	IR
11	0	0	0	15.00S10.00E 3NWNW	IR
12	G 14083	G 12717	0	15.00S10.00E 3SWNW	IR
12	G 12347	G 11250	0	15.00S10.00E 3SWNW	IR
12	G 12347	G 11250	0	15.00S10.00E 3SWNW	IR
12	G 12347	G 11250	0	15.00S10.00E 3SWNW	IR
13	G 12419	G 11576	0	15.00S10.00E 1SESW	QM
13	G 12420	G 11577	0	15.00S10.00E 1SESW	AS
13	G 12420	G 11577	0	15.00S10.00E 1SESW	IC
13	G 12421	G 11578	0	15.00S10.00E 1SESW	AS
13	G 12421	G 11578	0	15.00S10.00E 1SESW	IR

****

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 16448

$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G 12591	G 11418	15.00S10.00E 5SWSW	4F
1	G 12591	G 11418	15.00S10.00E 5SWSW	4I
2	G 12419	G 11576	15.00S10.00E 1SESW	4HG
2	G 12419	G 11576	15.00S10.00E 1SESW	4IG
2	G 12420	G 11577	15.00S10.00E 1SESW	4HG
2	G 12420	G 11577	15.00S10.00E 1SESW	4IG
2	G 12420	G 11577	15.00S10.00E 1SESW	4HG
2	G 12420	G 11577	15.00S10.00E 1SESW	4IG
2	G 12421	G 11578	15.00S10.00E 1SESW	4HG
2	G 12421	G 11578	15.00S10.00E 1SESW	4IG
2	G 12421	G 11578	15.00S10.00E 1SESW	4HG

2	G	12421	G	11578	15.00S10.00E 1SESW 4IG
3	G	10401	G	11378	15.00S10.00E14NWSE 4E
4	G	10401	G	11378	15.00S10.00E14NESE 4E

****

APPLICATION G 16448 FALLS WITHIN THESE QUAD(S)

HENKLE BUTTE

****

RESPONSE TO NOTICE OF MITIGATION OBLIGATION
CREDIT OR PROJECT OPTION

OAR 690-50-06610(2) states a mitigation obligation may be satisfied by obtaining mitigation credits or by providing for implementation of a mitigation project. Please read and complete the acknowledgment of Mitigation Obligation.

Applicant(s)____JIM KLEMZ

Applicant's Agent___**Deschutes Irrigation, LLC**

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WATER RESOURCES DEPT
SALEM, OREGON

Application number___G-16448

Proposed Use_____**Irrigation**

Rate of water requested__**0.125**_____ (cubic foot per second) (56 gallons per minute)

Volume of water requested___**30**____ **(acre-feet)**

Mitigation Obligation____**18**_____ **(acre-feet)**

Zone of Impact ____**General**

Please read and initial the following statements:

__X___ I/We intend to provide mitigation in the amounts noted above and in the appropriate zone of impact.

__X___ I/We understand that mitigation must be provided within five years of issuance of the final order for this application.

The proposed mitigation source for this use will be: (please check)

__X___ Purchase Mitigation Credits (and/or) _____ A mitigation project resulting in credits
Please describe the type of project, e.g., transfer, etc and any associated water right certificate, if known: ____MP-27 and leased credits from DRC

I understand that I must provide mitigation credits in the amount noted, or a suitable replacement mitigation that meets the requirements of OAR 690-505-0610(2)-(5) within the appropriate zone of impact.

APPLICANT(S)_____ or

Applicant's agent Jolt Short, Manager

Date_12/16/05_____ Telephone Number:____541-389-2837_____

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

Application for a Permit to Use
Ground Water

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

1. APPLICANT INFORMATION

A. Individuals

Applicant: Jim (First) Klemz (Last)

Mailing address: 10920 Park Range Road

Littleton (City) CO (State) 80127 (Zip)

Phone: 303-981-6032 (Work)

*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

_____ (City) _____ (State) _____ (Zip)

Phone: _____ (Day) _____ (Evening)

*Fax: _____ *E-Mail address: _____

* *Optional information*

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For Department Use

App. No. G-16448 Permit No. _____ Date _____

2. PROPERTY OWNERSHIP

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

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

☐ No *(Please check the appropriate box below.)*

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

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

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

List the names and mailing addresses of all affected landowners.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: Squaw Creek

Distance from well(s) to nearest stream or lake: 1) 2580 feet

2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 100 ft.

2) _____ 3) _____ 4) _____

B. Well Characteristics

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

Well(s) will be constructed by: TBD but similar to DESC 54109

Address: _____

Completion date: _____

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G-16448

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

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	See	Neighboring	Well	DESC	54109				

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

C. Artesian Flows

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

N/A

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

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G-16448

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

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	See Neighboring Well	DESC 54109			

C. Maximum Rate of Use Requested
What is the maximum, instantaneous rate of water that will be used? 56 gpm
(The fees for your application will be based on this amount.)

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

E. Acreage
If you will be applying water to land, please give the total number of acres where water will be applied or used: 10 acres
(This number should be consistent with you application map.)

5. WATER MANAGEMENT

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

☑ Pump (give horsepower and pump type): TBD

☐ Other means (describe): _____

B. Transport
How will you transport water to your place of use?

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

Width _____ Depth _____

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

☑ Pipe (give diameter and total length):

Diameter _____ Length _____

☐ Other (describe) _____

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C. Application/Distribution Method
What equipment will you use to apply water to your place of use?_____

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

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

Distribution method

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

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

Irrigation to occur during low evaporation times of day.

6. PROJECT SCHEDULE

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

Proposed date construction will begin: 5/1/05

Proposed date construction will be completed: 3/1/06

Proposed date beneficial water use will begin: 3/1/06

7. REMARKS

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

Deschutes Irrigation, LLC P.O. Box 1830, Bend, OR 97709 (541) 389-2837 or waterrights@usa.com is the authorized agent to represent the applicant in all matters relating to this ground water application. Please direct all correspondance to agent.

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8. MAP REQUIREMENTS

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

9. SIGNATURE

By my signature below I confirm that I understand:

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

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

3-28-05

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

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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SALEM, OREGON

G-16448

Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

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

☑ **Primary** ☐ **Supplemental**

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

Primary: 10 Acres

Secondary: _____ Acres

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

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

1. Pasture ☑ Full season ☐ Partial season (from:_____ to _____)
2. _____ ☐ Full season ☐ Partial season (from:_____ to _____)
3. _____ ☐ Full season ☐ Partial season (from:_____ to _____)
4. _____ ☐ Full season ☐ Partial season (from:_____ to _____)

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

30 acre-feet

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

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

☐ Daily during daytime hours
☐ Daily during nighttime hours
☐ Two or three times weekly during daytime
☑ Two or three times weekly during nighttime
☐ Weekly, during daytime hours
☐ Weekly, during nighttime hours
☐ Other, explain: _____

Last revision: October 31, 1996

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SALEM, OREGON

G-16448

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

☑ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Title 18 Chapter 16. Go to section B "Approval" below.

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

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

Note: *Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)*

B. Approval

Please provide printed name and written signature.

Name: Catherine White Date: 4/22/05

Title: ~~Associate~~ Planner Phone: (541) 383-6719

Signature: Catherine White

C. Additional Comments

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

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

Receipt for Request for Land Use Information

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

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SALEM, OREGON

Oregon Water Resources Department
Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

— A. Applicant

Name: Jim Klemz

Address: 10920 Park Range Road

City: Littleton State: CO Zip: 80127 Day Phone: 303-981-6032

— B. Land and Location

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

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: *(check all that apply)*	Proposed Land Use
14-10-35	TL 105, EFUSC	☑ Diverted ☐ Conveyed ☑ Used	Pasture
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	

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

— C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☑ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☑ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) ____
☐ Other _____

Briefly describe: Pasture Irrigation

Indicate the source of the water to be used.

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

Indicate the estimated quantity of water the use will require: 30 ☐ CFS ☐ GPM ☑ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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EXHIBIT "A"

Lot 2, Block 1, PANORAMIC VIEW ESTATES, Deschutes County, Oregon, together with the following described parcel:

A portion of Parcel 2 and Parcel 3, Partition Plat 1998-34, situated in the Southeast Quarter (SE ¼) of Section 26 and the Northeast Quarter (NE ¼) of Section 35, Township 14 South, Range 10 East, Willamette Meridian, Deschutes County, Oregon; being more particularly described as follows:

Beginning at a 5/8" iron rod at the corner common to Sections 25, 26, 35 and 36 on the East boundary of Parcel 3, Partition Plat 1998-34; thence South 00°52'47" East, on the East line of said Section 35 and said East boundary, 702.08 feet to a ½" iron pipe at the Southeast corner of said Parcel 3; thence North 89°29'55" West, along the South boundary of said Partition Plat, 1089.86 feet to a 5/8" iron; thence, leaving said South boundary, North 00°30'05" East, 483.06 feet to a 5/8" iron rod; thence North 28°42'16" West, 219.83 feet to a 5/8" iron rod on the Northerly boundary of Parcel 3; thence North 61°41'00" East, along said Northerly boundary, 1332.94 feet to a 5/8" iron rod at the Northeast corner of said Parcel 3 on the East line of said Section 26; thence South 00°38'51" East, on the East line of said Parcel 3 and the East line of said Section 26, 615.70 feet to the point of beginning.

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DOCUMENT POOR QUALITY
AT TIME OF RECORDING.

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)
Instructions for completing this report are on the last page of this form

DESC 54109

WELL ID # L48576
(START CARD) # 136897

(1) OWNER: Well Number: #3
Name Mr. Steve Keeton
Address 69995 Camp Polk Rd.
City Sisters State OR Zip 977

(2) TYPE OF WORK:
[X] New Well [ ] Deepening [ ] Alteration (repair/recondition) [ ] Abandonment

(3) DRILL METHOD:
[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger
[ ] Other

(4) PROPOSED USE:
[ ] Domestic [ ] Community [ ] Industrial [X] Irrigation
[ ] Thermal [ ] Injection [ ] Livestock [ ] Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval [ ] Yes [X] No Depth of Completed Well 580 ft.
Explosives used [ ] Yes [X] No Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
18.5	0	20	Benonite	0	20	24 Sacks
12.25	20	580				

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E
[X] Other Poured Dry
Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	14in	+1.5	20	.250	[X]	[ ]	[X]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
Liner:	10in	0	480	.188	[X]	[ ]	[X]	[ ]
	8in	480	580	.188	[X]	[ ]	[X]	[ ]

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:
[ ] Perforations Method
[ ] Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
420	480	3/16	2160	10in		[ ]	[X]
480	560	3/16	1920	8in		[ ]	[X]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]

(8) WELL TESTS: Minimum testing time is 1 hour
[ ] Pump [ ] Bailer [ ] Air [ ] Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
250	127	425	48 hr.

Temperature of Water 51 Depth Artesian Flow found
Was a water analysis done? [ ] Yes By whom
Did any strata contain water not suitable for intended use? [ ] Too little
[ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Deschutes Latitude Longitude
Township 14S N or S. Range 10E E or W. of WM.
Section 35 1/4 1/4
Tax lot 100 Lot Block Subdivision
Street Address of Well (or nearest address) 69995 Camp Polk Rd., Sisters, OR

(10) STATIC WATER LEVEL:
225 ft. below land surface. Date 7/12/01
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 256

From	To	Estimated Flow Rate	SWL
256	310	25+	225
387	414	50+	225
414	580	500+	225

(12) WELL LOG:
Ground elevation

Material	From	To	SWL
Brown Sandy Soil & Basalt	0	1	
Broken Gray & Brown Rock	1	5	
Visicular Gray Basalt	5	39	
Gray Basalt & Brown Ash	39	63	
Brown Tufted Ash	63	97	
Red Tufted Ash	97	123	
Redish Bown Tufted Ash	123	166	
Hard Gray Basalt	166	256	
Brown Broken Lava WB	256	310	225
Hard Gray Basalt	310	387	225
Medium Gray Visicular Basalt WB	387	414	225
Red Cinders WB	414	452	225
Broken Brown Lava & Ash WB	452	464	225
Red & Black Cinders WB	464	490	225
Broken Brown Lava WB	490	540	225
Brown Lava & Tan Ash WB	540	580	225

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SALEM, OREGON

WESTERN WATER DEVELOPMENT
P.O. Box 1670
REDMOND, OR 97756

Date started 7/2/01 Completed 7/12/01

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.
WWC Number
Signed Date

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 1385
Signed Robert Buckner Date 9/11/01
Robert Buckner

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER

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SALEM, OREGON

G-16448

STATE OF OREGON

DESC 56863

WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

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

WELL ID # L75464

(START CARD) # 176133

(1) OWNER: Well Number: 1

Name James F. Klemz

Address 18137 Fadjur Lane

City Sisters State OR Zip 97759

(2) TYPE OF WORK:

[X] New Well [ ] Deepening [ ] Alteration (repair/recondition) [ ] Abandonment

(3) DRILL METHOD:

[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger

[ ] Other

(4) PROPOSED USE:

[X] Domestic [ ] Community [ ] Industrial [ ] Irrigation

[ ] Thermal [ ] Injection [ ] Livestock [ ] Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval [ ] Yes [X] No Depth of Completed Well 663 ft.

Explosives used [ ] Yes [X] No Type Amount

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
12in	0	25	Bentonite	0	25	17sacks
8in	25	665				

How was seal placed: Method [ ]A [ ]B [ ]C [ ]D [ ]E

[X] Other Poured Dry

Backfill placed from ft. to ft. Material

Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8in	+1	25	.250	[X]	[ ]	[X]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
					[ ]	[ ]	[ ]	[ ]
Liner:	6in	-3	663	.188	[X]	[ ]	[X]	[ ]
					[ ]	[ ]	[ ]	[ ]

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

[X] Perforations Method Factory

[ ] Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
613	663	1/8	480	6in	pipe	[ ]	[X]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]
						[ ]	[ ]

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

[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
50+	90	620	1 hr.

Temperature of Water 51 Depth Artesian Flow found

Was a water analysis done? [ ] Yes By whom

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

[ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other

Depth of strata:

(9) LOCATION OF WELL by legal description:

County Deschutes Latitude Longitude

Township 14S N or S. Range 10E E or W. of WM.

Section 35 NE 1/4 NE 1/4

Tax lot 105 Lot Block Subdivision

Street Address of Well (or nearest address) 70007 Camp Polk Rd., Sisters, OR 97759

(10) STATIC WATER LEVEL:

496 ft. below land surface. Date 7/2/05

Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 500

From	To	Estimated Flow Rate	SWL
500	600	15-20	496
600	665	50+	496

(12) WELL LOG:

Ground elevation

Material	From	To	SWL
Top Soil	0	1	
Brown Fractured Rock & Soil	1	18	
Gray Basalt	18	46	
Red Cinder	46	68	
Brown Sandstone	68	290	
Black Sandstone	290	325	
Brown Sandstone	325	427	
Redish Conglomerate	427	500	
Red Cinder WB	500	515	496
Broken Gray Basalt WB	515	570	496
Red Cinder WB	570	593	496
Fractured Gray Basalt WB	593	600	496
Brown Sandstone & Pumice Lenses	600		
WB		665	496
Well bore sloughed in 2 ft. while installing 6"liner casing.			

RECEIVED
JUL 07 2005
WATER RESOURCES DEPT
SALEM, OREGON

Date started 6/27/05 Completed 7/2/05

(unbonded) Water Well Constructor Certification:

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

WWC Number

Signed Date

(bonded) Water Well Constructor Certification:

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

WWC Number 1385

Signed Robert Buckner Date 7/6/05

Robert Buckner

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER

This is the well report for the POA, per John Short 9-8-05.

G-16448

- K. Lite

ACCEPTED

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application G16448
Priority Date: 4-25-2005
Use(s): IRRIG.
Rate: 0.1248 CFS
56 gpm

County: DESCHUTES
Township: 14 S
Range: 10 E
Section: 35
POD ¼ ¼: NE NE
POU ¼ ¼: NE NE

☑ **Applicant/Organization Name, Mailing Address and Telephone Number.** If applicant is other than a private landowner, Organizations section must be completed.

☑ **Source** listed

☑ **Property ownership indicated?** If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is located .....or..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE: An easement or agreement DOES NOT need to be submitted at this time, however a statement declaring the existence of written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work is required at this time. Easement or agreement will be required before a permit will be issued.**

☑ **If a groundwater application...is the groundwater development section completed, including copies of well logs ?**

☑ **Proposed Use of the water....** Is each proposed use identified?

☑ **Has the appropriate "Supplemental Form" for each proposed use** been completed, if applicable ?

- ☒ **Form I** (Irrigation)
- ☐ **Form M** (Municipal or Quasi-Municipal)
- ☐ **Form R** (Mining)
- ☐ **Form Q** (Commercial or Industrial)
- ☐ **Spring Description Sheet** (if source is a Spring)

☑ **Amount of water** from each source listed in GPM, CFS or AF?

☑ **Acreage** being proposed, if applicable.

☑ **Season** being requested by applicant.

☑ **Water management section** has been completed? If system has not been designed, the applicant may estimate this information.

☑ **Resource protection system** completed on Surface Water application?

☑ Are the **dates of construction** indicated? Proposed dates for the Beginning of construtions, completion of construction, and complete application of water to the proposed use(s) If system already completed, applicant should indicate **existing**. Applicant may indicate in other than dates, these timelines.

☑ **Is the application signed in ink by the applicant?** If the application is in the name of an organization or corporation, the authorized agent with title or authority, must sign the application. If more than one applicant named, both/all must sign or application is incomplete.

☑ **Legal description included ?** A copy of the deed, land sales contract or title insurance policy can provide this information. We cannot accept a copy of the tax bill.

☑ **A completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?* Date should be within 6 months.

☒ **Does the map meet map requirements of OAR 690-310-050?** JOHN SHORT

- ☐ **Town, Range, Sec, ¼ ¼ and Tax Lot #**
- ☐ **Reference corner on map**
- ☐ **¼ ¼'s clearly identified**
- ☐ **POU clearly identified location of place of use where water is to be used. ie: domestic, industrial stock, irr, etc.**
- ☐ **Other**
- ☐ **Scale of the Map, not less than 4" = 1 mile**
- ☐ **North Directional Symbol (not fatal if omitted)**
- ☐ **Location of each diversion point, well or dam**
- ☐ **Location Coordinates for each POD by reference to a recognized public land survey corner**
- ☐ **Number of acres per ¼ ¼, if Irrigation**

fees enclosed?

Total Paid $ 500

Base Fee$_____

plus$_____

plus$_____

Total Amount of Water Requested: 56 gpm

Total Exam Fee $_____

Total Exam Fee $ 500 **Recording Fee $** XXXX

ompleteness Check by: HLM **Date:** 4-26-2005

G-16448
JIM KLEMZ
10920 PARK RANGE RD
LITTLETON CO 80127

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STATE OF OREGON

WATER RESOURCES DEPARTMENT

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

RECEIPT # 74170 INVOICE # _____

RECEIVED FROM: Deschutes Irrigation

BY: _____

APPLICATION	G16448
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 1068 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		$
_____	OTHER: (IDENTIFY)	_____	$

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

4270 WRD OPERATING ACCT

	MISCELLANEOUS				
0407	COPY & TAPE FEES				$
0410	RESEARCH FEES				$
0408	MISC REVENUE: (IDENTIFY)	_____			$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____			$
0240	EXTENSION OF TIME				$
	WATER RIGHTS:	**EXAM FEE**		**RECORD FEE**	
0201	SURFACE WATER	$	0202	$	
0203	GROUND WATER	$ 500.00	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: 74170 DATED: 4/25/05 BY: L Albin

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STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 84856

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

INVOICE # _____

RECEIVED FROM: James Kitnz

BY: _____

APPLICATION	G16448
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 2900 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		$
_____	OTHER:	(IDENTIFY) _____	$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$ 250.00
0205	TRANSFER	$		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 84856 DATED: 10/18/06 BY: L Tamke

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