

2007

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

USER-ID 30342

2008

Facility →					
Report ID →	<u>60186</u>	<u>#hrs / mo</u>	<u>48kgal/hr</u>		
October - 2007					
November - 2007					
December - 2007					
January - 2008					
February - 2008					
March - 2008					
April - 2008		<u>180</u>	<u>8,640,000</u>		
May - 2008		<u>460</u>	<u>22,080,000</u>		
June - 2008		<u>210</u>	<u>10,080,000</u>		
July - 2008		<u>119</u>	<u>5,712,000</u>		
August - 2008		<u>230</u>	<u>11,040,000</u>		
September - 2008		<u>175</u>	<u>8,400,000</u>		
TOTAL *		<u>1374 hrs</u>	<u>65,952 MG</u>		

RECEIVED

MAY 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

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

Describe the method of measurement used: hour meter on pivot If used for irrigation, total number of acres irrigated: 105

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

Dan Nichols
Signature

owner
Title

Reporting Entity

4-20-09
Date

Dan Nichols
Name

48642 McCloy Creek Road, Diamond, OR 97122
Mailing Address

541-493-2440
Phone Number

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

2003

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

2004

App G 14960

ID 28169



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>					
October - 2003					
November - 2003					
December - 2003					
January - 2004					RECEIVED APR 18 2005 WATER RESOURCES DEP SALEM, OREGON
February - 2004					
March - 2004					
April - 2004					
May - 2004					
June - 2004					
July - 2004					
August - 2004					
September - 2004					
TOTAL *	0				

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

Describe method of measuring the water used: not used. If use is irrigation, total number acres irrigated _____

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

Elmer Watts Landowner Watts Ranch 4/14/05
Signature Title Reporting Entity Date

ELMER WATTS
Name - Please Print

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



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

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



MARIE S WATTS
WATTS RANCH
41771 SODHOUSE LANE
PRINCETON OR 97721

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

User-ID 28169

Password: 28169

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO							
60186		0	G	13887	G	14960	4/1/1999	IR	L	26	S	33	E	29	SWNE	1.3	C	P	A	WELL	MALHEUR L

USER-ID

28169

2002

Oregon Water Resources Department
 October 2002 through September 2003
 Annual Water Use - Monthly Quantities Form

USER-ID 28169

2003



App G 14960

Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	<i>60186 - 1R</i>				
October - 2002					
November - 2002					
December - 2002					
January - 2003					
February - 2003					
March - 2003					
April - 2003	<i>14</i>				
May - 2003	<i>14</i>				
June - 2003	<i>14.48</i>				
July - 2003	<i>14</i>				
August - 2003	<i>14</i>				
September - 2003	<i>14</i>				
TOTAL * <i>AF</i>	<i>84.48</i>				

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

Describe method of measuring the water used: *460 hrs X 1000 GPM*. If use is irrigation, total number acres irrigated ^{*96*}

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

Elmer Watts
Signature

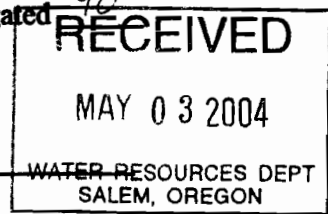
owner
Title

Reporting Entity

Date

ELMER WATTS

Name - Please Print



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



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

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.
Mary Graine



MARIE S WATTS
WATTS RANCH
HC 72 BOX 128; 41771 SODHO
PRINCETON OR 97721

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 28169
Password: 28169

60186

0 G 13887 G 14960 4/1/1999 IR L 26 S 33 E 29 SWNE

1.31 C P A WELL

MALHEUR L

USER-ID

28169

2001

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

USER-ID 28169

2002



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>	20186 IR				
October - 2001					
November - 2001					
December - 2001					
January - 2002					
February - 2002					
March - 2002					
April - 2002	37				
May - 2002	38				
June - 2002	38				
July - 2002	38				RECEIVED APR 21 2003 WATER RESOURCES DEPT SALEM, OREGON
August - 2002	38				
September - 2002	38				
TOTAL * AF	227				

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

Describe method of measuring the water used: 1238 mo x 1000 G.P.M. If use is irrigation, total number acres irrigated 90

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

Elmer Watts Manager _____ 4/17/03
 Signature Title Reporting Entity Date

ELMER WATTS
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 1500 NE Oregon Street NE; Salem, OR 97310-0210



2000

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

G14960

USER-ID 28 169

2001



Facility <input type="checkbox"/>	POD-ID <input type="checkbox"/>				
	60186 IR				
October - 2000					
November - 2000					
December - 2000					
January - 2001					
February - 2001					
March - 2001					
April - 2001					
May - 2001	1,711,860 gal				
June - 2001	4,279,650 G				
July - 2001	4,622,022 G				
August - 2001	3,766,092 G				
September - 2001	1,369,488 G				
TOTAL *	15,749,112 G				

RECEIVED
JAN 31 2002
WATER RESOURCES DEPT
SALEM, OREGON

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

Describe method of measuring the water used: hours X 34,237.26. If use is irrigation, total number acres irrigated 60

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

Jam Motta FARMER WATTS RANCH 1-25-02
Signature Title Reporting Entity Date

Oregon

Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301

ADJ & WR

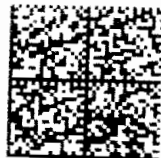
ADDRESS SERVICE REQUESTED

RECEIVED

MAY 14 2009

WATER RESOURCES DEPT
SALEM, OREGON

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
\$ 00.32⁴
MAY 16 2009
MAILED FROM ZIP CODE 97301

IA
Assignment Confirmation Returned



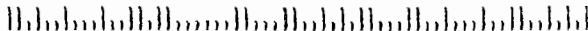
G-14960
MARIE WATTS
JOHN, ELMER & MARY WATTS
334 W BUCHANAN ST
BURNS OR 97720-2429

NIXIE 974 DE 1 00 05/13/09

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 97301126573 *9099-04099-13-13

C-00551 97720
9730101126573



Mailing List for Permit Copies

Application#G-14960

Mailing List Print Date March 27, 2001

Original mailed to(when permit issued, include copy of permit map):

Applicant: MARIE, JOHN, ELMER AND MARY WATTS, HC 72 BOX 128, PRINCETON, OR 97721

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # G-14960
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - Watermaster District #:10 (w/copy of permit map)
5. WRD - Regional Manager: JERRY RODGERS (w/copy of permit map)

Copies Mailed
By: <u>4/30/01</u>
(SUPPORT STAFF)
on: <u>DJ</u>
(DATE)

COPIES TO Other Interested Persons

6. _CHRIS T. PALMER, CWRE_____

7. _____

8. _____

Caseworker:AMH

X-Sender: nelsongl@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2
Date: Wed, 28 Mar 2001 07:49:26 -0800
To: Anita M Huffman <Anita.M.HUFFMAN@wrd.state.or.us>
From: Greg Nelson <Greg.L.NELSON@wrd.state.or.us>
Subject: Re: G14960...Watts

Anita:

Typically I stick a draft order and a remaining right certificate (but not always a RR) in the file. In the case of the Watts', if I recall correctly, they have not resubmitted an appropriately signed affidavit by the deeded record owner -- Marie Watts. I have prepared the draft order, and a draft RR certificate. I will double-check and make sure I am not mistaken.

Attached is copy of a letter and affidavit I prepared and sent them. They spoke with Mitch Lewis about this, because Mitch called me and we talked about it. Unless you received the affidavit signed by Marie Watts, or someone with power of attorney (she's aged and in a nursing home), then they have not resolved the conflict for this permit.

)At 04:16 PM 3/27/01 -0800, you wrote:

Hi Greg, I have assigned the above application Permit No. G-13887 and it will be signed by Dwight on Friday, 3-30-01.

There is a note on the front of the file to cancel cert 64340 simultaneously with permit issuance. I didn't see a cancellation order in the file...do you include a cc to this file as a rule? If not, could you please see to it that one is routed to the file?

Thanks!
AMH

January 11, 2000

John Watts
HC 72 Box 128
Princeton, OR 97221

Dear Mr. Watts:

I have enclosed an affidavit for Marie Watts to sign. Although we previously received an affidavit from her attesting to ownership of the land on which you seek to cancel a portion of a water right, the affidavit was not notarized. As was discussed in our telephone conversation, the warranty deed lists Marie Watts as the grantee. With her signed and notarized affidavit we can proceed to cancel the portion of the water right which conflicts with your pending water use permit application G-14960.

I have enclosed materials which describes the calculations I used to describe the portion of the water right you seek to cancel. I also included a copy of the warranty deed submitted with your affidavits, a computerized copy of the Davis water right certificate, and the Davis final proof survey map and your water use permit application map. I highlighted significant information and made notations on the enclosures. With this information in hand, I hope you can understand why I filled-out the affidavit as I did.

I left blanks on the affidavit for you to fill-in. Since Marie Watts is the deed grantee, please include her address and telephone number. However, I suggest you attach a note indicating that you and other family members are the appropriate contact for questions about the cancellation because you are the farm operators. In addition, you may want to check with the county assessors office to verify the tax lot numbers covered by the proposed cancellation, and add those to the affidavit in the space provided. It is also important to note that you need to indicate whether there are any lien/mortgage holders (and include their mailing address) for the parcels on which you intend to cancel the water right. Our process has us notify them of an action which may affect their interest in the property. Please be sure to complete that portion of the affidavit as well.

If you have any questions, please do not hesitate to contact me at 1-800-624-3199, extension 285.

Sincerely,

Greg Nelson
Field Services Division

enclosures

06-28-2009

DRAFT CANCELLATION ORDER OF
REMAINING WR CERTIFICATE
READY TO FINALIZE AT THE
TIME WE ISSUE PERMIT.

WATTS

ACTIONS WILL BE TAKEN SIMULTANEOUSLY
W/ PERMIT ISSUANCE.

NOTIFY ME OF PERMIT ISSUANCE

DIRECTOR OF OREGON

Y

ORDER

GREG NELSON X285 affidavit from the owners of lands

stating that they have abandoned the water right appurtenant to their land and requesting the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Marie Watts stating she is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 64340, State Record of Water Right Certificates. The affidavit further states that the portion of the right appurtenant to her property has been abandoned and requests that portion of the certificate be canceled.

Certificate 64340 allows for the use of not more than 8.48 cubic feet per second (cfs) of water from four wells in the Malheur Lake Basin; being 1.98 cfs from Well #2, 1.38 cfs from Well #3, 2.03 cfs from Well #4, and 3.09 cfs from Well #5, for irrigation of 677.8 acres with a date of priority of April 7, 1981.

The portion of Certificate 64340 which has been abandoned is for the use of 0.425 cfs of water from Well #5, for irrigation of 34.0 acres located:

NE¼ SE¼ 31.4 Acres

NW¼ SE¼ 2.6 Acres

Section 29

Township 26 South, Range 33 East, W.M.

CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right (ORS 540.621).

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
HARNEY COUNTY

IN THE MATTER OF CANCELLATION OF A)
PORTION OF A WATER RIGHT IN THE) **ORDER**
NAME OF HERB DAVIS AND SONS)

The Water Resources Department (Department) received an affidavit from the owners of lands stating that they have abandoned the water right appurtenant to their land and requesting the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Marie Watts stating she is the owner of lands and the water right appurtenant as evidenced by a portion of Certificate 64340, State Record of Water Right Certificates. The affidavit further states that the portion of the right appurtenant to her property has been abandoned and requests that portion of the certificate be canceled.

Certificate 64340 allows for the use of not more than 8.48 cubic feet per second (cfs) of water from four wells in the Malheur Lake Basin; being 1.98 cfs from Well #2, 1.38 cfs from Well #3, 2.03 cfs from Well #4, and 3.09 cfs from Well #5, for irrigation of 677.8 acres with a date of priority of April 7, 1981.

The portion of Certificate 64340 which has been abandoned is for the use of 0.425 cfs of water from Well #5, for irrigation of 34.0 acres located:

NE¼ SE¼ 31.4 Acres
NW¼ SE¼ 2.6 Acres
Section 29
Township 26 South, Range 33 East, W.M.

CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right (ORS 540.621).

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

IT IS ORDERED that the right described by Certificate 64340, State Record of Water Right Certificates, allowing for the use of not more than 8.48 cubic feet per second (cfs) of water from four wells in the Malheur Lake Basin; being 1.98 cfs from Well #2, 1.38 cfs from Well #3, 2.03 cfs from Well #4, and 3.09 cfs from Well #5, for irrigation of 677.8 acres with a date of priority of April 7, 1981, is canceled and a new certificate of water right describing that portion of the water right not canceled by the provisions of this order be issued.

Dated _____.

Martha O. Pagel, Director

STATE OF OREGON
HARNEY
COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARIE WATTS
510 W. 13th
THE DALLES, OR 97058

confirms the right to use the waters of 4 WELLS in the MALHEUR LAKE BASIN for IRRIGATION of 643.8 ACRES.

The right was perfected under PERMIT G-9324. The date of priority is APRIL 7, 1981. The amount of water to which such right is entitled for the purposes aforesaid is limited to an amount actually beneficially used for said purposes and shall not exceed 8.055 CUBIC FOOT PER SECOND; being 1.98 cfs from WELL #2, 1.38 cfs from WELL #3, 2.03 cfs from WELL #4, and 2.665 cfs from WELL #5, or its equivalent in case of rotation measured at the well.

The wells are located as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33; SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, T 26 S, R 33 E, W.M.; WELL #2 — 2660 feet north and 2670 feet east, WELL #3 — 2560 feet north and 2110 feet west, WELL #4 — 680 feet north and 1320 feet east, WELL #5 — 6500 feet north and 2690 feet west, all from the southeast corner of Section 33.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall further be limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

	<u>WELL #3</u>	<u>WELL #5</u>
NE $\frac{1}{4}$ SW $\frac{1}{4}$		39.2 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		35.2 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		25.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		38.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		39.6 ACRES
SECTION 28		

TOWNSHIP 26 SOUTH, RANGE 33 EAST, W.M.

	<u>WELL #3</u>	<u>WELL #5</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$		8.6 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		1.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		11.4 ACRES
SECTION 29		

SEE NEXT PAGE

	<u>WELL #3</u>	<u>WELL #5</u>
NE $\frac{1}{4}$ NE $\frac{1}{4}$	4.9 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRES	12.8 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	24.8 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.4 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$		0.5 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.2 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.2 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.6 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.3 ACRES	
SECTION 33		

	<u>WELL #2</u>	<u>WELL #4</u>
NE $\frac{1}{4}$ NW $\frac{1}{4}$		1.1 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		2.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$		38.8 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.4 ACRES	
SECTION 34		

TOWNSHIP 26 SOUTH, RANGE 33 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 64340, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered _____, canceling a portion of said water right.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed _____.

Martha O. Pagel, Director



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL
Return Receipt Requested

June 15, 2000

Marie and John Watts
Mary and Elmer Watts
HC 72 Box 128
Princeton, Oregon 97721

RE: Application File # G-14960

Dear Applicants:

The Department is currently in the process of preparing a Proposed Final Order for the above referenced application. However, based upon continued review, the Department has determined that additional information is necessary in order to complete your application. The following information must be received:

- ▶ A complete signed and notarized affidavit to partially cancel certificate 64340. A copy of the deed with the legal description and a map showing the area to be canceled must be attached to the affidavit. The affidavit previously submitted by the Department was not signed by the appropriate legal owner(s) of the property.

I have attached an affidavit, copy of the certificate and map, and a copy of the application map for your reference.

I have also enclosed a copy of the original letter sent to you from Greg Nelson describing what was needed for the affidavits.

Please submit this information by **June 29, 2000**. If we do not receive the information requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

LAURA:

*HERE'S THE SIGNED AFFIDAVIT
I'LL PROCESS IN SHORT
ORDER.*

Greg

DEED IS IN THE FILE.

RECEIVED

JUN 27 2000

WATER RESOURCES DEPT.
SALEM, OREGON



AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE

Copy

State of Oregon)
) ss
County of Harney)

I/We, Marie Watts, residing at 510 W. 13th St. The Dalles OR 97058, phone (541) 296-3590,
being first duly sworn depose and say:

- I/We are the legal owner(s) of the property described as tax lot number 750, within the SE $\frac{1}{4}$, Section 29, Township 26 S, Range 33 E, of the Willamette Meridian, in Harney County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
- A portion of water right certificate number 64340 issued to Herb Davis and Sons, with a date of priority of April 7, 1981, for use of 3.09 cubic foot per second of water from Well #5 (sources) for the purpose of irrigation (uses) is appurtenant to my/our property;
- I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows :
The right to the use of 0.425 cubic foot per second from Well #5 for the irrigation of 34.0 acres located:

NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.4 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.6 Acres

Section 29
Township 26 S, Range 33 E, WM; and
- I/We request that said portion of the right described above be canceled.
- My/Our property ___ is / X is not within an irrigation district. If within, the name of the district is _____.
- There ___ are/ X are not encumbrance holders for my/our property. If there are, a list of encumbrance holders with their addresses is attached

Marie S. Watts
Signature of Legal Owner

June 26/2000
Date

Signature of Co-Owner

Date

Subscribed and Sworn to Before Me this 26 day of June, 2000.

RECEIVED

JUN 27 2000



Patrice A. Delaney
Notary Public for Oregon

WATER RESOURCES DIVISION
SALEM, OREGON

My Commission Expires 09-08-02

PLEASE ATTACH MAP AND DEED WITH LEGAL DESCRIPTION

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **43814**

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

INVOICE # _____

RECEIVED FROM: Watts Ranch Inc
BY: _____

APPLICATION	G-14960
PERMIT	
TRANSFER	

CASH: CHECK: # 96-7051 OTHER: (IDENTIFY)

TOTAL REC'D \$ 175.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

PCA AND OBJECT CLASS _____ CASH ACCT. \$ _____
VOUCHER # _____

0427 WRD OPERATING ACCT

0407	MISCELLANEOUS		\$
0410	COPY & TAPE FEES		\$
0408	RESEARCH FEES		\$
(New) TC162	MISC REVENUE: (IDENTIFY)		\$
	DEPOSIT LIAB. (IDENTIFY)		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203	GROUND WATER	\$	0204 \$ 175.00
0205	TRANSFER	\$	0206 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

PCA # 66111

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
------	------------------	----

0467 HYDRO ACTIVITY

0233	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HRDRO APPLICATION		\$

RECEIPT # **43814**

DATED: 3/22/04 BY: S. Henderson

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

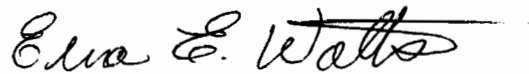
Watts Ranch, Inc.
HC 72, Box 128
Princeton, Or 97721
(541)493-4669

Oregon Water Resources Department
Commerce Building
158 12th Street, N.E.
Salem, Oregon 97301-4172

Dear Sir:

Enclosed is check # 2484 in the amount of \$175.00 that you requested to finish the paperwork on G-14960. Please send receipt on this for my records.

Thank you,

A handwritten signature in cursive script that reads "Erna E. Watts". The signature is written in black ink and includes a horizontal flourish at the end.

Erna E. Watts

RECEIVED

MAR 22 2001

WATER RESOURCES DEPT.
SALEM, OREGON

Mailing List for FO Copies

Application #G14960

Mailing List Print Date February 12, 2001

Original mailed to(when permit issued, include copy of permit map):

Applicant: MARIE, JOHN, ELMER, AND MARY WATTS, HC 72 BOX 128, PRINCETON, OREGON 97721

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

For FO w/Draft Permit - Copies sent to:

1. WRD - File # G14960

For FO w/ Draft Permit - FO and Map Copies sent to:

2. WRD - Watermaster District #: 10
3. WRD - Regional Manager: Jerry Rodgers E.

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. CHRIS T. PALMER, CWRE _____
2. _____
3. _____

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____
2. _____

CASEWORKER:AMH

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14960

Final Order

Application History

On April 1, 1999, MARIE, JOHN, ELMER, AND MARY WATTS submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on AUGUST 1, 2000. The protest period closed SEPTEMBER 15, 2000, and no protest was filed.

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

Order

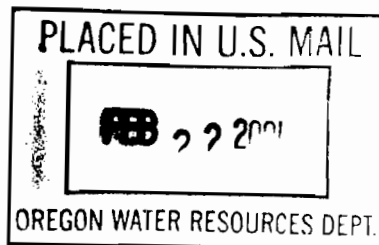
Upon payment of outstanding permit recording fees, Application G-14960 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application .

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED February 22 , 2001


Paul R. Cleary, Director



This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

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

This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 229. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MARIE, JOHN, ELMER, AND MARY WATTS
HC 72 BOX 128
PRINCETON, OREGON 97721

PHONE: (541) 493-4669

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

APPLICATION FILE NUMBER: G-14960

SOURCE OF WATER: A WELL IN THE MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 105.2 ACRES

MAXIMUM RATE: 1.31 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 1, 1999

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 29, T26S, R33E,
W.M.; 2700 FEET NORTH & 6645 FEET WEST FROM SE CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 11.0 ACRES
SE 1/4 NE 1/4 31.4 ACRES
NE 1/4 SE 1/4 31.4 ACRES
NW 1/4 SE 1/4 31.4 ACRES
SECTION 29
TOWNSHIP 26 SOUTH, RANGE 33 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

STANDARD CONDITIONS

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

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

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

Failure to comply with any of the provisions of this permit may result

in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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

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

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

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

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2001

DRAFT - THIS IS NOT A PERMIT

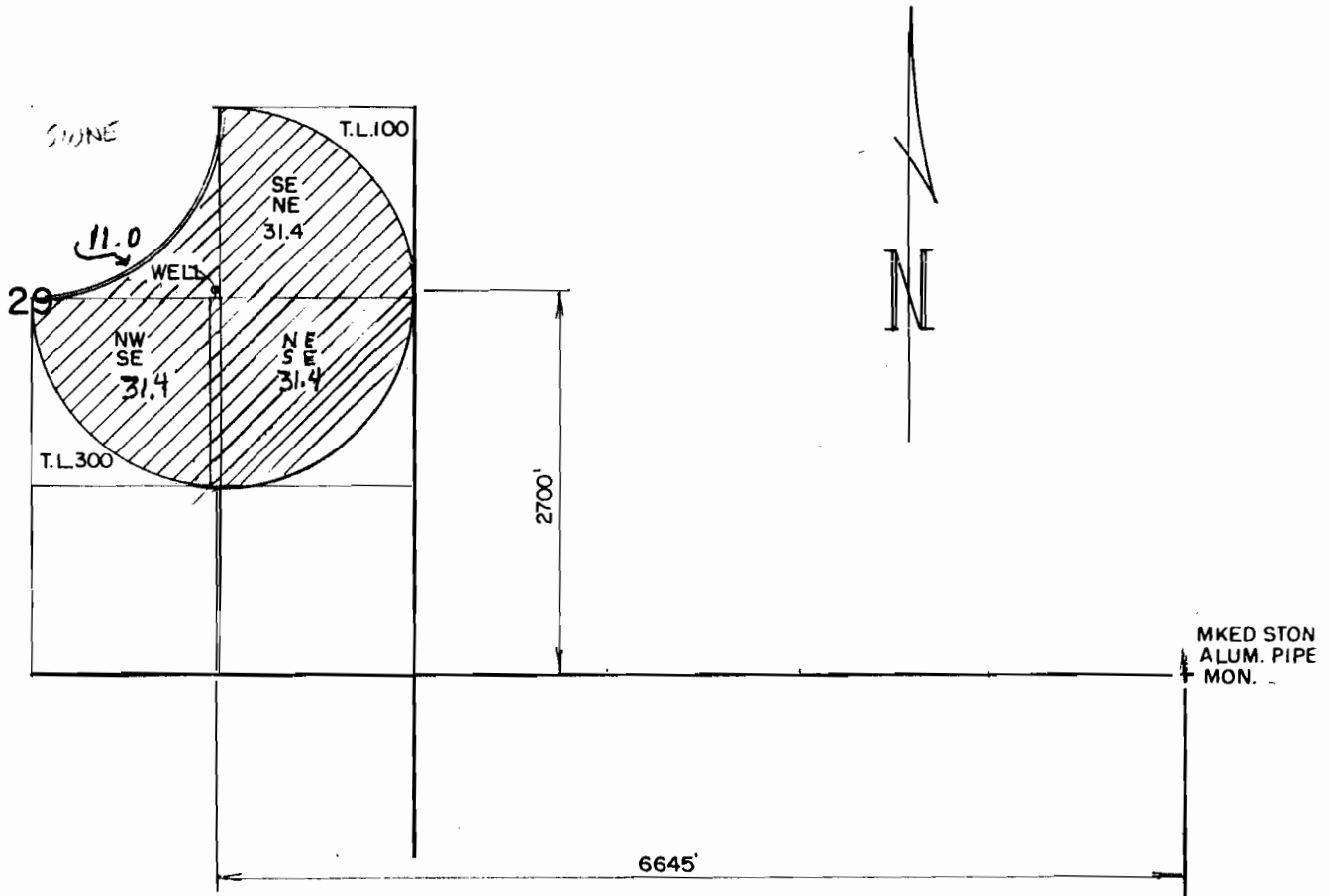
Paul R. Cleary, Director
Water Resources Department

RECEIVED

APR 1 1999

WATER RESOURCES DEPT.
SALEM, OREGON

T 26 S, R 33 E, WM



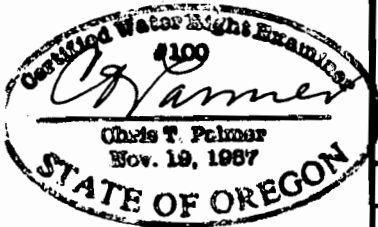
Application No. G-14960

Permit No. 33


THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

WATTS

WATER RIGHT APPLICATION MAP



RENEW 1-1-1999

Scale: 4" = 1 MILE	Date: NOV. 1998	Job: 1802
Dsn:	 M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
Drn: CHRIS		of 1
Ckd:		

FO CHECKLIST

FILE # G14960
PFO WEEK # 262
FO WEEK # 278

PFO TO FO CONVERSION

REVIEW DATE: 2/9/01
INITIALS: Ad
WM District 10
Region Mgr ER
ODFW Bio —

Applicant Name and Mailing

Address: Watts HC 72, Box 128, Princeton OR 97721

In preparing to create the FO, you should check the following:

1. Y N Were comments or protests received? If so, from whom and when? _____

_____ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)

2. On the PFO CC list, verify names and mailing addresses of ALL commentors (regardless of comment date, affected landowners, and those who paid the \$10 feet.

Chris T. Palmer CURE

3. Y / N / NA Have affected land owners been notified?

4. Y / N / NA Has ODFW asked for self certification of screening condition?
If so, write "ODFW CERT" in the permit black on the front of the file.

6. Y / N Is water use prohibited for one or more months of the normal use period?
If yes, is short season letter on file? _____. If short season letter is lacking, see item #10 below.
Give applicant 60 days to submit required information.

7. Y / N Do the PFO conclusions require modification? Why? _____
(If YES, circle FOMOD and one other type below)

8. Correct PFO errors (such as POD or POU location (verify from map)

9. Include or exclude permit conditions and management codes. 7B

10. Y / N Is further processing possible? If not state reason: _____

11. Verify Payment of recording fees (circle the appropriate option)

(1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO.

(2) Issue FO w/o permit if fees are lacking.

Exam Fee Paid	<u>250</u>
Q fee	<u>225</u>
Subtotal	<u>475</u>
Recording Fee	<u>175</u>
Total	<u>650</u>
Amount Paid	<u>475-</u>
Amount due/refund	<u>175</u>

1 st CFS/AF	<u>150</u>
Addnl.	<u>75</u>
TOTAL Q	<u>225</u>

12. Assign permit numbers to files with oaths, fees, and no protests or other issues.

FO Type: (circle types) DENIAL FO w/o PERMIT (REASON: Lacks Fees) Lacks Easement Map Other

FO & PERMIT (Permit # _____)

FOMOD

MGMT CODES::

FB cancel auth

Once FO document is completed:

15. Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 278 & delete duplicates.

16. Print final draft of document and submit to team leader for review

17. Y / N Team leader review completed

18. Route to Dwight for signature

20. Update folders, E-mail data center, send copy to HTML

21. To support for mailing

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14960

Proposed Final Order

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

Application History

On April 1, 1999, MARIE, JOHN, ELMER, AND MARY WATTS submitted an application to the Department for the following water use permit:

- Amount of Water: 800.0 GALLONS PER MINUTE (GPM)
- Use of Water: IRRIGATION OF 105.2 ACRES
- Source of Water: A WELL IN THE MALHEUR LAKE BASIN
- Area of Proposed Use: HARNEY County within SECTION 29, TOWNSHIP 26 SOUTH, RANGE 33 EAST, W.M.

On 10/1/99, the Department mailed the applicant notice of its Initial Review, determining that "the use of 1.32 Cubic Foot per Second (590.0 Gallons per Minute) from a well in Malheur Lake Basin for Irrigation of 105.2 acres is allowable from March 1 through October 31 of each year contingent upon the cancellation of certificate 64340, or other resolution of the conflicting water rights." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 10/19/99, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

On June 27, 2000, a signed and notarized affidavit to cancel a portion of certificate 64340 was received by the Department.

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

- comments by or consultation with another state agency
- any applicable basin program

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

Findings of Fact

The Malheur Lake Basin Program allows the following uses: IRRIGATION OF 105.2 ACRES.

A WELL, IN THE MALHEUR LAKE BASIN, is not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's Groundwater/Hydrology Section. A copy of this assessment is in the file. This assessment determined that the use of groundwater for the proposed use will, if properly conditioned, avoid injury to existing rights or the groundwater resource. Therefore, water may be appropriated during the season MARCH 1 THROUGH OCTOBER 31.

The Department finds that no more than 1.31 Cubic Feet per Second (CFS) (588.0 GPM) would be necessary for the proposed use. The amount of water requested, 800.0 GPM (1.78 CFS), shall be restricted to 1.31 CFS.

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

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there **is NOT** a preponderance of evidence that the proposed use of groundwater 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.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MARIE, JOHN, ELMER, AND MARY WATTS
HC 72 BOX 128
PRINCETON, OREGON 97721

PHONE: (541) 493-4669

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

APPLICATION FILE NUMBER: G-14960

SOURCE OF WATER: A WELL IN THE MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 105.2 ACRES

MAXIMUM RATE: 1.31 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 1, 1999

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 29, T26S, R33E,
W.M.; 2700 FEET NORTH & 6645 FEET WEST FROM SE CORNER, SECTION 28

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 11.0 ACRES
SE 1/4 NE 1/4 31.4 ACRES
NE 1/4 SE 1/4 31.4 ACRES
NW 1/4 SE 1/4 31.4 ACRES
SECTION 29

TOWNSHIP 26 SOUTH, RANGE 33 EAST, W.M.

an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **September 15, 2000**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Laura Snedaker. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 331. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499

Address all other correspondence to:

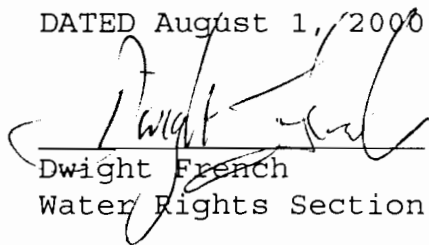
Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97310
Fax: (503)378-2496 .

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED August 1, 2000


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have

and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

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

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Mailing List for PFO Copies

Application #G-14960

PFO Date August 1, 2000

Original mailed to:

Applicant: MARIE, JOHN, ELMER, AND MARY WATTS, HC 72 BOX 128, PRINCETON, OREGON 97721

Copies sent to:

1. WRD - File # G-14960
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 10
4. WRD - Regional Manager: ER
5. ODFW District Biologist: Malheur District (Harney County)

Copies Mailed By: <u>Michele</u> (SUPPORT STAFF) on: <u>7-31-00</u> (DATE)
--

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. Chris T. Palmer, CWRE

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

2. _____

3. _____



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL **Return Receipt Requested**

June 15, 2000

Marie and John Watts
Mary and Elmer Watts
HC 72 Box 128
Princeton, Oregon 97721

RE: Application File # G-14960

Dear Applicants:

The Department is currently in the process of preparing a Proposed Final Order for the above referenced application. However, based upon continued review, the Department has determined that additional information is necessary in order to complete your application. The following information must be received:

- ▶ A complete signed and notarized affidavit to partially cancel certificate 64340. A copy of the deed with the legal description and a map showing the area to be canceled must be attached to the affidavit. The affidavit previously submitted by the Department was not signed by the appropriate legal owner(s) of the property.

I have attached an affidavit, copy of the certificate and map, and a copy of the application map for your reference.

I have also enclosed a copy of the original letter sent to you from Greg Nelson describing what was needed for the affidavits.

Please submit this information by **June 29, 2000**. If we do not receive the information requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

RECEIVED

FEB 04 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

January 11, 2000

John Watts
HC 72 Box 128
Princeton, OR 97221

Dear Mr. Watts:

I have enclosed an affidavit for Marie Watts to sign. Although we previously received an affidavit from her attesting to ownership of the land on which you seek to cancel a portion of a water right, the affidavit was not notarized. As was discussed in our telephone conversation, the warranty deed lists Marie Watts as the grantee. With her signed and notarized affidavit we can proceed to cancel the portion of the water right which conflicts with your pending water use permit application G-14960.

I have enclosed materials which describes the calculations I used to describe the portion of the water right you seek to cancel. I also included a copy of the warranty deed submitted with your affidavits, a computerized copy of the Davis water right certificate, and the Davis final proof survey map and your water use permit application map. I highlighted significant information and made notations on the enclosures. With this information in hand, I hope you can understand why I filled-out the affidavit as I did.

I left blanks on the affidavit for you to fill-in. Since Marie Watts is the deed grantee, please include her address and telephone number. However, I suggest you attach a note indicating that you and other family members are the appropriate contact for questions about the cancellation because you are the farm operators. In addition, you may want to check with the county assessors office to verify the tax lot numbers covered by the proposed cancellation, and add those to the affidavit in the space provided. It is also important to note that you need to indicate whether there are any lien/mortgage holders (and include their mailing address) for the parcels on which you intend to cancel the water right. Our process has us notify them of an action which may affect their interest in the property. Please be sure to complete that portion of the affidavit as well.

If you have any questions, please do not hesitate to contact me at 1-800-624-3199, extension 285.

Sincerely,

Greg Nelson
Field Services Division

enclosures



RECEIVED

980740

APR 1 1999

WARRANTY DEED

WATER RESOURCES DEPT. SALEM, OREGON

HERB DAVIS & SONS, an Oregon partnership, aka HERB DAVIS AND SONS, called Grantors herein, hereby convey and warrant to MARIE WATTS, called Grantee herein, the following described real property in Harney County, Oregon:

See attached Exhibit "A"

Tax: Code 4-2, Map Nos. 26-33, 26-33-29
Lots 5600, 100, 6900, 300, 7000, 3400, 3501, 3700, 201,
Ref. Nos. 10575, 10579, 10573, 11061, 10577, 10535, 92311,
10605, 12282

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this transfer is \$ 600,000.00, paid to an accommodator pursuant to an I.R.C. §1031 exchange.

Dated: April 24, 1998

Until further notice, send all tax statements to: Marie S. Watts

HERB DAVIS & SONS

By: Herbert C. Davis
Herbert C. Davis

By: Herbert G. Davis
Herbert G. Davis

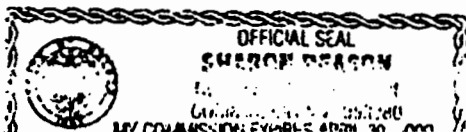
By: Thomas R. Davis
Thomas R. Davis

STATE OF OREGON)
) ss April 24, 1998.
County of Harney)

(For Recorder's Use)

This instrument was acknowledged before me by Herbert C. Davis and Herbert G. Davis and Thomas R. Davis, as partners of Herb Davis & Sons, the within named partnership on whose behalf this instrument was executed.

Sharon Benson
Notary Public for Oregon
My commission expires 06-30-00



STATE OF OREGON)
County of Harney)
I certify that the within instrument was received for record on the 24th day of April, 1998, at 4:20 PM, and recorded Microfilm number 980740.
By: Marie Watts, County Clerk

990740

RECEIVED

APR 1 1999

EXHIBIT "A"

WATER RESOURCES DEPT.
SALEM, OREGON

Herb Davis & Sons to Watts

Land in Harney County, Oregon, as follows:

In Twp. 26 S., R. 33 E., W.M.:

Sec. 19: SE~~X~~

Sec. 28: SW~~X~~, WXSE~~X~~

Sec. 29: E~~X~~NW~~X~~, W~~X~~NE~~X~~, SE~~X~~NE~~X~~, E~~X~~SE~~X~~, NW~~X~~SE~~X~~

Sec. 33: E~~X~~, NE~~X~~NW~~X~~.

SUBJECT TO: rights of the public in road and highways; right of way for road in favor of Harney County, Oregon; mineral reservations as reserved in deed from The Union Central Life Insurance Company recorded January 25, 1939, Book 38, Page 33, Harney County Deed Records; right of way for road in favor of harney County, Oregon, recorded January 8, 1954, Book 57, Page 497, Harney County Deed Records; mineral reservations as reserved in deed from James E. Dunn and Elizabeth M. Dunn recorded January 13, 1956, Book 61, Page 284, Harney County Deed Records; and geothermal reservations as reserved in deed from Kenneth M. Howser recorded January 11, 1990, Instrument No. 900051, Harney County Deed Records.

The above described property has been assessed for ad valorem tax purposes under the Farm Deferral method and Grantee covenants and agrees that should she fail to make application to continue the Farm Deferral method or should the property hereafter fail to qualify for Farm Deferral tax treatment or if for any reason a retroactive assessment of taxes with respect to the property is made, Grantee shall pay the same and shall hold Grantor and Grantor's predecessors harmless from any claim and demand for payment arising out of such retroactive assessment of taxes with respect to the property, whether or not such additional taxes, penalties or interest apply to tax years prior to the date of this deed.

PFO CHECKLIST

Application #: 614960

Basin: Mulhewr Lake WAB: _____

County Harney Township 26S Range 33E Section 29 1/4 1/4 SWNE - well

- 1. Is the file complete by the Minimum Requirements Checklist? (Y)N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y(N)
Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- 3. Groundwater Review A B (C) D River/Stream Name _____ Conditions 7B
 - a. Groundwater Availability A B (C)
 - b. Is second groundwater review necessary? (comments) Y(N)
 - c. Is HB 1033 review complete? (Y)N
 - d. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y(N)
- 4. Is use from a B.O.R. or Douglas County project? Y(N) Contract in file? Y/N Contract # _____
- 5. Is the use allowed by the Basin Program? (Y)N Limited? Y(N)
- 6. Water Availability Data OK / REDONE (NA) 50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992
- 7. Is the source withdrawn or limited by statute or Department withdrawal order? Y(N)
- 8. Is the Proposed Use located in or above a Scenic Waterway? Y(N)
- 9. Division 33: NA Above Bonn (after July 17, 1992) Y/N/NA
Below Bonn (after April 8, 1994; June 3, 1994) Y/N/NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N/NA
- 10. Per the IR, is the Proposed Source on the DEQ 303d List? Y(N) If so, any comments received? Y/N
Is the Proposed Use in a Dept of Ag. Water Quality Management Plan Area? Y(N) Bear Creek or Tualatin River
- 11. Have conflicts been addressed? (Y)N canceled conflict
- 12. Rate 1.30 Duty 3.0 Irrigation Season March -> Oct
- 13. Period of Allowed Use March -> Oct
- 14. Allowed Rate of Use 1.31 cfs
req 800 gpm = 1.78 cfs
105.2 ac x 1.30 = 1.31 cfs max (588 gpm)
- 15. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF) (Medium) (0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
If the use is Municipal and ≤ 0.1 CFS, use **Large** condition.
- 16. Conditions 7B
Is the proposed use within the New River Basin? Y(N) If yes, include New River Agreement Conditions.
- 17. IR Public Notice Date 10-19-99 Comments Received? Y(N)
- 18. Was the application filed on or after October 23, 1999? Y(N) If yes, then no A date.
- 19. Final Report Checklist
 - Documents used in determination are attached to this checklist and highlighted
 - Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y(N)
 - b. **Check Watermaster Dist. on the CC list and draft permit.**
 - Spell Check and Accuracy Check
 - Final PFO report hard copy check (format, margins, etc.)
 - Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: LKS

Date: 1-10-00



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL
Return Receipt Requested

October 1, 1999

MARIE WATTS
JOHN WATTS
ELMER AND MARY WATTS
HC 72 BOX 128
PRINCETON, OREGON 97721

(541)493-4669

RE: Application File #G-14960

Dear Applicants:

Your Initial Review has been processed, and I found that additional information is required to complete your application for water use. The following information must be received:

- ▶ **Please submit a notarized cancellation affidavit for certificate 64340, or other means of conflict resolution such as a transfer or dimunition of the existing rights.**

Please submit the requested items by **November 18, 1999**. If we do not receive the items requested above by this date, or a request for time out from processing, we **will** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 229, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Anita Huffman
Water Rights Examiner

cc: Watermaster Dist 10
File





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 1, 1999

MARIE WATTS
JOHN WATTS
ELMER AND MARY WATTS
HC 72 BOX 128
PRINCETON, OREGON 97721

(541)493-4669

Reference: File G-14960

Dear Applicants:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN MALHEUR LAKE BASIN for IRRIGATION OF 105.2 ACRES is **allowable** under OAR 690-512-040(1), the Malheur Lake Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 800.0 GALLONS PER MINUTE for IRRIGATION OF 105.2 ACRES, if properly conditioned, will not injure existing rights or the groundwater resource.
5. The Department finds that no more than 1.32 CUBIC FEET PER SECOND (590.0



GALLONS PER MINUTE) would be necessary for the proposed use.

6. According to Department records there is an existing certificate of water rights, 64340, covering lands proposed to be irrigated under this application. Information provided by the applicants indicates the applicants wish to cancel the conflicting water rights, thereby making the proposed use the primary right for the lands in conflict. The conclusions of this Initial Review are contingent upon the cancellation or other resolution of the conflicting water rights.

Summary of Initial Determinations

The use of 1.32 CUBIC FEET PER SECOND (590.0 GALLONS PER MINUTE) from A WELL IN MALHEUR LAKE BASIN for IRRIGATION OF 105.2 ACRES is allowable from March 1 through October 31 of each year contingent upon the cancellation of certificate 64340, or other resolution of the conflicting water rights.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, October 15, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Additional Information Required:

Please submit a notarized cancellation affidavit for certificate 64340, or other means of conflict resolution such as a transfer or diminution of the existing rights. This information must be submitted no later than November 18, 1999 or the Department may propose to reject your application at the next phase of processing.

If you are unable to submit the above listed information, you may request a “time out from processing” for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If a time out is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. You will be required to comply with state and federal water quality standards.
3. The priority date for this application is April 1, 1999.
4. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon

Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Huffman', with a long horizontal flourish extending to the right.

Anita M. Huffman
Water Rights Specialist

cc: Regional Manager, Watermaster District 10, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-14960
wab 12-
pou 12-
gw c

Mailing List for IR Copies

Application #G-14960

IR Date: October 1, 1999

Original mailed to:

Applicant: MARIE WATTS WATTS, JOHN; WATTS, ELMER AND MARY, HC 72 BOX 128, PRINCETON, OREGON 97721

Copies sent to:

1. WRD - File # G-14960
2. WRD - Water Availability: Ken Stahr

Copies Mailed	
By:	<u>CS</u>
	(SUPPORT STAFF)
on:	<u>9/24/99</u>
	(DATE)

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 10
4. WRD - Regional Manager (not Bob Main):ER
5. ODFW District Biologist: (HARNEY County)Wayne Bowers

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

ID# AMH

COPIES/IR

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE

RECEIVED

State of Oregon)
County of HARNEY) ss

APR 1 1999

WATER RESOURCES DEPT.
SALEM, OREGON

~~I~~We, MARIE, JOHN, ELMER, MARY WATTS, residing at HC 72 Box 12 B
Princeton OR 97721, phone 541-493-4669, being first duly sworn depose and say:

- ~~I~~We are the legal owner(s) of the property described as tax lot number 100, within the SE 1/4 1/4, Section 29, Township 26 ~~N~~S, Range 33 ~~E~~W, of the Willamette Meridian, in HARNEY County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
- A portion of water right certificate number 64340 issued to Heub Davis & Sons, with a date of priority of 4-7-1981 for use of ~~667~~⁷ cubic foot per second of water from Wells (sources) for the purpose of IRRIGATION (uses) is appurtenant to my/our property;
- ~~I~~We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of .004 cubic foot per second from Wells for the irrigation of 34.0 acres located:
NE 1/4 SE 1/4 31.4 Acres
NW 1/4 SE 1/4 2.6 Acres
Section 29
Township 26 ~~N~~S, Range 33 ~~E~~W, WM; and
- ~~I~~We request that said portion of the right described above be canceled.

Mary Watts
Signature of Legal Owner

3/18/99
Date

Marie S. Watts
Signature of Co-Owner

3/18/1999
Date

Subscribed and Sworn to Before Me this ___ day of ___, 199__

Application No. G-14960
Permit No. -

Notary Public for Oregon

My Commission Expires _____

PLEASE ATTACH MAP AND DEED WITH LEGAL DESCRIPTION

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 512
MALHEUR LAKE BASIN PROGRAM

Minimum Perennial Streamflows

690-512-001

The minimum perennial streamflows listed in Table 1 are hereby adopted or established.

Water Availability

690-512-040

(1) Except as provided in section (3) of this rule, the Department shall not accept an application for permit, or issue a permit, for any use of surface water, or of groundwater the use of which has the potential to substantially interfere with surface water, in the Malheur Lake Basin unless the applicant shows, by a preponderance of evidence, that unappropriated water is available to supply the proposed use at the times and in the amounts requested. The evidence provided shall be prepared by a qualified hydrologist or other water resources specialist and shall include:

(a) Streamflow measurements or gage records from the source or, for use of groundwater, the stream in hydraulic connection with the source; or

(b) An estimate of water availability from the source or, for use of groundwater, the stream in hydraulic connection with the source which includes correlations with streamflow measurements or gage records on other, similar streams and considers current demands for water affecting the streamflows.

(2) The criteria used in determining if the use of groundwater has the potential to substantially interfere with surface water shall be those established in OAR Chapter 690, Division 9.

(3) This rule shall not apply to issuance of:

(a) Instream water rights,

(b) Permits for storage of water between March 1 and May 31 if the application is not required to be referred to the Commission under OAR 690-11-080 (2)(a)(C), or

(c) Permits for use of water legally stored.

T. 26S., R. 33E., W.M.

FINAL PROOF SURVEY UNDER

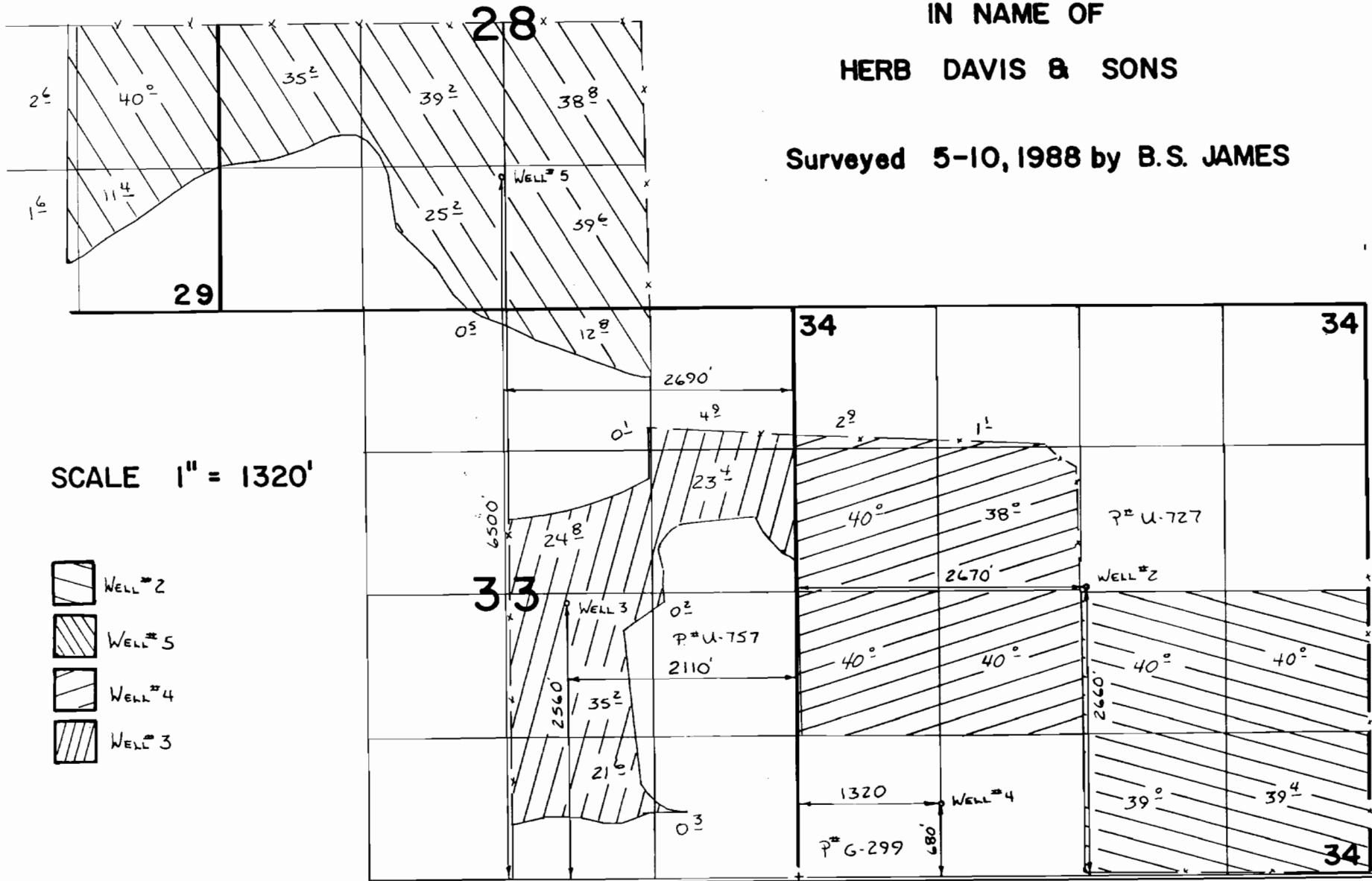
APPL. G-10258

PER. G-9324

IN NAME OF

HERB DAVIS & SONS

Surveyed 5-10, 1988 by B.S. JAMES



SCALE 1" = 1320'

-  WELL #2
-  WELL #5
-  WELL #4
-  WELL #3

TO: Water Rights Section April 23, 1999
FROM: Groundwater/Hydrology Section Michael Zwart
SUBJECT: Application G-14960
Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or

- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

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

_____, 199__.
(Signature)

TO: Water Rights Section April 23, 1999
 FROM: Groundwater/Hydrology Section Michael Zwart
 SUBJECT: Application G-14960 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rule G-14960 proposed POA's is/is not within _____ feet/mile of a surface water no log and taps a groundwater source hydraulically connected _____
2. BASED UPON OAR 690-09 currently in effect, the proposed groundwater use will:
 - a. _____ will, or _____ have the potential to interfere with the nearest _____
 - b. _____ will not interfere with the nearest surface water source _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

REMARKS: _____

14960

(Well Construction Considerations on Reverse Side)

TO: Water Rights Section

April 23, 1999

FROM: Groundwater/Hydrology Section Michael Zwart

Reviewer's Name

SUBJECT: Application G-14960

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

REMARKS: _____

(Well Construction Considerations on Reverse Side)

14960

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14960

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T26S/R33E-29ac

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

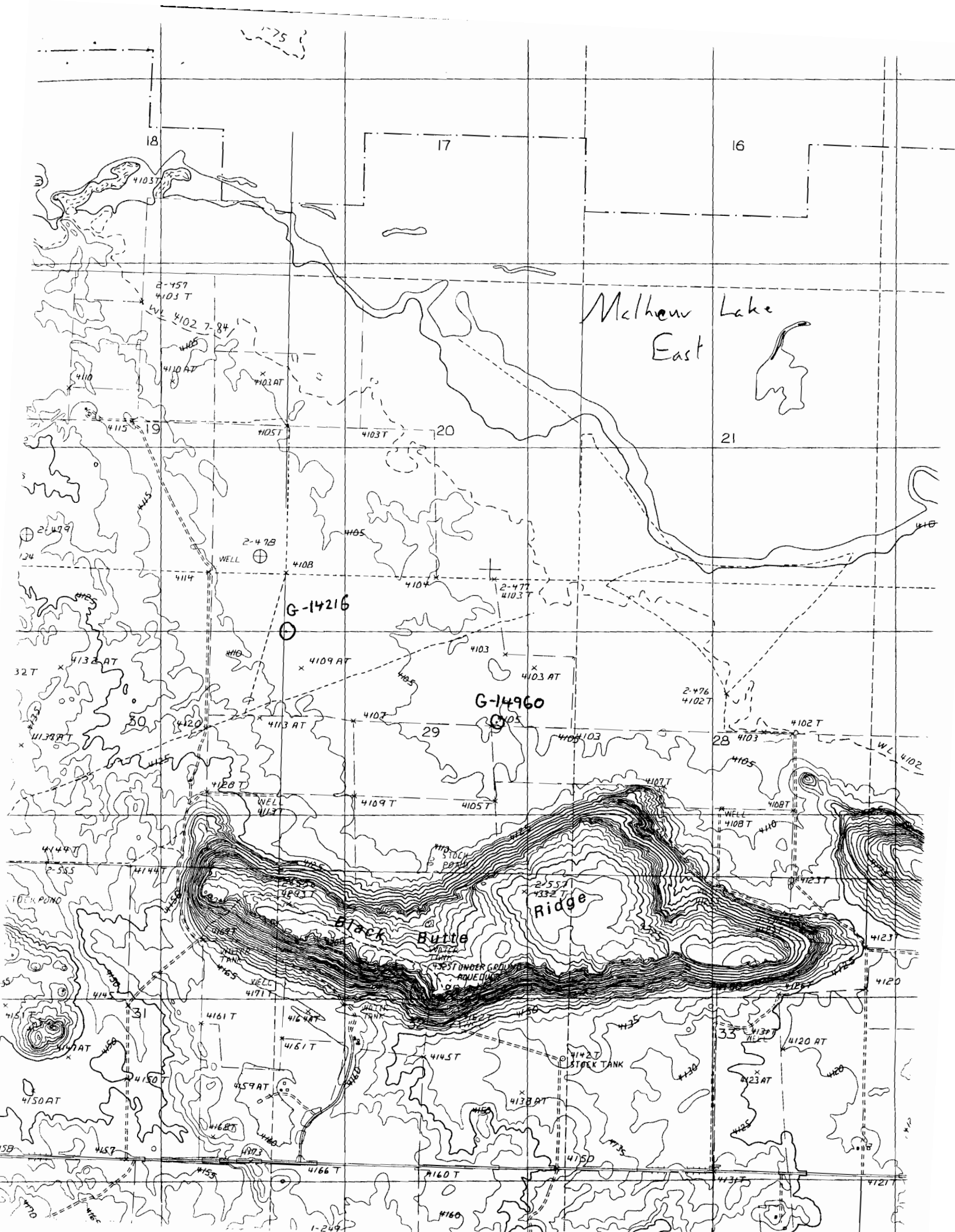
To: Groundwater files Date: April 23, 1999

From: Michael J. Zwart

Subject: Application Review: G-14960, Marie Watts, et al

This application proposes to use about 1.315 cfs from one well (no log on file) for primary irrigation of 105.2 acres. The well is reportedly 180 feet deep and is sealed to 27 feet. It likely produces water from a semiconfined to locally unconfined aquifer developed in sand and gravel. The well is about 4500 feet from Malheur Lake. The aquifer is likely in hydraulic connection with the lake. There is no potential for substantial interference with the lake, based on the distance to it.

I recommend permit condition 7B.



PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14960

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	10330	G 9407	26.00S33.00E19NENW IR	1.0000	C
2	G	12664	G 11956	26.00S33.00E19SESE IR	1.6750	C
3	G	14216	G 12758	26.00S33.00E29NWNW IR	1.5000	C
4	G	12664	G 11956	26.00S33.00E29SWNE IR	1.5550	C
5	G	10258	G 9324	26.00S33.00E28SESW IR	3.0900	C
6	G	11328	G 10466	26.00S33.00E29SWSW IR	1.4000	C
7	G	9415	G 8773	26.00S33.00E32SWNW IR	0.8200	C
8	G	9415	G 8773	26.00S33.00E31SENE IR	0.8200	C
9	G	10258	G 9324	26.00S33.00E33NWSE IR	1.3800	C
9	U	873	U 757	26.00S33.00E33NWSE IR	1.0500	C
10	G	10330	G 9407	26.00S33.00E19NENW IR	1.0000	C
11	G	12664	G 11956	26.00S33.00E19SESE IR	1.6750	C
12	G	14216	G 12758	26.00S33.00E29NWNW IR	1.5000	C
13	G	12664	G 11956	26.00S33.00E29SWNE IR	1.5550	C
14	G	10258	G 9324	26.00S33.00E28SESW IR	3.0900	C
15	G	11328	G 10466	26.00S33.00E29SWSW IR	1.4000	C
16	G	9415	G 8773	26.00S33.00E32SWNW IR	0.8200	C
17	G	9415	G 8773	26.00S33.00E31SENE IR	0.8200	C
18	G	10258	G 9324	26.00S33.00E33NWSE IR	1.3800	C
18	U	873	U 757	26.00S33.00E33NWSE IR	1.0500	C

NO CONDITIONED WELLS WITHIN 1 MILE OF APPLICATION G 14960

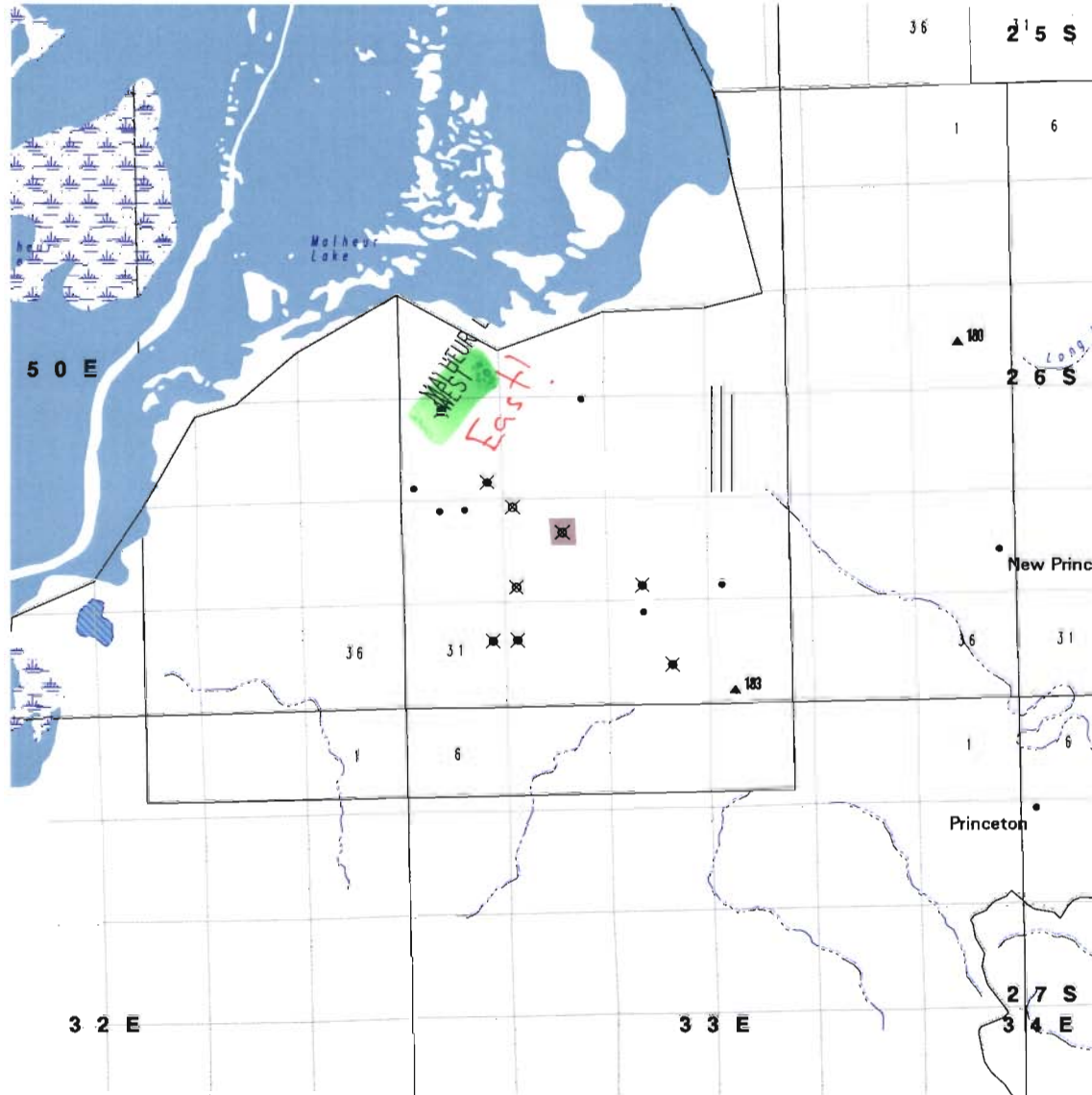
APPLICATION G 14960 FALLS WITHIN THESE QUAD(S)

MALHEUR LAKE WEST

MALHEUR LAKE WEST

Wells in the vicinity of application G 14960

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ⊗ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE OF G 14960
 IR 16
 LV 2



RECEIVED

Oregon Water Resources Department

APR 1 1999

Application for a Permit to Use Ground Water WATER RESOURCES DEPT. SALEM, OREGON

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 instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: WATTS MARIE, John, Elmer & MARY
Last First MI

Mailing address: HC 72 Box 128

Princeton OR 97721
City State Zip

Phone: 541-493-4669
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

_____ City State Zip

Phone: _____ Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. G14960 Permit No. _____ Date 4/1/99

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to 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 page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? HARNEY

In what county is the appropriation point proposed? HARNEY

B. River Basin

(See instruction booklet pg.3 for list):

MALHEUR LAKE

C. Property Ownership

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

- Yes (Skip to section 3 "Groundwater Development.")
- No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

A. Number of wells: 1 B. Name of nearest surface water body MALHEUR LAKE

C. Distance from well(s) to nearest stream or lake: 1) 1 3/4 MILES

2) _____ 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) _____

2) _____ 3) _____ 4) _____

E. Well Characteristics

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

1. Wells will be constructed by: _____

Address: _____

Completion date: _____

2. 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	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
7	12"	Steel 12"	27'	—	27'	7'	33	PiPc	180

F. Artesian Flows

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

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 in the instruction booklet):

- 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**, attach Form M
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach Form Q

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, and 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 Annual Amount	Production Rate of the Well in gpm
7	Clay & Sand Lenses	IRRIGATION	315 a.f.	800 GPM

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

March - October

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

105.2 Ac.

5. Water Management

A. Diversion

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

- Pump (give horsepower and pump type) 40 HP Turbin
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch, 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(s) 6" Length 80'
- Other (describe) USE of a Pivot - Hand Lines

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> Flood | <input type="checkbox"/> High-pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip | <input type="checkbox"/> Water cannons | <input checked="" type="checkbox"/> Center pivot system |
| <input checked="" type="checkbox"/> Hand lines | <input type="checkbox"/> Wheel lines | |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows | | |
| <input type="checkbox"/> Other, describe _____ | | |

Distribution method

- In-line storage (tank or pond) Direct pipe from source 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 sprinkler irrigation conserves water and is more economical.

RECEIVED

6. Project Schedule

Proposed date construction will begin _____

Proposed date construction will be completed APRIL 1999

Proposed date beneficial water use will begin APRIL 1999

APR 1 1999
WATER RESOURCES DEPT.
SALEM, OREGON

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.

3-E-2 No Log is Available

3-E-1 Well driller unknown

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 is 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 statements made and information provided in this application are true and correct to the best of my knowledge:

Marie Watts
Signature of Applicant

3/18/1999
Date

Marie S. Watts
Signature of Co-applicant

3/18/1999
Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?



Oregon Water Resources Department

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FORM I

APR 1 1999

FOR IRRIGATION WATER USE

WATER RESOURCES DEPT. SALEM, OREGON

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 105.2 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: no. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. ALFALFA Full season Partial season (from: MAR to OCT)

2. _____ Full season Partial season (from: _____ to _____)

3. _____ Full season Partial season (from: _____ to _____)

4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

_____ 315 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

Daily during daytime hours

Daily during nighttime hours

Two or three times weekly during daytime

Two or three times weekly during nighttime

Weekly, during daytime hours

Weekly, during nighttime hours

Other, explain: When the Crop Requires Water

Application No. G-14960

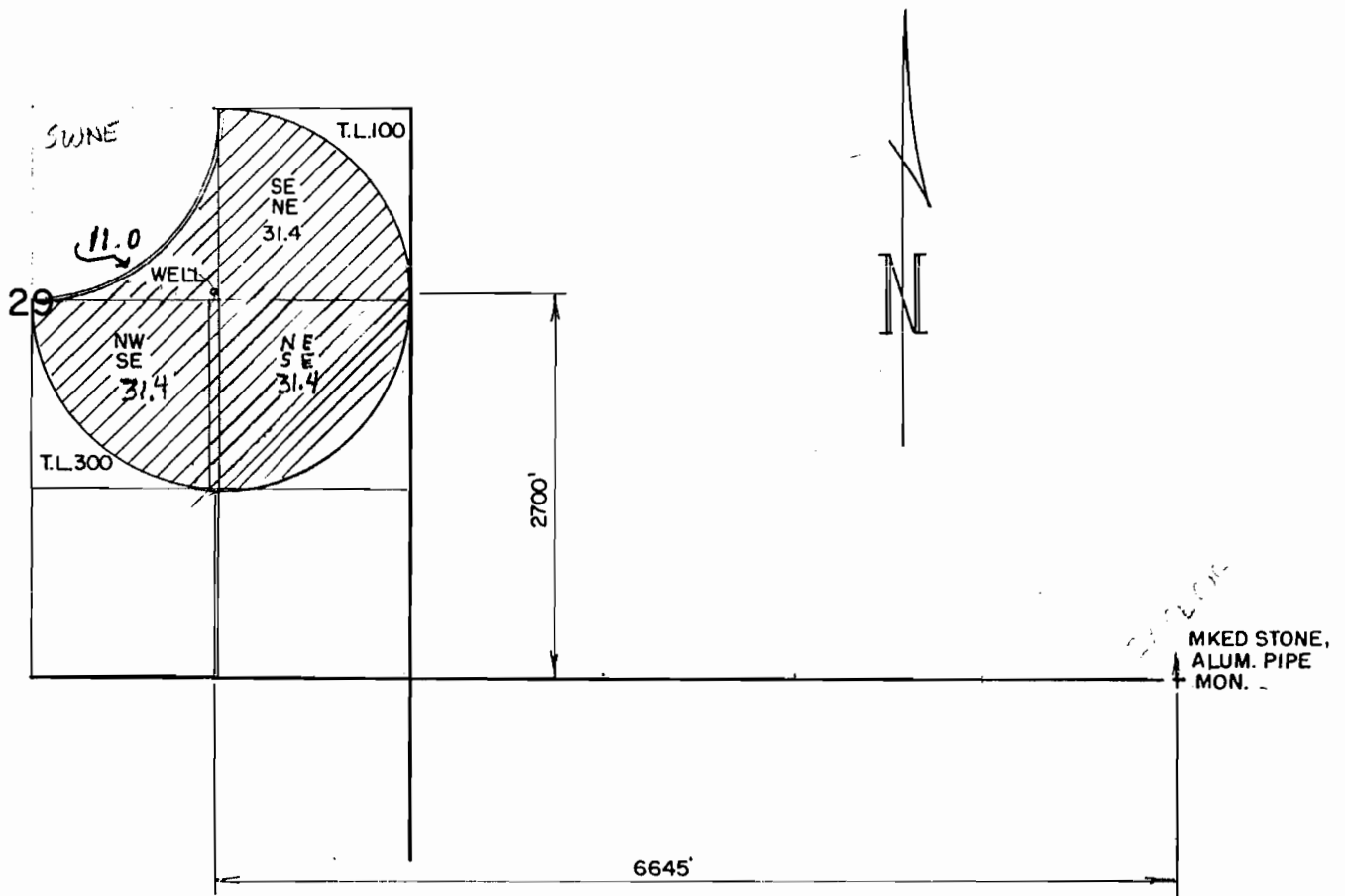
Permit No. _____

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APR 1 1999

WATER RESOURCES DEPT.
SALEM, OREGON

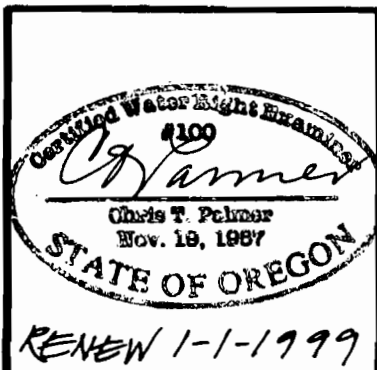
T 26 S, R 33 E, WM



Application No. G-14960

Permit No. 33

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.



WATTS		
WATER RIGHT APPLICATION MAP		
Scale: 4" = 1 MILE	Date: NOV. 1998	Job: 1802
Dsn:	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
Drn: CHRIS		
Ckd:		

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE

RECEIVED

State of Oregon)
County of Harney) ss

APR 1 1999

WATER RESOURCES DEPT.
SALEM, OREGON

1/2 We, Marie, John, Elmer, Mary Watts, residing at HC 72 Box 12 B
Princeton OR 97721, phone 541-493-4669 being first duly sworn depose and say:

- 1/2 We are the legal owner(s) of the property described as tax lot number 100, within the SE 1/4 1/4, Section 29, Township 26 N/S, Range 33 E/W, of the Willamette Meridian, in Harney County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
- A portion of water right certificate number 64340 issued to Herb Davis & Sons, with a date of priority of 4-7-1981 for use of 0.007 cubic foot per second of water from Wells (sources) for the purpose of irrigation (uses) is appurtenant to my/our property;
- 1/2 We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of .004 cubic foot per second from Wells for the irrigation of 34.0 acres located:
NE 1/4 SE 1/4 31.4 Acres
NW 1/4 SE 1/4 2.6 Acres
Section 29
Township 26 N/S, Range 33 E/W, WM; and
- 1/2 We request that said portion of the right described above be canceled.

Mary Watts
Signature of Legal Owner

3/18/99
Date

Marie S. Watts
Signature of Co-Owner

3/18/1999
Date

Subscribed and Sworn to Before Me this ___ day of ___, 199__

Application No. 6-14960
Permit No. -

Notary Public for Oregon

My Commission Expires _____

PLEASE ATTACH MAP AND DEED WITH LEGAL DESCRIPTION

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-14960

Applicant: MARIE WATTS WATTS, JOHN; WATTS, ELMER AND MARY

County: HARNEY

Watermaster: District 10

Priority Date: April 1, 1999

Source: A WELL IN MALHEUR LAKE BASIN

Use: IRRIGATION OF 105.2 ACRES

Quantity: 800.0 GALLONS PER MINUTE

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 2 MALHEUR L & MISC

Point of Diversion Location: SWNE, SECTION 29, T26S, R33E, W.M.; 2700 FEET NORTH &
6645 FEET WEST FROM SE CORNER, SECTION 28

Place of Use: SWNE 11.0 ACRES SENE 31.4 ACRES NESE 31.4 ACRES NWSE 31.4 ACRES,
SECTION 29, TOWNSHIP 26 SOUTH, RANGE 33 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 15, 1999

PUBLIC NOTICE DATE: Tuesday, October 19, 1999

30 DAY COMMENT DEADLINE DATE: Thursday, November 18, 1999

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6. Project Schedule

Proposed date construction will begin _____
Proposed date construction will be completed APRIL 1999
Proposed date beneficial water use will begin APRIL 1999

APR 1 1999

WATER RESOURCES DEPT.
SALEM, OREGON

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.

3-E-2 No Log is Available

3-E-1 Well driller unknown

Application No. 6-14960

Permit No. _____

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 is 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 statements made and information provided in this application are true and correct to the best of my knowledge:

Elmer Watts

Signature of Applicant

3/18/99

Date

John A. [Signature]

Signature of Co-applicant

3/18/99

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

Last revision: October 31, 1996

RECEIVED

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

APR 1 1999

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, and/or used only on federal lands.

Applicant's Name: Marie Watts, John Elmer & Mary Watts
Address: H 72 Box 128
City: Princeton State: OR Zip: 97721 Day Phone: 541-493-4669

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

(CHECK ALL THAT APPLY)

Table with 6 columns: TAX LOT LOCAL ID #, PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5), WATER DIVERTED, WATER CONVEYED, WATER USE. Row 1: TL# 100 T. 26R33 Sec 29 EFRU-2, checkmarks in Water Diverted and Water Use columns. Row 2: TL 300

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

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

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

[X] 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): Art 3, Sec 3.240 Go to section b) on reverse side.

[] Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____ Staff Contact: _____ Phone: _____

980740

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APR 1 1999

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "A"

Herb Davis & Sons to Watts

Land in Harney County, Oregon, as follows:

In Twp. 26 S., R. 33 E., W.M.:

Sec. 19: SE~~X~~

Sec. 28: SW~~X~~, W~~X~~SE~~X~~

Sec. 29: E~~X~~NW~~X~~, W~~X~~NE~~X~~, SE~~X~~NE~~X~~, E~~X~~SE~~X~~, NW~~X~~SE~~X~~

Sec. 33: E~~X~~, NE~~X~~NW~~X~~.

SUBJECT TO: rights of the public in road and highways; right of way for road in favor of Harney County, Oregon; mineral reservations as reserved in deed from The Union Central Life Insurance Company recorded January 25, 1939, Book 38, Page 33, Harney County Deed Records; right of way for road in favor of harney County, Oregon, recorded January 8, 1954, Book 57, Page 497, Harney County Deed Records; mineral reservations as reserved in deed from James E. Dunn and Elizabeth M. Dunn recorded January 13, 1956, Book 61, Page 284, Harney County Deed Records; and geothermal reservations as reserved in deed from Kenneth M. Howser recorded January 11, 1990, Instrument No. 900051, Harney County Deed Records.

The above described property has been assessed for ad valorem tax purposes under the Farm Deferral method and Grantee covenants and agrees that should she fail to make application to continue the Farm Deferral method or should the property hereafter fail to qualify for Farm Deferral tax treatment or if for any reason a retroactive assessment of taxes with respect to the property is made, Grantee shall pay the same and shall hold Grantor and Grantor's predecessors harmless from any claim and demand for payment arising out of such retroactive assessment of taxes with respect to the property, whether or not such additional taxes, penalties or interest apply to tax years prior to the date of this deed.

Application No. G-14960

Permit No. -

980740

RECEIVED

APR 1 1999

WARRANTY DEED

WATER RESOURCES DEPT
SALEM, OREGON

HERB DAVIS & SONS, an Oregon partnership, aka HERB DAVIS AND SONS, called Grantors herein, hereby convey and warrant to MARIE WATTS, called Grantee herein, the following described real property in Harney County, Oregon:

See attached Exhibit "A"

Tax: Code 4-2, Map Nos. 26-33, 26-33-29
Lots 5600, 100, 6900, 300, 7000, 3400, 3501, 3700, 201,
Ref. Nos. 10575, 10579, 10573, 11061, 10577, 10535, 92311,
10605, 12282

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this transfer is \$ 600,000.00, paid to an accommodator pursuant to an I.R.C. §1031 exchange.

Dated: April 24, 1998

Until further notice, send all tax statements to: Marie S. Watts

HERB DAVIS & SONS

By: Herbert C. Davis
Herbert C. Davis

By: Herbert G. Davis
Herbert G. Davis

By: Thomas R. Davis
Thomas R. Davis

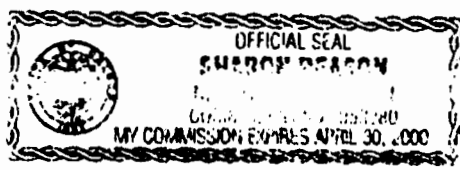
STATE OF OREGON)
) ss April 24, 1998. (For Recorder's Use)
County of Harney)

This instrument was acknowledged before me by Herbert C. Davis and Herbert G. Davis and Thomas R. Davis, as partners of Herb Davis & Sons, the within named partnership on whose behalf this instrument was executed.

Application No. G-14960
Permit No.

Sharon Benson
Notary Public for Oregon
My commission expires 04-30-00

STATE OF OREGON)
County of Harney)
I certify that the within instrument was received for record on the 28 day of April, 1998 at 4:20 o'clock PM and recorded Microfilm Number 980740 of said County.
By: Marie Watts Deputy



PRE-IR APPLICATION PROCESSING OUTLINE

Application File # G14960

MINIMUM REQUIREMENTS TO FILE
OAR 690-310-040

DATE

4/1/99

INITIAL

AA

SURFACE AND GROUNDWATER APPLICATIONS

- Name and mailing address of applicant
- Source of water
- Quantity of water
- Map meeting requirements of OAR 690-310-050
- Nature of proposed use
- Names and addresses of legal owners
- Easement/authorization statement
- Legal description of POD/POU
- Description of works and conveyance
- Information on waste/measurement, etc
- Land use approved pending
- Signature/title of applicant
- Oath
- Estimated capacity of pump
- Primary permit or certificate number (if application is for supplemental)
- Form M Q I R
- Examination fee _____ Recording
- CWRE map for dam >10ft AND storage >9.2 AF (For standard reservoirs only)

ADDITIONAL FOR GROUNDWATER APPLICATIONS

- Copy of well log (for existing wells)
- Groundwater development
- Well Characteristics
- Rate of flow if no pumping required

HB 2376 Expedited Review Reservoir

- Completed Application
- Land use approved _____ pending _____
- Map showing Township, Range, Section, quarter-quarter section and tax lot info
- HB 2376 exam fee \$10 per acre-foot

SUPPORT SERVICES

- Stamp contents with application number
- Place label on file and calendar card
- Acknowledgment post card to applicant
- Route to Initial Review

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **28642**

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

INVOICE # _____

RECEIVED FROM: Herb Davis & Sons
BY: _____

APPLICATION	G-14960
PERMIT	
TRANSFER	

CASH: CHECK: # 2422 OTHER: (IDENTIFY)

TOTAL REC'D \$ 475.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$
VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
(New) TC162	DEPOSIT LIAB. (IDENTIFY)		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203	GROUND WATER	\$ 475.00	0204 \$
0205	TRANSFER	\$	0206 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

PCA #66111

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
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0467 HYDRO ACTIVITY

0233	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HRDRO APPLICATION		\$

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DATED: 4-1-99 BY: Roy Whigley

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