

**BEFORE THE OREGON WATER RESOURCES DEPARTMENT**

In the Matter of Extension of Time for Permits )  
Resulting From Water Right Applications )  
G-12507 and G-12869, in the name of Anne )  
Talbot, Joan Moeller, and Marcia Barthelow; )  
G-12518, in the name of C. John Wells; G-12618, )  
in the name of Boersma Family LLC; G-12732, )  
in the name of Earl and Pam Wiersma and )  
Northwest Farm Credit Services FLCA; G-12735 )  
and G-12877, in the name of Walt and Nancy )  
Hammerich; G-12746, in the name of Donald J. )  
and Helen E. Horsley; G-12768, in the name of )  
Arie DeJong; G-12814, in the name of Robert M. )  
Manning; G-12874 and G-12876, in the name of )  
Kenneth D. and Connie S. Masten; G-12955, in )  
the name of William and Melyn Brock, Northwest )  
Farm Credit Services ACA, and Terry A. and )  
Penny J. Pickett. )  
\_\_\_\_\_ )

The Oregon Water Resources Department ("OWRD"), in addition to all individuals and entities included in the table, below, except Ned Goecken, Charles Masten, George W. Teague, and Mark Nelson, are herein referred to collectively as "the Parties", and each individually a "Party", to this "Settlement Agreement".

References are made within this Settlement Agreement to the "Protestants", which consist of all individuals and entities listed in the column of the table, below, entitled "Protestants", who filed protests against Proposed Final Orders issued by OWRD on extensions of time for permits resulting from water right applications G-12507, G-12869, G-12518, G-12618, G-12732, G-12735, G-12746, G-12768, G-12814, G-12874, G-12876, G-12877, and G-12955 (the "Groundwater Applications"). The Protestants are also Parties to this Settlement Agreement.

|||    |||    |||

|||    |||    |||

|||    |||    |||

**RECEIVED**

**MAY 24 2006**

**WATER RESOURCES DEPT 1  
SALEM, OREGON**

Application	Permit	Extension Applicants	Protestants	Current Permit Holder(s)
G-12507	G-12439	Denis G. and Rose M. Babson	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Anne Talbott, Joan Moeller, and Marcia Barthelow
G-12869	G-12451	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Anne Talbott, Joan Moeller, and Marcia Barthelow
G-12518	G-12469	C. John Wells	C. John and LaVonne Wells	C. John Wells
G-12618	G-12441	Haskins and Co., by Bruce Haskins	Haskins & Co., Inc.	Boersma Family LLC
G-12732	G-12443	Earl and Pam Wiersma	Earl and Pam Wiersma	Earl and Pam Wiersma, and Northwest Farm Credit Services FLCA
G-12735	G-12444	George W. and Sara S. Teague	Sara S. Teague	Walt and Nancy Hammerich
G-12746	G-12445	Donald J. and Helen E. Horsley	Don and Helen Horsley	Donald J. and Helen E. Horsley
G-12768	G-12447	Arie DeJong	Arie and Jenneke DeJong	Arie DeJong
G-12814	G-12449	Robert Manning	Robert and Donna Manning	Robert M. Manning
G-12874	G-12452	Kenneth and Connie Masten	Kenneth D. and Connie S. Masten	Kenneth D. and Connie S. Masten
G-12876	G-12453	Ned Goecken and Charles Masten	Kenneth D. and Connie S. Masten	Kenneth D. and Connie S. Masten
G-12877	G-12454	Walt Hammerich	Walt and Nancy Hammerich	Walt and Nancy Hammerich
G-12955	G-12457	William E. Brock Jr. and Melyn M. Brock, and Mark Nelson	William E. and Melyn M. Brock and Terry and Penny Pickett	William and Melyn Brock, Northwest Farm Credit Services ACA, and Terry A. and Penny J. Pickett

The Parties do hereby stipulate and agree as follows:

### Stipulations

#### 1. Application G-12507, Permit G-12439 (Talbott, Moeller, and Barthelow)

The Department issued permit number G-12439 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson submitted an application to the Department for an extension of time for permit number G-12439. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust.

**2. Application G-12869, Permit G-12451 (Talbott, Moeller, and Barthelow)**

The Department issued permit number G-12451 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, submitted an application to the Department for an extension of time for permit number G-12451. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust.

**3. Application G-12518, Permit G-12469 (Wells)**

The Department issued permit number G-12469 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On August 1, 2001, C. John Wells submitted an application to the Department for an extension of time for permit number G-12469. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by C. John and LaVonne Wells.

**4. Application G-12618, Permit G-12441 (Boersma Family LLC)**

The Department issued permit number G-12441 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 26, 2001, Haskins and Co., by Bruce Haskins, submitted an application to the Department for an extension of time for permit number G-12441. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Haskins & Co., Inc.

**5. Application G-12732, Permit G-12443 (Wiersma, Northwest Farm Credit Services FLCA)**

The Department issued permit number G-12443 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Earl and Pam Wiersma submitted an application to the Department for an extension of time for permit number G-12443. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Earl and Pam Wiersma.

6. **Application G-12735, Permit G-12444 (Walt and Nancy Hammerich)**

The Department issued permit number G-12444 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, George W. and Sara S. Teague submitted an application to the Department for an extension of time for permit number G-12444. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Sara S. Teague.

7. **Application G-12746, Permit G-12445 (Horsley)**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

8. **Application G-12768, Permit G-12447 (DeJong)**

The Department issued permit number G-12447 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 30, 2001, Arie DeJong submitted an application to the Department for an extension of time for permit number G-12447. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Arie and Jenneke DeJong.

9. **Application G-12814, Permit G-12449 (Manning)**

The Department issued permit number G-12449 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 19, 2001, Robert Manning submitted an application to the Department for an extension of time for permit number G-12449. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Robert and Donna Manning.

10. **Application G-12874, Permit G-12452 (Masten)**

The Department issued permit number G-12452 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Kenneth and Connie Masten submitted an application to the Department for an extension of time for permit number G-12452. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

11. **Application G-12876, Permit G-12453 (Masten)**

The Department issued permit number G-12453 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Ned Goecken and Charles Masten submitted an application to the Department for an extension of time for permit number G-12453. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

12. **Application G-12877, Permit G-12454 (Hammerich)**

The Department issued permit number G-12454 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On January 17, 2002, Walt Hammerich submitted an application to the Department for an extension of time for permit number G-12454. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Walt and Nancy Hammerich.

13. **Application G-12955, Permit G-12457 (Brock, Pickett, Northwest Farm Credit Services ACA)**

The Department issued permit number G-12457 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Mark Nelson submitted an application for extension of time for permit number G-12457. On August 1, 2001, William E. Brock Jr. and Melyn M. Brock submitted an application to the Department for an extension of time for permit number G-12457. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005 in accordance with OAR 690-315- 0060(1). A protest was filed by William E. and Melyn M. Brock and Terry and Penny Pickett.

14. The Parties agree that this Settlement Agreement includes the attached Draft Final Orders pertaining to extensions of time for permits resulting from water right applications G-12507, G-12869, G-12518, G-12618, G-12732, G-12735, G-12746, G-12768, G-12814, G-12874, G-12876, G-12877, and G-12955 (the "Groundwater Applications").
15. As a result of settlement negotiations, the Parties agree that all issues raised in the respective protests to Proposed Final Orders on extensions of time for permits resulting from the Groundwater Applications are resolved solely on the following terms.

### **Terms of Agreement**

1. In signing this Settlement Agreement, the Parties agree that all protests and requests for contested case hearing regarding Proposed Final Orders issued by OWRD for extensions of time on permits resulting from the Groundwater Applications are withdrawn with prejudice.
2. In signing this Settlement Agreement, the Parties expressly waive all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, judicial review, and any other challenge to Final Orders issued by OWRD pursuant to this Settlement Agreement on extension of time for permits resulting from the Groundwater Applications.
3. In signing this Settlement Agreement, the Parties expressly waive all right and opportunity to challenge this Settlement Agreement.
4. Immediately after Applicants sign this Settlement Agreement, they will mail the signed original back to Oregon Water Resources Department, ATTN: Mike Reynolds, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.
5. Within 30 days after OWRD has received signed original Settlement Agreement documents from all Parties, OWRD will issue Final Orders on extension of time for permits resulting from the Groundwater Applications that are consistent with the Draft Final Orders that are attached to and incorporated into this Settlement Agreement. Each Final Order will incorporate this Settlement Agreement by reference and as an attachment.
6. The Parties understand and agree that OWRD may make minor administrative modifications to the Draft Final Orders as OWRD converts those documents into Final Orders, and that such administrative modifications by OWRD do not constitute breach of this Settlement Agreement. Such modifications by OWRD include, but are not limited to, formatting, deleting the word "draft", typographical corrections, updating permit holders based on assignments, and updating mailing lists.
7. Within 180 days of a written request from ten or more Parties, OWRD agrees to conduct up to two public presentations in the Bonanza area regarding general principles of water right regulation (how to request regulation, how regulation occurs, hypothetical examples, etc.). The purpose of the public presentation(s) is to help the attendees develop their understanding of general principles of water right regulation. The Parties agree that a ground-rule for all attendees of the public presentation(s) will be that the OWRD presenter(s) will not be asked to address questions about whether specific water rights will be regulated for or against. During the public presentation(s), OWRD's presenter(s) agree to offer to meet at a later date and time,

subject to scheduling availability, with individual water right holders in the Bonanza sub-area, as defined by OWRD, who have questions about whether their water right(s) may be regulated. The Parties agree to cooperate in seeking a free venue to host the public presentation(s).

8. By June 30, 2006, OWRD agrees to prepare a Preliminary Distribution List pertaining to the Bonanza sub-area, as defined by OWRD, that would be available for viewing at the Klamath Watermaster's office, including:
  - (A) Copies of all relevant water rights sorted in priority date order, and by area, if appropriate;
  - (B) Copies of laws governing water right regulation;
  - (C) Summaries of OWRD's general approach to water right regulation for surface and groundwater;
  - (D) A statement that the Preliminary Distribution List is general in nature, is subject to change, is not a final order or decision on any matter, and in particular does not constitute a decision as to which specific water rights will or will not be subject to regulation in any given irrigation season; and
  - (E) A statement that the Preliminary Distribution List was (1) prepared pursuant to a Settlement Agreement, (2) is an effort to make general information pertaining to water right regulation available to water right holders in the Bonanza sub-area, and (3) is intended to help OWRD respond more quickly to requests for regulation in the Bonanza sub-area.

The Parties agree that any errors or deficiencies which may be found in the Preliminary Distribution List may be corrected, as determined by OWRD, and the existence of any such errors or deficiencies does not constitute breach of this Settlement Agreement by OWRD. OWRD may continue to update the Preliminary Distribution List in the future, but this Settlement Agreement does not bind OWRD to do so.

9. OWRD will evaluate and respond to all requests for water right regulation from the Parties to this Settlement Agreement consistent with Oregon law and as allowed by OWRD's resources.
10. The Parties expressly waive all right and opportunity to challenge the inclusion, in proposed certificates and certificates, of any of the conditions contained in the permits and permit extension final orders resulting from the Groundwater Applications.
11. OWRD agrees to expedite review of complete and timely-filed Claims of Beneficial Use requesting issuance of proposed certificates or certificates stemming from the Groundwater Applications. The Parties understand and agree that OWRD cannot guarantee that proposed certificates or certificates will be issued, and that OWRD is only agreeing to expedite review of complete and timely-filed Claims of Beneficial Use.
12. Within 30 days after OWRD has received signed original Settlement Agreement documents from all Parties, OWRD will refund protest fees related to extensions of time on permits resulting from the Groundwater Applications to the person or entity that paid such fees.

13. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executes this Settlement Agreement on its behalf has the full right and authority to enter into this Settlement Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
14. Each Party to this Settlement Agreement certifies that they have had a reasonable opportunity to review the Settlement Agreement, and that they have signed this Settlement Agreement of their own free will and accord. Each Party to this Settlement Agreement also certifies that they have read the entire Settlement Agreement, and understand and fully agree with the contents thereof.
15. The Parties agree that this Settlement Agreement is binding upon the Parties and their respective successors and assigns.
16. This Settlement Agreement may be signed in counterparts, each of which will be deemed an original, and all of which together shall constitute one and the same Settlement Agreement.



*Dwight French*

Dwight French, Administrator,  
Water Rights and Adjudications Division

for

Phillip C. Ward, Director  
Oregon Water Resources Department

*April 28, 2006*

Date

RECEIVED  
MAY 23 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

Denis G. Babson Trustee  
Denis Babson, Trustee for Babson Family Trust

4/29/06  
Date

Rose M. Babson, Trustee  
Rose Babson, Trustee for Babson Family Trust

4/29/06  
Date

\_\_\_\_\_  
Anne Talbott

\_\_\_\_\_  
Date

Joan Moeller  
Joan Moeller

4/29/06  
Date

\_\_\_\_\_  
Marcia Barthelow

\_\_\_\_\_  
Date

CAUTION

RECEIVED

MAY 24 2006

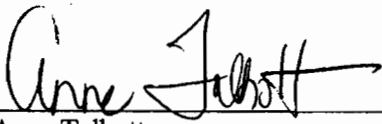
WATER RESOURCES DEPT  
SALEM, OREGON

\_\_\_\_\_  
Denis Babson, Trustee for Babson Family Trust

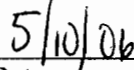
\_\_\_\_\_  
Date

\_\_\_\_\_  
Rose Babson, Trustee for Babson Family Trust

\_\_\_\_\_  
Date



\_\_\_\_\_  
Anne Talbott



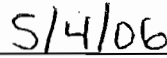
\_\_\_\_\_  
Date

\_\_\_\_\_  
Joan Moeller

\_\_\_\_\_  
Date



\_\_\_\_\_  
Marcia Barthelow



\_\_\_\_\_  
Date

C. John Wells  
C. John Wells

5/13/06  
Date

LaVonne Wells  
LaVonne Wells

5/13/06  
Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM OREGON

Haskins & Co. Inc. by Bruce Haskins 5-16-06  
Haskins & Co. Inc., by Bruce Haskins Date

Boersma Family LLC 5-16-06  
Boersma Family LLC Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

Earl Wiersma  
Earl Wiersma

5-17-06  
Date

Pam Wiersma  
Pam Wiersma

5-17-06  
Date

Northwest Farm Credit Services FLCA 5/9/06  
Northwest Farm Credit Services, FLCA  
Elden Larsen  
Senior Credit Officer  
Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

Donald J. Horsley  
Donald J. Horsley

5/10/06  
Date

Helen E. Horsley  
Helen E. Horsley

5/10/06  
Date

**RECEIVED**

**MAY 24 2006**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Sara S. Teague  
Sara S. Teague

5-17-06  
Date

Walt Hammerich  
Walt Hammerich

5-17-06  
Date

Nancy Hammerich  
Nancy Hammerich

5-17-06  
Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON



Jenneke DeJong  
Jenneke DeJong

5/16/06  
Date

Arie DeJong  
Arie DeJong

5/16/06  
Date

**RECEIVED**  
**MAY 24 2006**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

Robert Manning  
Robert Manning

5-10-06  
Date

Donna Manning  
Donna Manning

5-10-06  
Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

Kenneth D. Masten

Kenneth D. Masten

5-11-06

Date

Connie S. Masten

Connie S. Masten

5/11/06

Date

*[Faint, illegible text]*

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

William Brock  
William Brock

5/10/06  
Date

Melyn M Brock  
Melyn Brock

5.10.06  
Date

Terry Pickett  
Terry Pickett

5/10/06  
Date

Penny Pickett  
Penny Pickett

5-10-06  
Date

Northwest Farm Credit Services, ACA  
Northwest Farm Credit Services, ACA  
Elden Sorensen  
Senior Loan Officer

5/9/06  
Date

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12439**

**Application History**

The Department issued permit number G-12439 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson submitted an application to the Department for an extension of time for permit number G-12439. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust. As a result of an assignment, the current permit holders are Anne Talbott, Joan Moeller, and Marcia Barthelow.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be

subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12507, Permit Number G-12439, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12507  
Permit #G-12439

FO Date: 2006

**Original mailed to:**

Anne Talbott  
2310 Waverly  
Palo Alto, CA 94301

Joan Moeller  
566 Lowell Ave.  
Palo Alto, CA 94301

Marcia Barthelow  
4353 N.E. 55<sup>th</sup> St.  
Seattle, WA 98105

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12507, Permit G-12439
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: [REDACTED]

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12469**

**Application History**

The Department issued permit number G-12469 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On August 1, 2001, C. John Wells submitted an application to the Department for an extension of time for permit number G-12469. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by C. John and LaVonne Wells.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12518, Permit Number G-12469, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12518  
Permit #G-12469

FO Date: 2006

**Original mailed to:**

C. John Wells  
PO Box 68  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12518, Permit G-12469
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12441**

**Application History**

The Department issued permit number G-12441 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 26, 2001, Haskins and Co., by Bruce Haskins, submitted an application to the Department for an extension of time for permit number G-12441. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Haskins & Co., Inc. As the result of an assignment, the current permit holder is Boersma Family LLC.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12618, Permit Number G-12441, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12618

FO Date: [REDACTED], 2006

Permit #G-12441

**Original mailed to:**

Boersma Family LLC  
39139 Bunn Way  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12618, Permit G-12441
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603
8. Don Knauer Consulting, PO Box 5416, Salem, OR 97304

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12443**

**Application History**

The Department issued permit number G-12443 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Earl and Pam Wiersma submitted an application to the Department for an extension of time for permit number G-12443. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Earl and Pam Wiersma.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12732, Permit Number G-12443, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12732  
Permit #G-12443

FO Date: 2006

**Original mailed to:**

Earl and Pam Wiersma  
PO Box 177  
Bonanza, OR 97623

**Copy mailed to:**

Northwest Farm Credit Services, FLCA  
PO Box 148  
Klamath, Falls, OR 97601

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12732, Permit G-12443
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12444**

**Application History**

The Department issued permit number G- 12444 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, George W. and Sara S. Teague submitted an application to the Department for an extension of time for permit number G-12444. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Sara S. Teague. As a result of an assignment, the current permit holders are Walt and Nancy Hammerich.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.

2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12735, Permit Number G-12444, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12735  
Permit #G-12444

FO Date: 2006

**Original mailed to:**

Walt and Nancy Hammerich  
28989 Casebeer Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12735, Permit G-12444
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12445**

**Application History**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12746, Permit Number G-12445, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12746

FO Date: 2006

Permit #G-12445

**Original mailed to:**

Donald J. and Helen E. Horsley  
PO Box 8  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12746, Permit G-12445
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12447**

**Application History**

The Department issued permit number G-12447 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 30, 2001, Arie DeJong submitted an application to the Department for an extension of time for permit number G-12447. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Arie and Jenneke DeJong.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be

subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12768, Permit Number G-12447, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**



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

## Mailing List for Extension FO Copies

Application #G-12768  
Permit #G-12447

FO Date: 2/2006

**Original mailed to:**

Arie DeJong  
4721 Harpold Road  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12768, Permit G-12447
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603
8. Don Knauer Consulting, PO Box 5416, Salem, OR 97304

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12449**

**Application History**

The Department issued permit number G-12449 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 19, 2001, Robert Manning submitted an application to the Department for an extension of time for permit number G-12449. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Robert and Donna Manning.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12814, Permit Number G-12449, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

# Mailing List for Extension FO Copies

Application #G-12814  
Permit #G-12449

FO Date: 2006

**Original mailed to:**

Robert M. Manning  
PO Box 44  
Bonanza, OR 97623

<b>Copies Mailed</b>
By: _____ (SUPPORT STAFF)
on: _____ (DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12814, Permit G-12449
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12451**

**Application History**

The Department issued permit number G-12451 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, submitted an application to the Department for an extension of time for permit number G-12451. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust. As a result of an assignment, the current permit holders are Anne Talbott, Joan Moeller, and Marcia Barthelow.

On January 11, 2005, OWRD received a letter from Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, requesting an additional five year extension of time to fully apply water to beneficial use. As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2010.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.

2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12869, Permit Number G-12451, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2010.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12869  
Permit #G-12451

FO Date: 2006

**Original mailed to:**

Anne Talbott  
2310 Waverly  
Palo Alto, CA 94301

Joan Moeller  
566 Lowell Ave.  
Palo Alto, CA 94301

Marcia Barthelow  
4353 N.E. 55<sup>th</sup> St.  
Seattle, WA 98105

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12869, Permit G-12451
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

Final Order: Permit # G-12451

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12452**

**Application History**

The Department issued permit number G-12452 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Kenneth and Connie Masten submitted an application to the Department for an extension of time for permit number G-12452. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12874, Permit Number G-12452, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12874

FO Date: 2006

Permit #G-12452

**Original mailed to:**

Kenneth D. and Connie S. Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12874, Permit G-12452
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12453**

**Application History**

The Department issued permit number G-12453 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Ned Goecken and Charles Masten submitted an application to the Department for an extension of time for permit number G-12453. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12876, Permit Number G-12453, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12876  
Permit #G-12453

FO Date: 10/18, 2006

**Original mailed to:**

Kenneth D. and Connie S. Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12876, Permit G-12453
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12454**

***Application History***

The Department issued permit number G-12454 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On January 17, 2002, Walt Hammerich submitted an application to the Department for an extension of time for permit number G-12454. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Walt and Nancy Hammerich.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12877, Permit Number G-12454, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12877

FO Date: **2006**

Permit #G-12454

**Original mailed to:**

Walt and Nancy Hammerich  
3311 Haskins Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12877, Permit G-12454
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12457**

**Application History**

The Department issued permit number G-12457 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Mark Nelson submitted an application for extension of time for permit number G-12457. On August 1, 2001, William E. Brock Jr. and Melyn M. Brock submitted an application to the Department for an extension of time for permit number G-12457. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005 in accordance with OAR 690-315-0060(1). A protest was filed by William E. and Melyn M. Brock and Terry and Penny Pickett.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

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

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be

subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12955, Permit Number G-12457, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**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.**

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

## Mailing List for Extension FO Copies

Application #G-12955  
Permit #G-12457

FO Date: \_\_\_\_\_, 2006

**Original mailed to:**

William and Melyn Brock  
PO Box 212  
Bonanza, OR 97623

**Copy mailed to:**

Terry and Penny Pickett  
PO Box 115  
Bonanza, OR 97623

Northwest Farm Credit Services, FLCA  
Attn: Mindy Turner  
PO Box 148  
Klamath Falls, OR 97601

Don Knauer Consulting  
PO Box 5416  
Salem, OR 97304

**Copies Mailed**

**By:** \_\_\_\_\_  
(SUPPORT STAFF)

**on:** \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12955, Permit G-12457
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ