



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

# Application for a Permit to Use Ground Water

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

## 1. APPLICANT INFORMATION

### A. Individuals

Applicant: Richard Hobbs  
First Last

Mailing address: 67164 Lostine River Road

Lostine OR 97857  
City State Zip

Phone: (541) 569-5189 (888) 200-8608 (541) 338-8483  
Home Work Other

\*Fax: (541) 338-8483 \*E-Mail address: rhobbs@eoni.com

### B. Organizations

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

Name of organization: n/a

Name and title of person applying: n/a

Mailing address of organization: n/a

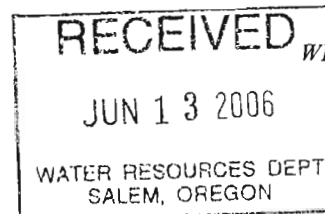
n/a n/a n/a  
City State Zip

Phone: n/a n/a  
Day Evening

\*Fax: n/a \*E-Mail address: n/a

\* Optional information

For Department Use		
App. No. <u>G-16684</u>	Permit No. _____	Date _____



**2. PROPERTY OWNERSHIP**

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

- Yes (Skip to section 3 "Ground water Development.")
- No (Please check the appropriate box below.)
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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

List the names and mailing addresses of all affected landowners.

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**3. GROUND WATER DEVELOPMENT**

**A. Well Information**

Number of well(s): 1 perforated pipe

Name of nearest surface water body: Lostine River

Distance from well(s) to nearest stream or lake: 1) perforated pipe varies from 100' to 250' from Lostine River

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) elevation difference is 5 to 15 feet from river to perforated pipe outlet

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

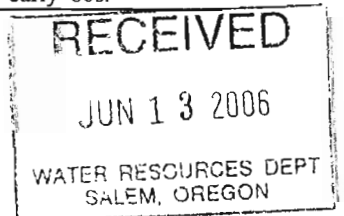
**B. Well Characteristics**

*Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:*

Well(s) will be constructed by: perf. pipe constructed by previous owner (Bud Wynans), but is not documented

Address: Bud Wynans is deceased, but his previous address was the same: 67164 Lostine River Road

Completion date: I do not know this information, but certainly previous to 1989. Probably early '80s.



G-16684

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	6"	6" perf. pipe	~575	not sure	n/a	10 - 15ft	10-15ft	gravity sump	10-15 ft

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

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

### C. Artesian Flows

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

This "well" is actually a perforated pipe extending approximately 575 feet from a field into a small trout hatchery. The field elevation is higher than the hatchery, so water collects in the perforated pipe, then flows by gravity from the field into a sump in the hatchery. The water is then pumped into trout rearing tanks, then flows by gravity into the Lostine River. Except for very minimal evaporation, none of the water is consumed. There is little evaporation because the humidity in the hatchery nears saturation.

## 4. WATER USE

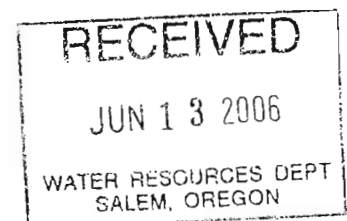
Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

### 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**

Ground Water/3



G-16684

**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	Underground Springs Alluvial Gravels ?	5A	70	~37M	15-70 (varies)

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 70 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: All Year  
*(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: n/a  
*(This number should be consistent with your application map.)*

**5. WATER MANAGEMENT**

**A. Diversion**

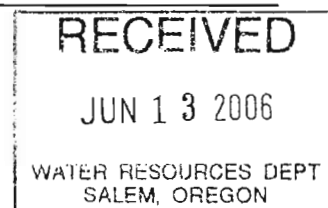
What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type): \_\_\_\_\_
- Other means (describe): Water Flows by Gravity

**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 6" plastic perforated pipe Length Approximately 575 feet
- Other (describe) \_\_\_\_\_



G-16684

**C. Application/Distribution Method**

What equipment will you use to apply water to your place of use? We use two 1HP pumps to pump water from sump to the trout rearing tanks.

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.

The water flows by gravity directly to a sump in the trout hatchery building. From there, the water is pumped into trout rearing tanks. All the water then flows by gravity into the Lostine River. There is no consumption short of minimal evaporation. The evaporation is low because the air in the hatchery is near saturation.

**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: This perforated pipe was constructed in the 1980's.

Proposed date construction will be completed: This perforated pipe was constructed in the 1980's.

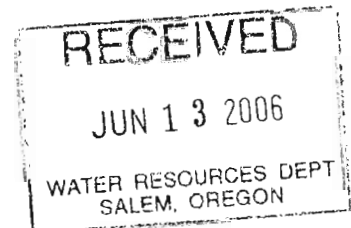
Proposed date beneficial water use will begin: Water has flowed through the hatchery since the 1980's.

**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.*

This ground water application is associated with a Water Right Transfer Application that was submitted some 12 or 13 years ago by Joyce Wynans (Water Right Transfer Application 6893 - Tax Parcel: 01S43E-6700). I met with Jerry Rogers to discuss this transfer and we determined that rather than transferring from my present irrigation rights, it would be more beneficial to apply for Ground Water Rights. We are attempting to legalize water use by a long established trout hatchery (1973) which collects its water using a perforated pipe from underground sources in a field near the hatchery.

Ground Water/5



## 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.

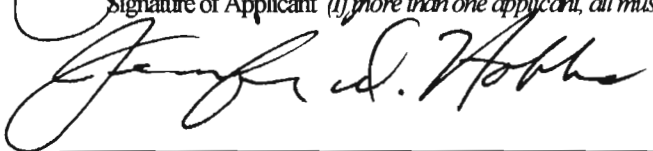
## 9. SIGNATURE

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:

 5/15/2006  
\_\_\_\_\_  
Signature of Applicant (If more than one applicant, all must sign.) Date

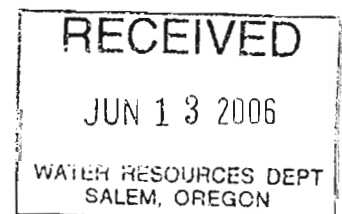
 5/15/2006

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](http://www.wrd.state.or.us) or call (503) 986-0900.

WRD on the web:  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

Ground Water/6



G-16684



Oregon Water Resources Department

**FORM Q**  
**FOR COMMERCIAL AND INDUSTRIAL WATER USES**

1. Describe the goods and services you plan to provide:

Fish - Presently Rainbow Trout, but possibly other species in the future.

2. How will the water be used?

In hatchery tanks to rear fish from eggs to fingerlings.

The use is non-consumptive.

3. What is the maximum amount of water that will be used on any given day:

70  cfs  gpm

4. Are there periods of the day, week, month, or year that the water will not be used?

*(e.g. no use December-March)*

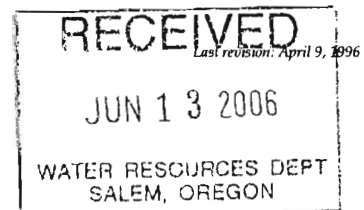
No  Yes If so, when? \_\_\_\_\_

5. Is there a particular time or period of day, week, month, or year when the use of water is absolutely essential for the project to continue? *(e.g. vegetable processing, Oct. 15-Nov. 15)*

No  Yes If so, when? Water must be continuous.

6. Are there periods of the day week, month, or year where the amount of water used will be less than at peak times?

No  Yes If so, when? \_\_\_\_\_



G-16684



# Oregon Water Resources Department Land Use Information Form

RECEIVED  
JUN 13 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

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

## To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

### A. Applicant

Name: Richard Hobbs

Address: 2744 Adams Alley

City: Eugene State: OR Zip: 97405 Day Phone: (541) 338-8483

### 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)		
<u>6700</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

### C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Commercial and Aquatic Life

Briefly describe: Water used for rearing fish from eggs to fingerlings. These fish are sold to private individuals and possibly the state for stocking ponds.

### D. Source

Indicate the source for the proposed water use:

Reservoir/Pond  Ground Water  Surface Water \_\_\_\_\_ (source)

### E. Quantity

Indicate the estimated quantity of water the use will require:

70  CFS  GPM  Acre-Feet



SIGNED

BY

COUNTY PLANNER

**For Local Government Use Only**

The following section must be completed by a planning official from each county and city listed unless your 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); \_\_\_\_\_ . 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

✓ Name: Lance Bailey Date: 5/25/06

✓ Title: Planning Director Phone: 541-426-4543 ext 23

✓ Signature: [Handwritten Signature]

**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.

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**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 will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

**EXHIBIT A**

**TRACT 1**

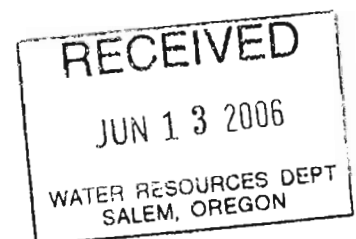
**Township 1 South, Range 43 East of the Willamette Meridian, Wallowa County, Oregon**

Section 22: NE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM the following tract of land: Beginning at the Northeast corner of the NW $\frac{1}{4}$ , Section 22; running thence South on the subdivision line a distance of 30 rods; thence West a distance of 8.5 rods; thence in a straight line in a Northwesterly direction to a point on the North line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 22 a distance of 17 rods from the point of beginning; thence East along the subdivision line 17 rods to the point of beginning.

ALSO EXCEPTING THEREFROM the following tract of land: Beginning at a point on the North line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 22; which point is 17 rods West of the Northeast corner of the NW $\frac{1}{4}$ , Section 22; running thence West along said subdivision line a distance of 12 rods; thence South a distance of 6 rods; thence East a distance of 13.7 rods; thence in a straight line in a Northwesterly direction to the point of beginning.

ALSO EXCEPTING THEREFROM the following tract of land: A parcel of land within the NW $\frac{1}{4}$ , Section 22, Township 1 South, Range 43 East of the Willamette Meridian, Wallowa County, Oregon, described as follows: BEGINNING at a point on the North line of said NW $\frac{1}{4}$  which point being North 89°49' West 478.50 feet from the North one-quarter corner of said Section 22; thence South 0°11'00" East 99.00 feet; thence South 19°10'34" West 387.58 feet; thence South 89°14'03" West 699.37 feet; thence North 0°11'00" West 471.79 feet to a point on the North line of said Section 22; thence South 89°49' East 824.80 feet to the point of beginning.



# Memo

**Date:** November 2, 2006

**To:** File G-16684

**From:** Cory Engel

**Subject:** Land Use

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I called Lance Bailey at Wallowa County Planning Department today. He said the land use associated with the proposed water use is allowed outright or not regulated by the local plan for the subject property.

He also requested that we copy the initial review letter to him at this address:

Lance Bailey  
Wallowa County Planning Department  
101 S River St Room B1  
Enterprise OR 97828

Water Resources Department  
Attn: Anita Huffman  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

March 26, 2007

Ms. Huffman,

This letter is in reference to File G-16684, an application for use of water from a "sump in Lostine River Basin for fish culture."

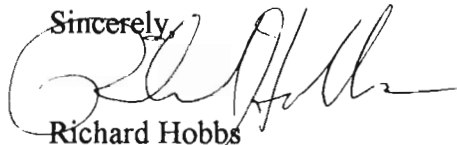
As per our conversation today, I am requesting an administrative hold for 180 days on this application. I am requesting this extension because my wife and I need additional time to discuss the application with Jerry Rogers and to better understand our options.

We already have a call in to Mr. Rogers, but as per your recommendation, we believe we need the extension to fully understand how to proceed and to assemble any necessary supporting data.

Please note our current mailing address (below), as the certified packet was sent to our permanent address in Lostine rather than our current, temporary address in Eugene.

Richard and Jennifer Hobbs  
2744 Adams Alley  
Eugene, OR 97405

Thank you for your time. We appreciate your willingness to help clarify and resolve this matter with us.

Sincerely,  
  
Richard Hobbs

**RECEIVED**  
MAR 27 2007  
WATER RESOURCES DEPT  
SALEM OREGON



# 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 28, 2007

RICHARD & JENNIFER HOBBS  
2744 ADAMS ALLEY  
EUGENE, OR 97405

Reference: File G-16684

Dear Mr. and Mrs. Hobbs:

On March 27, 2007, the Water Resources Department received your letter requesting an 180 day administrative hold on processing the above referenced application.

The Department will not take any action on this application until **September 24, 2007** unless you request we proceed sooner. If you need to request additional time, you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

Please note that I have not changed the mailing address for this file. When you are ready to begin processing again, can you please notify the Department as to which mailing address is current? Otherwise, correspondence will be mailed to the address on file, which is the Lostine address.

If you have any questions, please feel free to call me at 503-986-0859.

Sincerely,

Anita Huffman  
Water Rights Caseworker

cc: Shad Hattan, WM #6  
File

# ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,  
OAR 690-33-310 through 340.

Date: 3/16/07 Please return to WRD before April 19, 2007. Application #: G-16684

Applicant's Name: RICHARD HOBBS

Source: A SUMP IN LOSTINE RIVER BASIN

A) Will the proposed use occur in an area that may affect the essential habitat of a SENSITIVE fish species?  
 YES If so, fill out SECTION I and the RECOMMENDATION.

B) Will the proposed use occur in an area that may affect the essential habitat of a THREATENED OR ENDANGERED fish species? [690-33-330(1)]  YES Species: \_\_\_\_\_ Status: Threatened, Endangered  
If so, fill out SECTION II and the RECOMMENDATION.

If your answer is NO to both questions, may comment by completing the public interest review sheet on the back of this page.

## SECTION I:

1) Will the proposed use result in a NET LOSS in the habitat of a SENSITIVE SPECIES? [690-33-330(2)(a)]

*Does not appear so.*

2) What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

3) Can conditions be applied to mitigate the impact to the essential habitat of a SENSITIVE species?  
 NO (if no go to 4)) / YES [690-33-330(3)]

Which conditions are recommended? \_\_\_\_\_

(Please select conditions from the Menu of Conditions)

\* *Appears on paper to be a transfer of use and POD downstream*

4) If conditions cannot be identified to offset impacts to the essential habitat of SENSITIVE species, would the proposed use harm the species?

NO / YES [690-33-330(4)] If YES, please explain: \_\_\_\_\_

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated, what fish screening, bypass or other conditions should be included in the permit?

*Sump - screening does not apply,*

## SECTION II:

1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?

YES [690-33-120(1)] If NO, please explain: \_\_\_\_\_

2) If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program?

YES [690-33-120(1)] If YES, what conditions? \_\_\_\_\_

(Please select conditions from the Menu of Conditions)

## RECOMMENDATION:

Your recommendation under OAR 690-033-0330 (2):  
 Approval with conditions  
 Approval without conditions  
 Denial

*Appears to be a request for transfer of use and POD downstream.*

ODFW Representative signature: *[Signature]* Date: 3/26/07

WRD Contact: Caseworker: Anita Huffman, Water Rights Division  
503-986-0815/ Fax: 503-986-0901 / e-mail: Anita.M.HUFFMAN@ wrd.state.or.us

**RECEIVED**  
MAR 29 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Richard Hobbs  
2744 Adams Alley  
Eugene, OR 97405  
Telephone: (541) 338-8483

September 10, 2007

Anita Huffman  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Reference: File G-16684

Dear Ms. Huffman:

**RECEIVED**  
SEP 11 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

This letter responds to your letter dated March 16, 2007, which lists the Water Resource Department's (WRD) Initial Review Determinations and Summary of Allowable Water Use regarding application G-16684 for ground water rights. The following addresses each adverse review determination and proposes solutions where necessary.

As I understand your letter, WRD's initial determination is that factors #1, #2, and #3 pose no issues regarding my ground water application. However, I do note that determination #3 states that the permit would require proper conditions. If I need to address anything regarding determination #3, I will do so in a subsequent letter once I understand what proper conditions WRD will require. Thus, this letter focuses on determinations #4, #5, #6, and #7.

Regarding Determination #4:

Oregon's Administrative Rules (OAR) declare that a well ¼ mile from surface water is assumed to be hydraulically connected to that surface water and is also assumed to "have the potential to cause substantial interference" with that surface water. OAR 690-009-0040. The sump in question is likely "hydraulically connected" to the Lostine River; however, there is no potential for it to cause "substantial interference" with the Lostine River.

In this context, I understand that "substantial interference" means that the sump could draw water away from the Lostine River or prevent water from reaching the Lostine River. The following information rebuts the assumption of "substantial interference" by showing that this sump could neither draw water from the Lostine River nor prevent water from reaching the Lostine River.

First, the use of this water is non-consumptive. Water is pumped from a sump less than two feet below the surface of the ground into a pipe which releases the water into tanks inside a hatchery building. From the tanks, the water flows immediately into a pipe that exits the hatchery and flows directly into the Lostine River. This is not a large operation. There are seven tanks: four raceways that are approximately 20 feet long and 3 feet wide, two round tanks that are approximately 4 feet in diameter by approximately 2 feet high, and one round tank that is approximately 4 feet in diameter by approximately 4 feet high. There is virtually no evaporation since humidity in the small hatchery building nears 100%. During summer, small containers (usually 32 gallon garbage cans) filled only about 1/3 full are used to transport fingerlings to nearby ponds. On about five or six occasions during the summer, a 150-gallon tank is used to transport large orders of fingerlings. 3000 gallons would be a very liberal estimate of total water used for hatchery deliveries in a given year. Contrast this with the 5,000 gallons per day exempted by ORS 537.545(f) for a single industrial or commercial use. Thus, the beneficial use of this water is non-consumptive.

Second, there is no potential for this well to draw water away from the Lostine River. In a typical situation, pumping water from a well may create a "cone of depression." If this cone drops the water table below the elevation of adjacent surface water, then gravity may draw surface water into this depression. The well then pumps surface water from the cone of depression, thus causing "substantial interference" with the surface water.

However, with the sump in question, the water is not pumped from the ground. Instead, the water is collected in a perforated pipe buried above the elevation of the Lostine River. This water flows downhill by gravity to a small cylindrical sump (about 1 foot in diameter), which is also above the elevation of the Lostine River. At no time is the collected water drawn from below the elevation of the Lostine River, thus there is no potential for gravity to draw water from the Lostine River into a "cone of depression."

Third, the fact that water is being drained from the ground raises the question of whether the water reaches the river in a similar time frame and location as if left in the ground. I am no hydrologist and have not measured the hydraulic conductivity of the soil in which this perforated pipe is buried. But I assume water flowing through a pipe moves somewhat more quickly than water flowing through soil across the short distance between the pipe and the river. If anything, the water dripping into the pipe, then through my hatchery, flows into the river more quickly than if left in the ground to percolate to the river. Thus, no potential for substantial impact on the Lostine River exists due to this perforated pipe: all the water reaches the river slightly sooner and further upstream than if left in the ground to percolate to the river naturally.

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SEP 11 2007

WATERRESOURCES DEPT  
SALEM OREGON



Regarding Determination #5:

Oregon's Administrative Rules (OAR) determine "whether a proposed use is consistent with the Fish and Wildlife Program." OAR 690-033-0120. Specifically, the rules state that "[t]he proposed use [cannot] involve hydraulically connected groundwater with potential for substantial interference as listed in Division 9 of this Chapter during the time period of April 15 to September 30." OAR 690-033-0120(2)(b).

The Water Resources Department's (WRD) Initial Review Determinations state that OAR 690-033-0120(2) prohibits the use of water from April 15 through September 30 of each year." However, this is only the case if the use involves groundwater with potential for "substantial interference." Since, as discussed above, there is no potential for this sump to "substantially interfere" with the Lostine River, this use is not inconsistent with the Fish and Wildlife Program with regard to this point. In particular, 1) The use of the water from this sump is non-consumptive, 2) No water can be drawn away from Lostine River by the sump because it is above the elevation of the Lostine River, and 3) Water percolating into the sump always reaches the Lostine River as it would if left to percolate through the soil. Because there is no potential for "substantial interference" with the Lostine River, the use of this sump is not inconsistent with the Fish and Wildlife Program regarding OAR 690-033-0120(2)(b).

Because no other inconsistencies were mentioned in WRD's Initial Review Determinations, I do not address them here. If WRD has other concerns, please allow me to address them in future correspondence.

Even if the use of water from this sump were inconsistent with the Fish and Wildlife Program, OAR 690-033-0120(4) allows applicants to propose mitigation of inconsistencies. In considering the proposal, WRD is directed to consider the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards outlined in OAR 635-415. According to the goals and standards, the level of mitigation required depends on a categorization of the habitat affected. The categories range from Habitat Category 1, requiring the most extensive mitigation, through Habitat Category 6, requiring the least extensive mitigation.

According to Brad Smith, Oregon's Fish and Wildlife Biologist located in Enterprise, Oregon, the Lostine River near the sump in question would likely be categorized as Habitat Category 2. OAR states that mitigation goals for this category should be achieved "through reliable in-kind, in-proximity habitat mitigation to achieve no net loss of either pre-development habitat quantity or quality. In addition, a net benefit of habitat quantity or quality must be provided." OAR 635-415-0025(2)(b)(B).

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SEP 11 2007  
WATER RESOURCES DEPT  
SALEM OREGON

Although I do not believe mitigation is necessary in this situation because there is no potential for “substantial interference” with the Lostine River, I am willing to mitigate affects on the Lostine River that the Water Resources Department perceives. For instance, I believe there is no evaporative loss because the water is only exposed to air in an environment where the air is 100% saturated. WRD could reasonably argue that there is some minimal evaporation. In addition, we do use something less than 3000 gallons of water per year to deliver fish. While I perceive this as too insignificant to label the use as consumptive, WRD could reasonably argue that there is some minimal consumption.

In order to mitigate the affects, assuming the nearby Lostine River is Habitat Category 2, water must not only be provided to make up for these minimal losses, but also there must be a net benefit to the habitat. To replace these small losses and provide a net benefit to the habitat, I propose dedicating ½ acre of my existing water rights to instream use. This would replace the lost water many times over. In addition, it would provide a net benefit since the water would enter the Lostine River upstream of where any losses would occur. Thus, more water would enter the river earlier and remain there for a longer period. This would not only replace any losses, but would also provide a net benefit to the habitat.

Regarding Determination #6:

Oregon’s Scenic Waterway System limits the use of water from the Grande Ronde Scenic Waterway. ORS 390.826. However, these limits “shall not apply to a water right application for the use of ground water as defined in ORS 537.515, except upon a finding by the Water Resources Director based on a preponderance of evidence that the use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.” ORS 390.826(9)(a).

Because the use of the water from the sump in question is non-consumptive, it is not possible for this use of water to reduce the surface water flows. If there is no reduction in the surface water flows, then Oregon allows the use. See ORS 390.826(9)(e).

However, if WRD determines that there is some consumption of water, Oregon allows mitigation of such consumption. ORS 390.826(9)(d)(A). As discussed above, I have proposed dedicating ½ acre of my existing water rights to account for any consumption that WRD perceives. Since this dedicated water would assure that this use would not reduce the surface water flows in the Grande Ronde Scenic Waterway, my hope is that WRD would accept these

sufficient mitigation to allow the use of the sump in question. Such use would be consistent with the states own policy: "State water resources policy must promote the maximum beneficial use of the waters of the state. Multiple water uses shall be preferred over single-purpose uses." OAR 690-400-0000(2).

Regarding Determination #7:

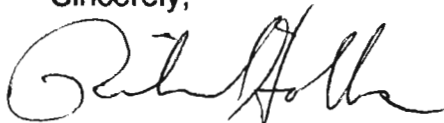
I'm not completely sure what the problems are with the submitted map. The hatchery building is the location of the sump. Perhaps the map needs to state that the "sump" rather than the "Fish Hatchery Building" is located at 335 Feet South and 1210 Feet East of the NW Corner of Section 22? Also, there is apparently some problem with the scale of the map. The map indicates that the scale is 1" = 660'. I assume this scale is somehow off despite having been produced by a certified engineer in Enterprise, Oregon.

Since these issues are of a technical nature, my hope is to put the engineer who drew the map (Ralph Swinehart at Wallowa Mountain Engineering, (541) 426-4085) in touch with whomever handles these maps in the Water Resources Department so they can figure out what needs to be changed so that the map conforms. If you can provide a contact, I will work with the engineer to assure that a proper map is submitted.

In General:

My hope is that we can discuss my above comments and determine whether it is worthwhile to proceed with the application. When you have had a chance to review this letter, please contact me at (541) 338-8483 or email me at rhobbs@uoregon.edu. I prefer email as my schedule often keeps me away from the telephone.

Sincerely,



Richard Hobbs

**Jeana Eastman**

**From:** Carrie Jones  
**Sent:** Wednesday, September 26, 2007 3:50 PM  
**To:** Jeana Eastman  
**Subject:** Appliation # G-16684

Jeana;

The transfer application I am working on is directly connected to G-16684. Could you keep me in the loop as to the status of this permit and send me copies of correspondence so I can keep it in the file here.

Thanks and have a great rest of the week!

cj

Carrie Jones  
Transfer Specialist  
541-523-8224 Ext 36  
[carrie.r.jones@wrд.state.or.us](mailto:carrie.r.jones@wrд.state.or.us)

Water Resources Department  
1995 3rd Street  
Baker City, OR 97814  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

9/26/2007

**Jeana Eastman**

**From:** Jeana Eastman  
**Sent:** Monday, October 01, 2007 3:32 PM  
**To:** Richard Hobbs (rhobbs@uoregon.edu)  
**Subject:** G-16684, Richard Hobbs - reply to your 9/10/07 letter

Hi Richard,

I've reviewed the information you submitted in response to the Department's Initial Review for your application, G-16684.

We still find that there is the potential for substantial interference (PSI) with surface water. But we haven't yet determined whether or not the use is consumptive. If we determine the use is non-consumptive, the PSI may be "overcome" (i.e. we may be able to make a favorable finding).

You mentioned you're willing to mitigate for impacts from 4/15 - 9/30, as allowed by Division 33 rules. We request that you submit a mitigation proposal for us to evaluate, including the water right to be transferred instream, the rate to be transferred instream (generally equal in rate and duty to the proposed ground water right), the season of the instream transfer, etc. Once we receive the proposal, we will work with Oregon Department of Fish and Wildlife to determine the net benefit of the instream transfer. Please understand that the water right for mitigation must be valid and reliable, which will either be determined by the local watermaster or will need to be demonstrated in an affidavit submitted by you. (The form can be found at:  
[http://www1.wrd.state.or.us/pdfs/Supplemental\\_Form\\_B.pdf](http://www1.wrd.state.or.us/pdfs/Supplemental_Form_B.pdf))

I hope this information is helpful. If you have questions, please let me know and I will do my best to answer them.

Thanks,

Jeana Eastman  
Water Rights Caseworker  
voice 503.986.0859

Oregon Water Resources Dept  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
front desk 503.986.0900  
fax 503.986.0901  
<http://oregon.gov/OWRD>

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10/1/2007



# 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

RICHARD & JENNIFER HOBBS  
2744 ADAMS ALLEY  
EUGENE, OR 97405

October 15, 2007

Reference: File G-16684

Dear Mr. and Mrs. Hobbs:

On October 7, 2007, the Water Resources Department received your letter requesting an additional administrative hold to allow you time to prepare and submit a mitigation proposal. Your additional request for administrative hold with the Department is longer than the 180 days allowed under OAR 690-310-270. However, also under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary.

Based upon the review of the information you have provided, the Department has determined that a longer administrative hold on the processing of the above referenced application is reasonable and necessary. The Department has approved your request for an additional administrative hold. The Department will not take any action on this application until April 7, 2008, or until you submit a mitigation proposal.

If you need to request additional time your request will again need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a specific time line, which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please call Jeana Eastman at 503-986-0859.

Sincerely,

E. Timothy Wallin  
Water Rights Program Manager

cc: Shad Hattan, WM #6  
WRD - Carrie Jones, Baker City  
File

Richard Hobbs  
2744 Adams Alley  
Eugene, OR 97405  
Telephone: (541) 338-8483

October 8, 2007

Jeana Eastman  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

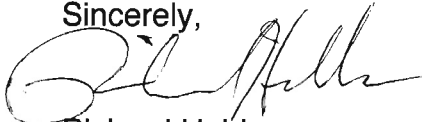
---

Reference: File G-16684

Dear Ms. Eastman,

This letter is a request for an administrative hold on the ground water application referenced above. Because I will be submitting a mitigation proposal regarding this application, I need extra time to gather information necessary for the proposal.

Sincerely,



Richard Hobbs

**RECEIVED**

OCT 10 2007

WATER RESOURCES DEPT  
SALEM OREGON

## Jeana Eastman

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**From:** Jennifer Hobbs [jhobbs@eoni.com]  
**Sent:** Monday, March 03, 2008 9:19 AM  
**To:** Jeana Eastman  
**Subject:** RE: G-16684, Richard Hobbs - reply to your 9/10/07 letter

Jeana,

We have had a difficult time working through the water right process while away from home and pursuing law school full time. Though we have initiated the process, it is challenging to get everything lined up when we are not there in person to work directly with people and verify information properly. I am writing to find out what we need to do to request an extension (or administrative hold) until we are back home in Lostine, which will be this summer. Richard takes the bar on July 29-30, after which he will be able to dedicate full attention to clarification/mitigation on our water right. If it would be at all possible to get an extension until that time frame, it would be a huge relief to him (and all of us), as his program is demanding and leaves little time for anything else.

I very much appreciate you working with us on this matter. I can be reached at: (541) 338-8483 or via [jhobbs@eoni.com](mailto:jhobbs@eoni.com). I am not as well-versed as Richard on water rights, but do co-own and operate the hatchery and have kept abreast of this conversation.

Again, thanks much,  
Jennifer Hobbs





# 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

RICHARD & JENNIFER HOBBS  
2744 ADAMS ALLEY  
EUGENE, OR 97405

March 5, 2008

Reference: File G-16684

Dear Mr. and Mrs. Hobbs:

On March 3, 2008, the Water Resources Department received your letter requesting an additional administrative hold. Your additional request for administrative hold with the Department is longer than the 180 days allowed under OAR 690-310-270. However, also under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary.

Based upon the review of the information you have provided, the Department has determined that a longer administrative hold on the processing of the above referenced application is reasonable and necessary. The Department has approved your request for an additional administrative hold. The Department will not take any action on this application until August 1, 2008, unless you request we proceed sooner.

If you need to request additional time your request will again need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a specific time line, which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please call Jeana Eastman at 503-986-0859.

Sincerely,

E. Timothy Wallin  
Water Rights Program Manager

cc: Shad Hattan, WM #6  
WRD - Carrie Jones, Baker City  
File



# 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

July 17, 2008

RICHARD & JENNIFER HOBBS  
2744 ADAMS ALLEY  
EUGENE, OR 97405

Reference: File G-16684

Dear Mr. and Mrs. Hobbs:

On July 15, 2008, the Water Resources Department received your e-mail requesting an additional administrative hold. Your additional request for administrative hold with the Department is longer than the 180 days allowed under OAR 690-310-270. However, also under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary.

Based upon the review of the information you have provided, the Department has determined that a longer administrative hold on the processing of the above referenced application is reasonable and necessary. The Department has approved your request for an additional administrative hold. The Department will not take any action on this application until October 13, 2008, unless you request we proceed sooner.

Please understand as this is your fourth administrative hold, an additional hold is unlikely to be approved.

If you have any questions, please call Jeana Eastman at 503-986-0859.

Sincerely,

E. Timothy Wallin  
Water Rights Program Manager

cc: Shad Hattan, WM #6  
WRD - Carrie Jones, Baker City  
File

**Jeana Eastman**

**From:** Jeana Eastman  
**Sent:** Tuesday, September 23, 2008 1:36 PM  
**To:** 'Jennifer Hobbs'  
**Subject:** RE: G-16684, Richard Hobbs - reply to your 9/10/07 letter

Hello Jennifer -

I apologize for not addressing your question about what exactly needs to be fixed on the map.

After looking at the map and the coordinates that were given, I'm confused about a couple things.

It's not clear to me where the well/sump/point on the perforated pipe is; it appears the coordinates were given for the fish hatchery building. If that's where the point of appropriation is, then Department staff have estimated that point is 675 feet south and 2500 feet east from the nw corner of section 22. That's significantly different than the coordinates on the map (335' south 1210' east from nw cor, sec 22). Please clarify the point you're referencing on the map, and clarify the coordinates.

Also, the scale (1" = 660') needs to be corrected. Please submit a revised map that has an even, standard scale, such as 1" = 600', or 1" = 400'.

Please submit the revised map either by email as an attachment or by snail mail, as faxing maps provides poor quality and skews the scale.

Thanks,

Jeana Eastman  
Water Rights Caseworker  
voice 503.986.0859

---

**From:** Jennifer Hobbs [mailto:jhobbs@eoni.com]  
**Sent:** Monday, September 22, 2008 2:54 PM  
**To:** Jeana Eastman  
**Subject:** Re: G-16684, Richard Hobbs - reply to your 9/10/07 letter

Jeana,

We have been reviewing and collating our materials for the purpose of reworking our application, but as I mentioned in my earlier mail, it has been difficult for us to understand what, very specifically, has been wrong/missing with what we submitted previously. I know you are relatively new to our case, but any information you can provide (for example I'm still unclear why exactly our engineer's drawing was rejected) would be helpful.

Thanks much,  
Jennifer Hobbs

9/23/2008

On Jul 15, 2008, at 1:56 PM, Jeana Eastman wrote:

Jennifer -

Your request for a hold has been approved until October 13th; a letter will follow by snail mail. Please understand additional holds beyond Oct 13th will not likely be approved as the application has had multiple holds.

Wish your husband good luck on passing the bar.

Have a nice day,

Jeana Eastman  
Water Rights Caseworker  
voice 503.986.0859

Oregon Water Resources Dept  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
front desk 503.986.0900  
fax 503.986.0901  
<http://oregon.gov/OWRD>

Messages to and from this e-mail address may be available to the public under Oregon law.

From: Jennifer Hobbs [mailto:jhobbs@eoni.com]  
Sent: Tuesday, July 15, 2008 10:39 AM  
To: Jeana Eastman  
Subject: Re: G-16684, Richard Hobbs - reply to your 9/10/07 letter

Jeana,

I need to touch bases with you regarding our water right application. We are back home now from Eugene, but Richard has had no time to work on it as he is preparing for the bar exam (which is a 12-hour/day, seven day/week endeavor). The exam is on July 29 and 30 in Portland, and our current deadline for the water right is August 1. He isn't going to be able to get it done by then as he needs to focus everything on the exam until the day before it is due.

Could we possibly get another month or so two work on this? If not, would you be willing to help me redress the problem with our engineer's drawing and understand specifically where our application came up short? We worked with someone in your department fairly closely in submitting the last request, and the ODFW and Nez Perce people we've talked to out here seem to think our situation/usage is well within what is reasonable... Perhaps we just need to do a little more clarification for things to fall into place. I have not been fully in this loop, but have a background in Biology and business, so should be able to manage.

Please let me know what I need to do to request a bit more time or to move things forward. I very much appreciate your time and patience as we've undertaken this process during some major life transitions.

9/23/2008

Sincerely,  
Jennifer Hobbs

Begin forwarded message:

**From:** "Jeana Eastman" <eastmajm@wrд.state.or.us>  
**Date:** October 2, 2007 11:54:00 AM PDT  
**To:** "Richard Hobbs" <rhobbs@uoregon.edu>  
**Subject:** RE: G-16684, Richard Hobbs - reply to your 9/10/07 letter

-->

You can send a letter requesting a hold. The first 180-day administrative hold is automatically allowed; anything longer than that needs management approval. If you requested a hold, I would recommend to management that it be approved, considering you're exploring mitigation. We would then send you a letter which either grants or denies the additional hold.

---

**From:** Richard Hobbs [mailto:rhobbs@uoregon.edu]  
**Sent:** Tuesday, October 02, 2007 9:17 AM  
**To:** Jeana Eastman  
**Subject:** Re: G-16684, Richard Hobbs - reply to your 9/10/07 letter

I see. What's the best way to go about that? I've already had one administrative hold. Is it possible to further delay the application so I can pursue mitigation?

On Oct 2, 2007, at 7:54 AM, Jeana Eastman wrote:

-->

I failed to mention in my earlier email that if you're going to pursue mitigation, it may be a good idea to put the application on administrative hold. That way it's clear that you don't want the Department to process your application at this time.

Thanks,  
-jeana

---

**From:** Richard Hobbs [mailto:rhobbs@uoregon.edu]  
**Sent:** Monday, October 01, 2007 4:24 PM  
**To:** Jeana Eastman  
**Subject:** Re: G-16684, Richard Hobbs - reply to your 9/10/07 letter

Thank you for your quick attention to my letter. I will review the form and try to fill it out on my own. However, I may have to get some assistance in specifying the exact water right that would be transferred in-stream. Do you have a timeline in which this application needs to be back in your office?

On Oct 1, 2007, at 3:31 PM, Jeana Eastman wrote:

-->

Hi Richard,

I've reviewed the information you submitted in response to the Department's Initial Review for your application, G-16684.

We still find that there is the potential for substantial interference (PSI) with surface water. But we haven't yet determined whether or not the use is consumptive. If we determine the use is non-consumptive, the PSI may be "overcome" (i.e. we may be able to make a favorable finding).

9/23/2008

You mentioned you're willing to mitigate for impacts from 4/15 - 9/30, as allowed by Division 33 rules. We request that you submit a mitigation proposal for us to evaluate, including the water right to be transferred instream, the rate to be transferred instream (generally equal in rate and duty to the proposed ground water right), the season of the instream transfer, etc. Once we receive the proposal, we will work with Oregon Department of Fish and Wildlife to determine the net benefit of the instream transfer. Please understand that the water right for mitigation must be valid and reliable, which will either be determined by the local watermaster or will need to be demonstrated in an affidavit submitted by you. (The form can be found at:

[http://www1.wrd.state.or.us/pdfs/Supplemental\\_Form\\_B.pdf](http://www1.wrd.state.or.us/pdfs/Supplemental_Form_B.pdf))

I hope this information is helpful. If you have questions, please let me know and I will do my best to answer them.

Thanks,

Jeana Eastman  
Water Rights Caseworker  
voice 503.986.0859

Oregon Water Resources Dept  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
front desk 503.986.0900  
fax 503.986.0901  
<http://oregon.gov/OWRD>

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Richard Hobbs  
67164 Lostine River Road  
Lostine, OR 97857  
(541) 569-5189  
rhobbs@eoni.com

October 8, 2008

Jeana Eastman  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Reference: File G-16684

Dear Ms. Eastman,

This letter responds to your email dated October 1, 2007, regarding my ground water right application, number G-16684. First, thank you for your patience and consideration regarding the delays in this application. Your extensions have allowed me to focus on completing law school and passing the bar exam, and have given my wife and I time to adjust to our new infant son. I appreciate your allowing us to delay processing this application during this very busy past year.

In my letter dated, September 10<sup>th</sup>, 2007, I said I would be willing to mitigate in the event that the Water Resources Department (WRD) perceived that there was potential for substantial affect on the Lostine River. Your email confirms that WRD finds there is the potential for substantial interference with surface water and requests that I submit a mitigation proposal for you to evaluate, including the water right to be transferred instream, the rate to be transferred instream, the season of the instream transfer, etc. The following is my mitigation proposal.

Presently, water collects in a perforated pipe, which is entirely above the elevation of the river, then flows by gravity to the hatchery; consequently, there is no possibility of water flowing into the pipe directly from the river due to a "cone of depression." Left alone, the many trickles of water that now collect along the pipe's full length would have to ooze through the earth to reach the river. So while collection of water in this perforated pipe may potentially effect where and when the water flows from the ground into the Lostine River, the likelihood is that collected water reaches the river sooner and further upstream than it would if left alone.

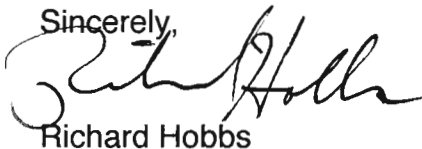
Once in the hatchery, evaporative loss is unlikely or extremely limited because the water is exposed only briefly in an environment where the air is 100% saturated. The only real potential loss of water in the hatchery itself comes from our use of something less than 3000 gallons of water per year to deliver fish.

According to Brad Smith, Oregon's Fish and Wildlife Biologist located in Enterprise, Oregon, the Lostine River near the sump in question would likely be categorized as Habitat Category 2. OAR states that mitigation goals for this category should be achieved "through reliable in-kind, in-proximity habitat mitigation to achieve no net loss of either pre-development habitat quantity or quality. In addition, a net benefit of habitat quantity or quality must be provided." OAR 635-415-0025(2)(b)(B). Thus, in order to mitigate the potential affects on the Lostine River, assuming the nearby Lostine River is Habitat Category 2, water must not only be provided to make up for the losses described above, but there must also be a net benefit to the habitat.

To replace the small losses described above and to provide a net benefit to the habitat, I propose dedicating ½ acre of my existing water rights to instream use during the irrigation season. This would add 8146 gallons per day before July 31<sup>st</sup>, and 5431 gallons per day afterwards. This water would not only replace any small losses many times over, but would also provide a net benefit to the habitat since additional water would enter the Lostine River upstream of where any losses would occur: more water would enter the river earlier and remain there for a longer stretch.

I have enclosed copies of my water right certificate along with an affidavit and documentation supporting the validity of these rights. Our records for 2005-2008 are scant because we were in Eugene and rented our pasture for sheep & horses. Payments for this pasture rental were very informal (i.e. a check received and deposited). We also paid an individual to move the irrigation pipes in 2007, but our only record is a line item on our bank statement. I could probably get copies of those checks if necessary, but hopefully the more extensive records from 2003-2004 will suffice. If you need more information in order to evaluate this mitigation proposal, please contact me at (541) 569-5189, or via email at rhobbs@eoni.com.

Sincerely,



Richard Hobbs

Encls.

**RECEIVED**

OCT 10 2008

WATER RESOURCES DEPT  
SALEM OREGON



STATE OF OREGON  
 COUNTY OF WALLOWA  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WEST SIDE IRRIGATION AND WATER DITCH COMPANY  
 LOSTINE, OREGON

confirms the right to use the waters of the LOSTINE RIVER, a tributary of the WALLOWA RIVER for IRRIGATION of 1203.0 acres, LIVESTOCK, AND DOMESTIC.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Special Order Volume 5, at Page 112. The date of priority is MARCH 27, 1901.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1½ acres feet per acre during any period of 30 days prior to July 31<sup>st</sup> of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.,

The point of diversion is located as follows:  
 Westside Ditch

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Tract	Acres
1 N	43 E	WM	31	SW NE	13	40.0
1 N	43 E	WM	31	SW NW	13	40.0
1 N	43 E	WM	31	SE NW	13	40.0
1 N	43 E	WM	31	NE SW	13	40.0
1 N	43 E	WM	31	SW SW	13	7.9
1 N	43 E	WM	31	SE SW	13	40.0
1 N	43 E	WM	31	NE SE	14	40.0
1 N	43 E	WM	31	NW SE	14	40.0
1 S	43 E	WM	5	SE SW	9	32.0
1 S	43 E	WM	8	SW NE	4	45.7
1 S	43 E	WM	8	NE NW	9	8.0
1 S	43 E	WM	8	SE NW	4	12.5
1 S	43 E	WM	8	NE SW	4	1.6
1 S	43 E	WM	8	NW SE	4	32.2
1 S	43 E	WM	8	SW SE	7	6.2
1 S	43 E	WM	8	SE SE	7	30.5
1 S	43 E	WM	9	SW SW	12	14.0
1 S	43 E	WM	9	SW SW	1	4.0
1 S	43 E	WM	9	SE SW	1	10.0
1 S	43 E	WM	9	SW SE	9	2.0
1 S	43 E	WM	15	NW NW	11	7.0
1 S	43 E	WM	15	SW NW	11	10.0

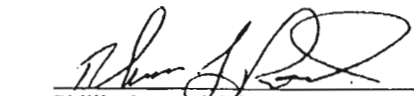
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 OCT 10. 2008  
 WATER RESOURCES DEPT  
 SALEM OREGON

Twp	Rng	Mer	Sec	Q-Q	Tract	Acres
1 S	43 E	WM	15	NE SW	8	20.0
1 S	43 E	WM	15	NW SW	8	41.0
1 S	43 E	WM	15	SW SW	15	41.0
1 S	43 E	WM	15	SE SW	15	28.0
1 S	43 E	WM	16	NE NE	10	20.0
1 S	43 E	WM	16	NW NE	10	26.0
1 S	43 E	WM	16	SW NE	10	30.0
1 S	43 E	WM	16	SE NE	10	30.0
1 S	43 E	WM	16	NE NW	12	40.0
1 S	43 E	WM	16	NW NW	12	33.5
1 S	43 E	WM	16	SW NW	12	3.9
1 S	43 E	WM	16	SE NW	12	26.0
1 S	43 E	WM	16	NE SE	10	32.8
1 S	43 E	WM	16	NW SE	10	20.0
1 S	43 E	WM	16	SW SE	10	1.5
1 S	43 E	WM	16	SE SE	10	27.1
1 S	43 E	WM	17	NE NE	7	5.6
1 S	43 E	WM	22	NE NW	15	36.0
1 S	43 E	WM	22	NW NW	15	40.0
1 S	43 E	WM	22	SW NW	2	39.0
1 S	43 E	WM	22	SE NW	6	34.0
1 S	43 E	WM	22	SE NW	2	5.0
1 S	43 E	WM	22	NE SW	2	19.0
1 S	43 E	WM	22	NE SW	6	20.0
1 S	43 E	WM	22	NW SW	2	14.5
1 S	43 E	WM	22	SW SW	5	6.0
1 S	43 E	WM	22	SE SW	5	40.0
1 S	43 E	WM	27	NW NE	3	17.5
1 S	43 E	WM	27	NE NW	5	2.0

This certificate describes that portion of the water right confirmed by Certificate 3180, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director entered February 26, 2003, \_\_\_\_\_, and FEB 22 2005 approving Transfer Applications 7671, 8213, and 8221.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed FEB 22 2005.

  
 Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81223



4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Horse Pasture, Cow Pasture, Sheep Pasture, Goat Pasture

5. The water delivery system used to apply water as authorized by the right is described below:

8" buried mainline with 3" heads and 3"  $\frac{1}{2}$ " handlines.

6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number
- Other:

**RECEIVED**

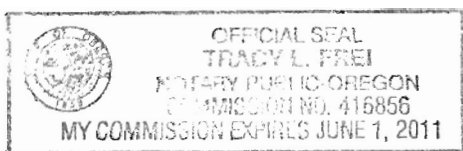
OCT 10 2008

WATER RESOURCES DEPT  
SALEM, OREGON

[Signature]  
Signature of Affiant

10/8/2008  
Date

Signed and sworn to (or affirmed) before me this 8<sup>th</sup> day of October, 2008.



[Signature]  
Notary Public for Oregon

My Commission Expires: June 1, 2011

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

Paid 5-15-03 Ch # 855

November 2002 1/2 month

11 head @ 12.50 x 1/2 month = 68.75

December 2002

11 head @ 12.50 x 1 month = 137.50

January 2003

11 head @ 12.50 x 1 month = 137.50

February 2003

11 head @ 12.50 x 1/2 month = 68.75

9 head @ 12.50 x 1/2 month = 56.25

March 2003

9 head @ 12.50 x 1/2 month = 56.25

Total

\$ 525.00

Carol Fisher

# 130

Trustee

1

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DEC 10 2008

WATER RESOURCES DEPT  
SALEM OREGON

WEST SIDE DITCH  
 1120 SE FLORENCE  
 ENTERPRISE, OR 97828

\*\*\*\*\*  
 \*  
 \* STATEMENT of ACCOUNT \*  
 \*  
 \*\*\*\*\*

RICHARD HOBBS  
 67164 LOSTINE RIVER RD.  
 LOSTINE, OR 97857

Statement Date: 03/24/03

Account number: HOBBS

Date	Invoice	Description	Charges	Credits	Amount Due	Balance
03/24	72	24.668 ACRES @ 4.00	98.67		98.67	98.67

*PAID 4/11/2003  
 Personal CHK# 2752*

Current	1 to 30	31 to 60	61 to 90	Over 90	Total
98.67	0.00	0.00	0.00	0.00	98.67

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
VETERINARY SERVICES  
**FLOCK INSPECTION AND EPIDEMIOLOGY REPORT**

1. PROGRAM PARTICIPANT  
 Yes  No  
 Applicant

2. INSPECTION DATE

3. OWNER NAME/CONTACT, ADDRESS & TELEPHONE NO. (Include Zip Code)

4. FLOCK LOCATION (If different from Item 3.)

Telephone Number ( )

GPS NO.

5. INSPECTOR'S/SVMO'S NAME

6. INSPECTOR'S ID

7. FLOCK ID

8. FLOCK COUNTY

9. FLOCK TOWNSHIP

10. RANGE

11. SECTION

12. LATITUDE

13. LONGITUDE

14. REASON FOR INSPECTION (Please check one box)

Routine  High Risk Animals  Exposed Animals  Clinically Suspicious  Investigation (Please Specify)

15. FLOCK STATUS (Please check one box)

Certified  Enrolled  Select  Source  Trace  Exposed  Infected  Test Positive  Other (Please Specify)

16. FLOCK TYPE (Please check one box)

Purebred  Commercial Breeder  Feeder  Other (Please Specify)

17. FLOCK INVENTORY

Males > 1 Yr. \_\_\_\_\_ Males < 1 Yr. \_\_\_\_\_ Castrated Males < 1 Yr. \_\_\_\_\_ Total \_\_\_\_\_  
Females > 1 Yr. \_\_\_\_\_ Females < 1 Yr. \_\_\_\_\_ Other (Please Specify) \_\_\_\_\_

18. VETERINARY PRACTITIONER NAME

19. PRACTITIONER ID

20. SPECIES  
 Ovine  Caprine

21. PREDOMINANT BREED(S)

22. FLOCK HISTORY AND REMARKS (Attach additional sheets if needed)

23. FLOCK IDENTIFIED THROUGH ANIMAL MOVEMENT (List name, location, reason, and known dates for each. Attach additional sheets if needed. For each positive and exposed animal which has moved from the flock, complete and attach a VS Form 5-20.)

Name	Address	City	State	Zip Code	Reason (Circle One)	Date
A.					Origin of Positive Disposition, High Risk Disposition, Exposed	
B.					Origin of Positive Disposition, High Risk Disposition, Exposed	
C.					Origin of Positive Disposition, High Risk Disposition, Exposed	
D.					Origin of Positive Disposition, High Risk Disposition, Exposed	
E.					Origin of Positive Disposition, High Risk Disposition, Exposed	

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SALEM OREGON

24. FLOCK OWNER'S SIGNATURE

25. HAVE YOUR SHEEP HAD DIRECT CONTACT (fence to fence or direct mixing) WITH NONPROGRAM OR SHEEP WITH A LATER STATUS DATE SINCE LAST INSPECTION  
 Yes  No  N/A

26. HAVE ANY OF YOUR SHEEP BEEN ON PREMISES OR PASTURES NOT LISTED ON PREVIOUS REPORTS  
 Yes  No  N/A

27. INSPECTOR'S/SVMO'S SIGNATURE

28. CONDITION OF ANIMALS  
 All Clinically Normal  
 Clinically Suspicious Animals Seen

29. VOLUNTARY PROGRAM STANDARDS  
 Meeting Standards  
 Not Meeting Standards (explain in remarks)  
 Not Applicable

NORTON'S WELDING & REPAIR, L.L.C.

Invoice

131 Hwy. 82  
P.O. Box 184  
Lostine, OR 97857  
Phone # 541-569-2436

DATE INVOICE #  
5/30/2003 2443

BILL TO

Richard Hobbs  
67164 Lostine River Road  
Lostine, OR 97857

TERMS DUE DATE  
Net 10 6/10/2003

DESCRIPTION	QTY	RATE	AMOUNT
Water Pipe Krag (05/14/2003)	0.5	45.00	22.50

*PAID 6/13/2003  
Per KRA 2443*

Thank you for your business!!!!!!

**Total** \$22.50

↑



NOV 1994						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

**DECEMBER**

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JAN 1995						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

DECEMBER

1994

**18**  
SUN

352

9/6 → 9/18 12 days  
 9/19 → 10/1 12 days  
 10/1 → 11/9 39 days

**19**  
MON

353

12 X 12 E X .06 8.64  
 12 X 9 L X .03 3.24  
 12 X 1 L X .07 .84

**20**  
TUES

354

12 X 12 E X .06 8.64  
 12 X 8 EL X .03 2.88  
 12 X 1 L X .07 .84

**21**  
WED

355

39 X 12 E X .06 28.08  
 39 X 8 EL X .03 9.36  
 39 X 1 L X .07 2.73  
 39 X 1 R X .06 2.34

**22**  
THURS

356

~~\$11.59~~  
 Richard  
 Jennifer Hobbs

**23**  
FRI

357

**24**  
SAT

358

Sheep Pasture  
 Rent

51ST WEEK



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WATER RESOURCES DEPT  
 SALEM OREGON



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 WATER RESOURCES DEPT  
 SALEM, OREGON

Sale Date: 09/30/04

Check # 61900

Page: 1

REGULAR SALE  
 ON THURSDAY  
 1-800 824-5298



60654 LIVESTOCK ROAD  
 LA GRANDE, OR 97850  
 (541) 963-2158  
 FAX (541) 963-8316

UNDER FEDERAL SUPERVISION WE DO NOT GUARANTEE LIVESTOCK AGAINST SICKNESS  
 (Title to livestock is not transferred until all checks and drafts are cleared)

061900

HOBBS, JENNIFER  
 67164 LOSTINE RIVER RD  
 LOSTINE OR 97857  
 HOBBS, RICHARD

ID Number: 6718 Group: 1

TAG	HDCNT	DESCRIPTION	BUYER	TRAN	A. LBS	TOT LBS	PRICE	AMOUNT
2539	2	RED-STR	6-10	221	1090	2180	77.00/C	1,678.60
2					1090	2180	77.00/C	1,678.60

COMMISSION 46.16  
 MEAT BOARD 2.00  
 BRAND INSPECTION 1.50  
 VET INSPECTION 0.40  
 INSURANCE 1.18  
 =====  
 Total Fees 51.24  
 Total Amount \$1,627.36

Sale Date: 08/26/04

Check #: 61387

Page: 1

REGULAR SALE  
ON THURSDAY  
1-800 824-5298



50654 LIVESTOCK ROAD  
LA GRANDE, OR 97850  
(541) 963-2158  
FAX (541) 963-8316

UNDER FEDERAL SUPERVISION WE DO NOT GUARANTEE LIVESTOCK AGAINST SICKNESS 061387  
(Title to livestock is not transferred until all checks and drafts are cleared)

HOBBBS, RICHARD  
67164 LOSTINE RIVER RD  
LOSTINE OR 97857  
HOBBBS, RICHARD

ID Number: 6718 Group: 1

TAG	HDCNT	DESCRIPTION	BUYER	TRAN	A.LBS	TOT LBS	PRICE	AMOUNT
4		WF-LAMB	362-5	123	110	440	84.00/C	369.60
		LONG TAILS						
	4				110	440	84.00/C	369.60

=====  
 VET INSPECTION 0.20  
 COMMISSION 18.48  
 INSURANCE 0.26  
 LAMB CHECKOFF 2.20  
 =====  
 Total Fees 21.14  
 Total Amount \$348.46

U5771

Jennifer Heber  
7104 Leslie Hwy, Rd  
Lestine, OR 97139

9739

DATE 10/9 / 2004

Jennifer Heber  
Leslie Hwy 7104 Farm

NAME	Cacee Leland						
ADDRESS	Little Hill Farm						
CITY	STATE	ZIP					
ORDER NO	SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT	MDSE. RETD.	PAID OUT

QUAN.	DESCRIPTION	PRICE	AMOUNT
1			
2	Unseasoned Chicken		
3	Record		157.00
4			
5			
6	Check # 102		
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
RECEIVED BY			TAX
			TOTAL

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SALEM, OREGON

CUSTOMER'S ORDER NO.	DEPT.	DATE
Jane Colony	Livestock	9/8/04
NAME		
ADDRESS		

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

QUAN.	DESCRIPTION	PRICE	AMOUNT
5	1 ewe lambs @ .90 per #		
2	estimated total weight 7500 #		450.00
3			
4			
3	2 year Targhee 50% @ 60.		180.00
6	Wendydale 25%		
7	Jensolon 25%		
8			
1	3 year Pure bred Targhee	50.	50.00
10			
11			
2	5 year old Pure bred pun 30.		50.00
13	bred Targhee.		
14			730.00
15			
16			
17			
18			

REC'D BY  
Thank you Paig [Signature]  
9/8/04  
pd # 1093

KEEP THIS SLIP  
FOR REFERENCE

REDIFORM  
5H 350

RECEIVED BY

U 5805





**SUFFOLK & SONNET**  
**TIM & DEBBIE OWEN**  
 84100 AND MAY BLDG  
 JOSEPH, OR 97848



37



*Jennifer Hobbs*  
*2744 Adams Alley*  
*Eugene,*  
*OR 97405*



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OCT 10 2008

WATER RESOURCES DEPT  
 SALEM OREGON

6246.22

Account #0285  
 District

Call #685  
 8500

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
VETERINARY SERVICES  
**FLOCK INSPECTION AND EPIDEMIOLOGY REPORT**

1. PROGRAM PARTICIPANT  
 Yes  No  
 Applicant

2. INSPECTION DATE

3. OWNER NAME/CONTACT, ADDRESS & TELEPHONE NO. (Include Zip Code)

4. FLOCK LOCATION (If different from Item 3.)

Telephone Number ( )

GPS NO.

5. INSPECTOR'S/VMO'S NAME

6. INSPECTOR'S ID

7. FLOCK ID

8. FLOCK COUNTY

9. FLOCK TOWNSHIP

10. RANGE

11. SECTION

12. LATITUDE

13. LONGITUDE

14. REASON FOR INSPECTION (Please check one box)

Routine  High Risk Animals  Exposed Animals  Clinically Suspicious  Investigation (Please Specify)

15. FLOCK STATUS (Please check one box)

Certified  Enrolled  Select  Source  Exposed  Test Positive

Trace  Infected  Other (Please Specify)

16. FLOCK TYPE (Please check one box)

Purebred  Commercial Breeder  Feeder  Other (Please Specify)

17. FLOCK INVENTORY

Males > 1 Yr. \_\_\_\_\_ Males < 1 Yr. \_\_\_\_\_ Castrated Males < 1 Yr. \_\_\_\_\_ Total \_\_\_\_\_  
Females > 1 Yr. \_\_\_\_\_ Females < 1 Yr. \_\_\_\_\_ Other (Please Specify) \_\_\_\_\_

18. VETERINARY PRACTITIONER NAME

19. PRACTITIONER ID

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 Ovine  Caprine

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C.					Origin of Positive Disposition, High Risk Disposition, Exposed	
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E.					Origin of Positive Disposition, High Risk Disposition, Exposed	

24. FLOCK OWNER'S SIGNATURE

25. HAVE YOUR SHEEP HAD DIRECT CONTACT (fence to fence or direct mixing) WITH NONPROGRAM OR SHEEP WITH A LATER STATUS DATE SINCE LAST INSPECTION  
 Yes  No  N/A

26. HAVE ANY OF YOUR SHEEP BEEN ON PREMISES OR PASTURES NOT LISTED ON PREVIOUS REPORTS  
 Yes  No  N/A

27. INSPECTOR'S/VMO'S SIGNATURE

28. CONDITION OF ANIMALS  
 All Clinically Normal  
 Clinically Suspicious Animals Seen

29. VOLUNTARY PROGRAM STANDARDS  
 Meeting Standards  
 Not Meeting Standards (explain in remarks)  
 Not Applicable



DEBBIE GILBERT  
64120 AIRWAY ROAD  
JOSEPH, OR 97846  
ewenme@oregontrail.net  
(541) 432-7425



Tennifer Hobbs  
2744 Adams Alley  
Eugene, OR  
97405

97405#2282



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OCT 10 2008

WATER RESOURCES DEPT  
SALEM OREGON

WEST SIDE DITCH CO.  
 1120 SE FLORENCE  
 ENTERPRISE, OR 97828

# Statement

Date
4/1/2007

To:
RICHARD HOBBS 2744 ADAMS ALLEY EUGENE, OR 97405

*PAID*

		Amount Due	Amount Enc.		
		\$86.34			
Date	Transaction	Amount	Balance		
03/31/2007	Balance forward		0.00		
04/01/2007	Due 05/01/2007. 24.668 ACRES @ 3.50	86.34	86.34		
<b>CURRENT</b>	<b>1-30 DAYS PAST DUE</b>	<b>31-60 DAYS PAST DUE</b>	<b>61-90 DAYS PAST DUE</b>	<b>OVER 90 DAYS PAST DUE</b>	<b>Amount Due</b>
86.34	0.00	0.00	0.00	0.00	\$86.34

↑



WEST SIDE DITCH CO.  
 1120 SE FLORENCE  
 ENTERPRISE, OR 97828

# Statement

Date
4/1/2008

*PAID*

To:
RICHARD HOBBS 2744 ADAMS ALLEY EUGENE, OR 97405

Amount Due	Amount Enc.
\$86.34	

Date	Transaction	Amount	Balance
03/31/2008	Balance forward		0.00
04/01/2008	Due 05/01/2008. 24.668 ACRES @ 3.50	86.34	86.34

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
86.34	0.00	0.00	0.00	0.00	\$86.34