

# Application for a Permit to Use Ground Water



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

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**SECTION I: APPLICANT INFORMATION AND SIGNATURE**

WATER RESOURCES DEPT  
SALEM OREGON

**Applicant Information**

NAME MICHAEL RIGGS		PHONE (HM) (208) 938-3507	
PHONE (WK) SAME	CELL		FAX (208) 938-5810
ADDRESS 558 W. BLACK ROCK DRIVE			
CITY MERIDIAN	STATE IDAHO	ZIP 83646	E-MAIL CHUCK@ASPENHOMESOFIDAHO.COM

**Organization Information**

NAME ROCKIN R CATTLE COMPANY LLC		PHONE (208) 938-3507		FAX (208) 938-5810
ADDRESS P.O. BOX 550		CELL		
CITY MERIDIAN	STATE IDAHO	ZIP 83680	E-MAIL CHUCK@ASPENHOMESOFIDAHO.COM	

**Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.**

AGENT / BUSINESS NAME		PHONE		FAX
ADDRESS		CELL		
CITY	STATE	ZIP	E-MAIL	

Note: Attach multiple copies as needed

**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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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 cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



**I (we) affirm that the information contained in this application is true and accurate.**

*[Signature]*  
Applicant Signature

Michael Riggs  
Print Name and title if applicable

1-16-12  
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>6-17528</u>	Permit No. _____	Date _____

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- Yes
  - There are no encumbrances.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

NA

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
R&R Well #1	Willow Creek	800'	15'

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

See attached Well Log

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SALEM, OREGON

**SECTION 3: WELL DEVELOPMENT, CONTINUED**

Source (aquifer), if known: Silty Shale

Total maximum rate requested: 1.39 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

8251-9

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO. OR WELL LOG ID**	LOSSING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
R&R Well #1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MALH 53870	<input type="checkbox"/>	14"	3' to 100'	NA	0' to 6' & 6' to 90'	-17', 05-13-2011	Silty Shale	252'	623.8	333.9 AF
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.  
 \*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.  
 \*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

**SECTION 4: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	APRIL 15 THRU OCTOBER 15	333.9 AF

**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 6.4 Acres                      Supplemental: 104.9 Acres

List the Permit or Certificate number of the underlying primary water right(s): 75332, 75333, & 75337

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 3.0 AF

- If the use is **municipal or quasi-municipal**, attach **Form M**
  - If the use is **domestic**, indicate the number of households: NA
- If the use is **mining**, describe what is being mined and the method(s) of extraction: NA

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): 50 Hp, Turbine

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Propose to use a new well to pump water into a mainline. The mainline will transport water to the handlines, drip lines and concrete ditches.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
Drip lines, hand lines & siphon tubes.

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

Currently surface water is not readily available year round, and on dry years the existing "junior" surface water rights provide little if any water to irrigate with. Currently we utilize drip irrigation, hand lines and concrete ditches to minimize waste. A flow meter is expected to be installed at the well for water measurement. The use of handlines and drip irrigation also prevent damage to aquatic life and prevent discharge of contaminated water to surface waters. Interior collection/drain ditches currently reduce the amount of contaminated water that gets discharged to the surface water where siphon tube irrigation is utilized.

**SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR**

If you would like to store ground water in a reservoir, complete this section (if more than one reservoir, reproduce this section for each reservoir).

Reservoir name: NA Acreage inundated by reservoir: NA

Use(s): NA

Volume of Reservoir (acre-feet): NA Dam height (feet, if excavated, write "zero"): NA

*Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.*

**SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR**

If you would like to use stored ground water from the reservoir, complete this section (if more than one reservoir, reproduce this section for each reservoir).

Annual volume (acre-feet): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: APRIL 1, 2012

Date construction will be completed: OCTOBER 31, 2012

Date beneficial water use will begin: OCTOBER 31, 2013

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application (attach additional sheets if necessary).

Attached are the existing water right certificates & existing well log for MALH 53870

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G-17528

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

06-15-2011

WELL LABEL # L 104080

START CARD # 1012979

(1) LAND OWNER Owner Well I.D.
First Name MICHAEL Last Name RIGGS
Company ROCKING R CATTLE COMPANY LLC
Address PO BOX 550
City MERIDIAN State ID Zip 83680

(2) TYPE OF WORK [X] New Well [ ] Deepening [ ] Conversion
[ ] Alteration (repair/recondition) [ ] Abandonment

(3) DRILL METHOD
[ ] Rotary Air [ ] Rotary Mud [X] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE [ ] Domestic [X] Irrigation [ ] Community
[ ] Industrial/ Commercial [ ] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION Special Standard [ ] (Attach copy)
Depth of Completed Well 265.00 ft.

Table with columns: Dia, From, To, Material, SEAL, Amt, sacks/lbs. Rows include Bentonite Chips and Cement.

How was seal placed: Method [ ] A [ ] B [X] C [ ] D [ ] E
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: [ ] Yes Type Amount

(6) CASING/LINER Table with columns: Casing, Liner, Dia, From, To, Gauge, Stl, Plstc, Wld, Thrd.

Shoe [ ] Inside [ ] Outside [ ] Other Location of shoe(s)
Temp casing [ ] Yes Dia From To

(7) PERFORATIONS/SCREENS Table with columns: Per/S, Casing/Screen, Dia, From, To, Scrn/slot width, Slot length, # of slots, Tele/pipe size.

(8) WELL TESTS: Minimum testing time is 1 hour
Pump [X] Bailer [ ] Air [ ] Flowing Artesian [ ]
Yield-gal/min Drawdown Drill-stem/Pump depth Duration (hr)

Temperature 60 °F Lab analysis [ ] Yes By
Water quality concerns? [ ] Yes (describe below)
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County Malheur Twp 15.00 S N/S Range 43.00 E E/W WM
Sec 32 NW 1/4 of the SW 1/4 Tax Lot 4900
Tax Map Number Lot
Lat " or 44.21822500 DMS or DD
Long " or -117.48832500 DMS or DD
[ ] Street address of well [X] Nearest address

5422 JOHN DAY HWY BROGAN

(10) STATIC WATER LEVEL Date SWL(psi) + SWL(ft)
Existing Well / Predeepening
Completed Well 05-13-2011 17
Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES Depth water was first found
SWL Date From To Est Flow SWL (psi) + SWL (ft)
04-14-2011 30 57 50 17
05-13-2011 100 252 500 17

(11) WELL LOG Ground Elevation
Material From To
topsoil 0 2
brown clay 2 17
fine sand 17 18
brown clay 18 30
gravel 30 57
siltstone (hard) 57 65
brown clay 65 100
brown silty shale 100 125
blue silty shale 125 210
blue silty shale (hard) 210 252
Blue clay (caving or sluffing past 265) 252 265

Date Started 04-13-2011 Completed 05-13-2011

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

License Number Date
Electronically Filed
Signed

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

License Number 1818 Date 06-15-2011
Electronically Filed
Signed DANIEL MCLEBRAN (E-filed)
Contact Info (optional) 208-941-0647

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ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK.

WATER RESOURCES DEPT
SALEM, OREGON

G-17528

STATE OF OREGON  
 COUNTY OF MALHEUR  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ORCHARDS WATER COMPANY  
 P.O. BOX 5  
 JAMIESON, OREGON 97909-005

confirms the right to use the waters of WILLOW CREEK, a tributary of MALHEUR RIVER, POLE CREEK and BLACK CREEK, tributaries of WILLOW CREEK for irrigation of 1662.40 ACRES OF LAND.

This right was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 258. The dates of priority are 1871, Spring of 1872, 12/15/1872, 1873, 1874, 1877, 1883.

The use is limited to a rate of flow of 41.56 CUBIC FEET PER SECOND from February 15th to May 1st and 20.78 CUBIC FEET PER SECOND from May 1st to September 1st of each year or the equivalent in case of rotation; the total quantity diverted during each irrigation season not to exceed 4987.20 acre feet.

The points of diversion are located as follows:

- #1- Logan Ditch: 390 feet North and 100 feet East from SW corner, Section 2, being within SW¼ SW¼, Sec.2, Township 15 South, Range 42 East, W.M.
- #2- Coles Ditch: 1300 feet South and 300 feet West from the NE corner of Section 10, being within the NE¼ NE¼, Section 10, Township 15 South, Range 42 East, W.M.
- #3- Eastside Ditch: 840 feet South and 1260 feet West from the NE corner of Section 24, being within the NE¼ NE¼, Section 24, Township 15 South, Range 42 East, W.M.
- #4- Becker Creek: 2070 feet South and 2660 feet East from the NW corner, Section 14, being within the SW¼ NE¼, Section 14, Township 15 South, Range 42 East, W.M.
- #5- Low-Line Ditch: 2370 feet South and 300 feet West from the NE corner of Section 22, being within the SE¼ NE¼, Section 22, Township 15 South, Range 42 East, W.M.
- #6- Vilsmeier Ditch: 450 feet South and 110 feet East from the NW corner, Section 25, being within the NW¼ NW¼, Section 25, Township 15 South, Range 42 East, W.M.
- #7- Hevner Ditch: 1350 feet South and 130 feet East from NW corner, Section 30, being within the SW¼ NW¼, Section 30, Township 15 South, Range 43 East, W.M.

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

OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES
Biddy	15	43	30	SW	NE	Willow Cr	1873	3	39.20
Biddy	15	43	30	NW	SE	Willow Cr	1873	3	18.80
Biddy	15	43	30	SW	SE	Willow Cr	1873	3	21.20
Total Acres:									79.30
Coleman	15	43	30	SE	NE	Willow Cr	1873	3	38.00
Total Acres:									36.00
Domby	16	42	14	NE	SE	Willow Cr	12/15/1872	2	3.80

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OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES
Domby	15	42	14	SE	SE	Willow Cr	12/15/1872	2	10.80
Domby	15	42	14	SW	SE	Willow Cr	12/15/1872	2	35.00

Total Acres: 49.60

Glaede	15	43	30	NE	NW	Willow Cr	1873	3	39.20
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Total Acres: 39.20

Heid	16	43	4	NW	NE	Willow Cr	1883	3	9.50
Heid	16	43	4	NE	NW	Willow Cr	1877	3	12.00
Heid	16	43	4	NW	NW	Willow Cr	1877	3	35.00
Heid	16	43	4	SE	NW	Willow Cr	1877	3	38.20
Heid	16	43	4	SW	NW	Willow Cr	1877	3	40.00
Heid	18	43	4	NE	SE	Willow Cr	1877	3	20.70
Heid	16	43	4	NW	SE	Willow Cr	1877	3	37.10
Heid	16	43	4	SE	SE	Willow Cr	1877	3	16.30
Heid	16	43	4	SW	SE	Willow Cr	1877	3	16.30
Heid	16	43	4	NE	SW	Willow Cr	1873	3	38.40
Heid	16	43	4	NW	SW	Willow Cr	1873	3	29.10
Heid	16	43	4	SE	SW	Willow Cr	1873	3	10.50
Heid	16	43	4	SW	SW	Willow Cr	1873	3	2.00

Total Acres: 305.10

Hevner	15	43	18	SW	SE	Willow Cr	1873	3	19.60
Hevner	15	43	30	SW	NW	Willow Cr	1873	3,7	15.20

Total Acres: 34.80

Ito	15	43	32	SE	NW	Willow Cr	1877	3	33.10
Ito	15	43	32	SW	NW	Willow Cr	1877	3	39.30
Ito	16	43	32	NW	SE	Willow Cr	1877	3	32.40
Ito	15	43	32	SE	SE	Willow Cr	1877	3	34.70
Ito	15	43	32	SW	SE	Willow Cr	1877	3	40.00
Ito	15	43	32	NE	SW	Willow Cr	1877	3	39.10
Ito	15	43	32	NW	SW	Willow Cr	1877	3	5.60
Ito	15	43	32	NW	SW	Willow Cr	1877	3	26.30
Ito	15	43	32	SE	SW	Willow Cr	1877	3	35.90
Ito	15	43	32	SW	SW	Willow Cr	1877	3	1.00

Total Acres: 287.40

Mayhall	15	42	14	SE	SE	Willow Cr	12/15/1872	2	20.40
Mayhall	15	42	23	NE	NE	Pole Cr	1871	5	33.40
Mayhall	15	42	23	SE	NE	Pole Cr	1871	5	5.80

Total Acres: 59.60

McGourty	15	42	24	NE	SE	Willow Cr	1873	3	38.10
McGourty	15	42	24	SE	SE	Willow Cr	1873	3	37.70
McGourty	15	43	19	NE	SW	Willow Cr	1873	3	16.30
McGourty	15	43	19	NW	SW	Willow Cr	1873	3	38.00
McGourty	15	43	19	SE	SW	Willow Cr	1873	3	38.00
McGourty	15	43	30	NW	NE	Willow Cr	1873	3	39.20

Total Acres: 208.30

Moody	15	42	14	NW	NW	Willow Cr	12/15/1872	2	13.70
Moody	15	42	14	SE	NW	Willow Cr	12/15/1872	2	6.50
Moody	16	42	14	SW	NW	Willow Cr	12/15/1872	2	33.50
Moody	15	42	14	NW	SW	Willow Cr	12/15/1872	2	10.90
Moody	15	42	15	SE	NE	Willow Cr	12/15/1872	2	0.50

Total Acres: 65.10

Park	15	43	19	SW	SW	Willow Cr	1873	3	37.00
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Total Acres: 37.00

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G-17528



OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES
Pugh	15	42	13	SW	SE	Willow & Becker Cr	1883	1,4	1.10
Pugh	15	42	13	NE	SW	Willow & Becker Cr	1883	1,4	7.40
Pugh	15	42	13	NW	SW	Willow & Becker Cr	Spring of 1872	1,4	21.90
Pugh	15	42	13	SE	SW	Willow & Becker Cr	1883	1,4	32.30
Pugh	15	42	13	SE	SW	Willow Cr	1883	1	0.80
Pugh	15	42	13	SW	SW	Willow & Becker Cr	Spring of 1872	1,4	18.10
Pugh	15	42	13	SW	SW	Willow & Becker Cr	1883	1,4	1.40
Pugh	15	42	13	SW	SW	Willow Cr	1883	1	14.10
Pugh	15	42	14	NE	SE	Willow Cr	1883	1	22.20
Pugh	15	42	14	NW	SE	Willow Cr	12/15/1872	2	17.00
Pugh	15	42	14	NW	SE	Willow Cr	1883	1	3.00
Pugh	15	42	14	SE	SE	Willow Cr	1883	1	1.90
Pugh	15	42	24	NW	NE	Willow & Becker Cr	1883	1,4	33.50
Pugh	15	42	24	SW	NE	Willow & Becker Cr	1883	1,4	38.20
Pugh	15	42	24	NE	NW	Willow & Becker Cr	1883	1,4	37.60
Pugh	15	42	24	SE	NW	Pole Cr	1871	5	25.40
Pugh	15	42	24	SE	NW	Willow & Becker Cr	1883	1,4	1.50
Pugh	15	42	24	SW	NW	Pole Cr	1871	5	10.40
Pugh	15	42	24	NW	SE	Willow Cr	12/15/1872	2	26.30
Total Acres:									314.10

Singleton	15	43	32	NE	NW	Willow Cr	1877	3	11.10
Singleton	15	43	32	NW	NW	Willow Cr	1877	3	20.90
Total Acres:									32.00

Smith	15	43	31	NE	NE	Willow Cr	1877	3	40.00
Smith	15	43	31	NW	NE	Willow Cr	1877	3	7.50
Total Acres:									47.50

Spence	15	42	23	NW	NE	Pole Cr	1871	5	35.00
Total Acres:									35.00

Vilsmeyer	15	42	25	NW	NW	Black Cr	1874	6	10.00
Total Acres:									10.00

Worsham	15	43	30	NE	NE	Willow Cr	1873	3	22.40
Total Acres:									22.40

Grand Total: 1662.40

This certificate confirms an order of the director entered on 4-7-98, and recorded in Special Order Volume 52, Page 322, approving a petition by ORCHARDS WATER COMPANY under ORS 541.329 for mapping water rights within a district. This certificate supersedes a portion of certificates 1567, 1586, 1627 and all of certificates 1591, 1592 and 1619.

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed 4/7/98

  
Martha O. Pagel, Director

Recorded in State Records of Water Right Certificates numbered 75332.

75332.WPD.ej

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WATER RESOURCES DEPT  
SALEM, OREGON

G-17528

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ORCHARDS WATER COMPANY  
P.O. BOX 5  
JAMIESON, OR 97909-0005

confirms the right to use the waters of WILLOW CREEK, RESERVOIR NO. 3 (A.K.A. MALHEUR RESERVOIR), BLACK AND POLE CREEKS AND RESERVOIR NO. 1 (A.K.A. POLE CREEK RESERVOIR), tributaries of THE MALHEUR RIVER for the purpose of IRRIGATION OF 561.90 ACRES AND SUPPLEMENTAL IRRIGATION OF 1042.00 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for MALHEUR County. The decree is of record at Salem, in the Order Record of the Water Resources director, in Volume 9, at Page 211. The date of priority is APRIL 7, 1908, FOR WILLOW CREEK AND RESERVOIR NO. 3 AND MAY 29, 1907, FOR BLACK AND POLE CREEKS AND RESERVOIR NO. 1.

The points of diversion are located as follows:

- #1- Logan Ditch: 390 feet North and 100 feet East from SW corner, Section 2, being within SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec.2, Township 15 South, Range 42 East, W.M.
- #2- Coles Ditch: 1300 feet South and 300 feet West from the NE corner of Section 10, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 10, Township 15 South, Range 42 East, W.M.
- #3- Eastside Ditch: 840 feet South and 1260 feet West from the NE corner of Section 24, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 24, Township 15 South, Range 42 East, W.M.
- #5- Low-Line Ditch: 2370 feet South and 300 feet West from the NE corner of Section 22, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, Township 15 South, Range 42 East, W.M.
- #7- Hevner Ditch: 1350 feet South and 130 feet East from NW corner, Section 30, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, Township 15 South, Range 43 East, W.M.
- #9- Pole Creek Reservoir: 2030 feet South and 1000 feet West from the NE corner of Section 22, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22, Township 15 South, Range 42 East, W.M.
- #10- Malheur Reservoir: 1550 feet South and 290 feet West from the NE corner of Section 15, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 15, Township 14 South, Range 41 East, W.M.
- #11- Smith Ditch: 2250 feet West from the NE corner of Section 31, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 31, Township 15 South, Range 43 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of not to exceed TWO ACRE FEET PER SHARE DURING ANY IRRIGATION SEASON.

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

OWNER	T(S)	R(E)	SEC	$\frac{1}{4}$	$\frac{1}{4}$	SOURCE	DATE	POD	ACRES	SHARES	USE	
Berk	15	42	25	NE	NW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	1.00	1.00	IR	
									Total	1.00	1.00	

Biddy	16	43	30	NW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	9.20	9.20	IR
Biddy	16	43	30	SW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	4.40	4.40	IR
Biddy	16	43	30	NE	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	23.60	23.60	IR
Biddy	16	43	30	SE	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	0.60	0.60	IR
Biddy	16	43	30	SW	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	39.20	39.20	IS

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OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES	SHARES	USE	
Biddy	15	43	30	NW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	18.90	18.90	IS	
Biddy	15	43	30	SW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	21.20	21.20	IS	
									Total	117.00	117.00	

Elfering	15	42	25	NE	NW	Res 1 & Pole Cr	5/29/1907	2,5,9,10	15.50	14.00	IR	
									Total	15.50	14.00	

Glaede	15	43	30	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	1.60	2.40	IS	
Glaede	15	43	30	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	17.60	17.80	IS	
									Total	19.20	20.00	

Held	16	43	4	NW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	8.90	8.90	IR	
Held	16	43	4	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	0.20	0.20	IR	
Held	16	43	4	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	9.70	9.70	IR	
Held	16	43	4	SE	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	8.10	6.10	IR	
Held	16	43	4	NW	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	9.50	9.50	IS	
Held	16	43	4	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	8.20	8.20	IS	
Held	16	43	4	NW	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	34.80	34.80	IS	
Held	16	43	4	SE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	15.20	15.20	IS	
Held	16	43	4	NE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	20.70	20.70	IS	
Held	16	43	4	NW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	37.10	37.10	IS	
Held	16	43	4	SE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	18.30	16.30	IS	
Held	16	43	4	SW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	16.30	16.30	IS	
Held	16	43	4	NE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	38.40	38.40	IS	
Held	16	43	4	NW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	29.10	29.10	IS	
Held	16	43	4	SE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	10.50	10.50	IS	
Held	16	43	4	SW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	2.00	2.00	IS	
									Total	263.00	263.00	

Hevner	15	43	30	SW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,7,9,10	9.40	9.40	IR	
Hevner	15	43	19	SW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	1.60	1.80	IS	
Hevner	15	43	19	SW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	18.00	18.00	IS	
Hevner	15	43	30	SW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10	15.20	15.20	IS	
									Total	44.20	44.20	

Ito	15	43	32	SE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	1.40	1.40	IR	
Ito	15	43	32	NW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	1.00	1.50	IR	
Ito	15	43	32	NW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	3.20	4.80	IR	
Ito	15	43	32	SW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	1.00	1.00	IR	
Ito	15	43	32	SW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	28.50	42.70	IR	
Ito	15	43	32	SE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	3.20	3.20	IS	
Ito	15	43	32	SE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	29.90	29.90	IS	
Ito	15	43	32	SW	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	39.30	39.30	IS	
Ito	15	43	32	NW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	32.40	32.40	IS	
Ito	15	43	32	SE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	34.70	34.70	IS	
Ito	15	43	32	SW	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	40.00	40.00	IS	
Ito	15	43	32	NE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	39.10	39.10	IS	
Ito	15	43	32	NW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	31.80	31.80	IS	
Ito	15	43	32	SE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	9.10	9.10	IS	
Ito	15	43	32	SE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	26.80	40.20	IS	
									Total	321.50	351.20	

McBride	16	43	3	SW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	0.10	0.10	IR
McBride	16	43	3	SE	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	2.70	2.60	IR
McBride	16	43	10	NW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	18.80	15.93	IR
McBride	16	43	10	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	2.80	2.70	IR
McBride	16	43	10	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	12.80	12.28	IR
McBride	16	43	10	NE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	30.20	29.00	IR
McBride	16	43	10	SE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	1.60	1.54	IR
McBride	16	43	10	SE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	3.90	3.75	IR

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OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES	SHARES	USE
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McGourty	15	42	24	SE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	37.70	37.70	IR
McGourty	15	42	24	NE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	38.10	38.10	IS
McGourty	15	43	19	NE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	16.30	16.30	IS
McGourty	15	43	19	NW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	5.40	5.40	IS
McGourty	15	43	19	NW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	31.20	46.80	IS
McGourty	15	43	19	SE	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	39.00	39.00	IS
								Total	167.70	183.30	

Moody	16	42	15	SE	NE	Res 3 & Willow Cr	4/7/1908	10,2	0.50	0.50	IR
Moody	16	42	15	NE	SE	Res 3 & Willow Cr	4/7/1908	10,2	1.50	1.50	IR
Moody	15	42	14	NW	NW	Res 3	4/7/1908	10	13.70	13.70	IS
Moody	15	42	14	SE	NW	Res 3	4/7/1908	10	6.50	6.50	IS
Moody	15	42	14	SW	NW	Res 3	4/7/1908	10	33.50	33.50	IS
Moody	15	42	14	NW	SW	Res 3	4/7/1908	10	9.30	9.30	IS
								Total	65.00	65.00	

Park	16	43	19	SW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	5.20	5.20	IS
Park	15	43	19	SW	SW	Res 1,3	4/7/1908, 5/29/1907	9,10	23.20	34.80	IS
								Total	28.40	40.00	

Perry	15	42	24	SW	SW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	0.20	0.20	IR
Perry	15	42	24	SW	SW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	0.60	0.60	IR
Perry	15	42	24	SW	SW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	1.20	1.20	IR
								Total	2.00	2.00	

Pugh	15	42	14	NW	SE	Res 3 & Willow Cr	4/7/1908	1,10	3.40	3.40	IR
Pugh	15	42	14	NW	SE	Res 3 & Willow Cr	4/7/1908	1,10	3.50	3.50	IR
Pugh	16	42	24	NW	NW	Res 3 & Willow Cr	4/7/1908	10,2	8.00	8.00	IR
Pugh	15	42	14	NE	SE	Res 3	4/7/1908	10	22.20	22.20	IS
Pugh	16	42	14	NW	SE	Res 3	4/7/1908	10	3.00	3.00	IS
Pugh	15	42	14	SE	SE	Res 3 & Willow Cr	4/7/1908	1,10	1.90	1.90	IS
Pugh	15	42	24	NW	SE	Res 3	4/7/1908	10	21.00	21.00	IS
								Total	63.00	63.00	

Saldana	15	42	23	SE	NW	Res 1 & Pole Cr	5/29/1907	9,5	0.60	0.48	IR
Saldana	15	42	23	SW	NW	Res 1 & Pole Cr	5/29/1907	9,5	4.20	3.38	IR
Saldana	15	42	23	NE	SW	Res 1 & Pole Cr	5/29/1907	9,5	0.20	0.17	IR
Saldana	15	42	23	NW	SW	Res 1 & Pole Cr	5/29/1907	9,5	1.20	0.97	IR
								Total	6.20	6.00	

Siddoway	15	42	22	SE	NE	Res 1 & Pole Cr	5/29/1907	9,5	5.60	8.40	IR
Siddoway	16	42	22	NE	SE	Res 1 & Pole Cr	5/29/1907	9,5	0.20	0.30	IR
Siddoway	15	42	23	NE	NW	Res 1 & Pole Cr	5/29/1907	9,5	16.10	16.10	IR
Siddoway	15	42	23	NW	NW	Res 1 & Pole Cr	5/29/1907	9,8	5.80	5.80	IR
Siddoway	16	42	23	NW	NW	Res 1 & Pole Cr	5/29/1907	9,5	8.60	8.80	IR
Siddoway	15	42	23	SE	NW	Res 1 & Pole Cr	5/29/1907	9,5	6.20	6.20	IR
Siddoway	15	42	23	SW	NW	Res 1 & Pole Cr	5/29/1907	9,5	12.70	19.05	IR
Siddoway	15	42	23	SW	NW	Res 1 & Pole Cr	5/29/1907	9,5	18.30	18.30	IR
Siddoway	15	42	23	NW	SW	Res 1 & Pole Cr	5/29/1907	9,5	1.50	2.26	IR
								Total	75.00	85.00	

Singleton	16	43	29	SW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	2.10	3.15	IR
Singleton	16	43	29	NW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	14.30	21.45	IR
Singleton	16	43	29	SW	SW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	6.50	9.75	IR
Singleton	15	43	32	NW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	8.70	13.05	IR
Singleton	15	43	32	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	4.30	6.45	IS
Singleton	15	43	32	NE	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	6.80	6.80	IS
Singleton	15	43	32	NW	NW	Res 1,3	4/7/1908, 5/29/1907	9,10	20.60	31.35	IS

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OWNER	T(S)	R(E)	SEC	¼	¼	SOURCE	DATE	POD	ACRES	SHARES	USE
								Total	63.60	92.00	

Smith	15	43	30	NW	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	32.70	32.70	IR
Smith	15	43	30	SE	NW	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	38.70	38.70	IR
Smith	15	43	31	NW	NE	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	2.00	1.00	IR
Smith	15	43	31	NW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	4.30	4.30	IR
Smith	15	43	31	NW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	13.90	13.90	IR
Smith	15	43	31	SE	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	1.80	1.80	IR
Smith	15	43	31	SE	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	35.40	53.10	IR
Smith	15	43	31	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	1.70	2.55	IR
Smith	15	43	31	SW	NE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	10.00	10.00	IR
Smith	15	43	31	NE	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	3,9,10	2.00	3.00	IR
Smith	15	43	31	NE	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	13.00	13.00	IR
Smith	15	43	31	NW	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	0.10	0.10	IR
Smith	15	43	31	SE	SE	Res 1,3, Willow Cr	4/7/1908, 5/29/1907	9,10,11	2.60	2.60	IR
Smith	15	43	31	NE	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	40.00	60.00	IS
Smith	15	43	31	NW	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	1.60	1.60	IS
Smith	15	43	31	NW	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	5.80	7.85	IS
Smith	15	43	31	NE	SE	Res 1,3	4/7/1908, 5/29/1907	9,10	12.80	12.80	IS
								Total	218.50	259.00	

Vismeyer	15	42	25	NW	NW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	6.60	6.60	IR
Vismeyer	15	42	25	NW	NW	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	7.80	7.80	IR
Vismeyer	15	42	26	NE	NE	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	22.60	22.60	IR
Vismeyer	15	42	26	NW	NE	Pole, Will Cr, Res 1,3	4/7/1908, 5/29/1907	2,5,9,10	3.00	3.00	IR
								Total	40.00	40.00	

Worsham	15	43	30	NE	NE	Res 1,3	4/7/1908, 5/29/1907	9,10	22.40	33.60	IS
								Total	22.40	33.60	
								Grand Total	1603.90	1746.20	

The right to the use of the water for the above purposes is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

This certificate confirms an order of the director entered on 4-7-98, and recorded in Special Order Volume 52, Page 322, approving a petition by Orchards Water Company under ORS 541.329 for mapping water rights within a district. This certificate supersedes certificates 53006, 62351, 62422, 62423, 62426, 62427, 62428, 62430, 62431, 62433, 62434 and 62435.

The "New Form" contracts have 1746.20 shares and 1603.90 acres that are subsequent and inferior to the rights under "Old Form" contracts for 533.40 acres of land described by said decree.

The quantity of water diverted under the rights tabulated herein together with the quantity diverted under any other water right shall not exceed 3.0 acre feet for each acre irrigated during any irrigation season.

WITNESS the signature of the Water Resources Director, affixed 4/1/98.

  
Martha O. Pagel, Director

Recorded in State Records of Water Right Certificates numbered 75333.

75333.cj

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SALEM, OREGON

6-17528

STATE OF OREGON  
 COUNTY OF MALHEUR  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ORCHARDS WATER COMPANY  
 P.O. BOX 5  
 JAMIESON, OREGON 97909-0005

confirms the right to use the waters of POLE CREEK AND RESERVOIR 1 CONSTRUCTED UNDER PERMIT R-1364 (A.K.A. POLE CREEK RESERVOIR), a tributary of WILLOW CREEK for IRRIGATION of 4.00 ACRES and SUPPLEMENTAL IRRIGATION OF 1478.60 ACRES OF LAND.

This right was perfected under Permit 21494. The date of priority is NOVEMBER 24, 1950.

The use is limited to 37.1 CUBIC FEET PER SECOND or it's equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

- #5- Low-Line Ditch: 2370 feet South and 300 feet West from the NE corner of Section 22, being within the SE¼ NE¼, Section 22, Township 15 South, Range 42 East, W.M.
- #8- Siddoway Ditch: 2070 feet South and 550 feet West from the NE corner of Section 22, being within the SE¼ NE¼, Section 22, Township 15 South, Range 42 East, W.M.
- #9- Pole Creek Reservoir: 2030 feet South and 1000 feet West from the NE corner of Section 22, being within the SE¼ NE¼, Section 22, Township 15 South, Range 42 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be further 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. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

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

OWNER	T(S)	R(E)	¼	¼	SEC	ACRES	POD	USE
Held	18	43	SW	NE	4	4.80	9	IR
Total Acres:						4.80		

Berk	15	42	NE	NW	25	1.00	9,5	IS
Biddy	15	43	SW	NE	30	39.20	9	IS
Biddy	15	43	NW	SE	30	27.90	9	IS
Coleman	15	43	SE	NE	30	33.90	9	IS
Eifering	15	42	NE	NW	25	1.50	9,5	IS
Eifering	15	42	NE	NW	25	14.00	9,5	IS
Glaede	15	43	NE	NW	30	38.20	9	IS
Held	18	43	NE	NW	4	5.20	9	IS
Held	16	43	NW	NW	4	34.80	9	IS
Held	16	43	SE	NW	4	13.50	9	IS

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OWNER	T(S)	R(E)	¼	¼	SEC	ACRES	POD	USE
Heid	16	43	SE	NW	4	23.00	9	IS
Heid	16	43	SW	NW	4	40.00	9	IS
Heid	16	43	NE	SE	4	20.70	9	IS
Heid	16	43	NW	SE	4	37.10	9	IS
Heid	16	43	SE	SE	4	16.30	9	IS
Heid	16	43	SW	SE	4	16.30	9	IS
Heid	16	43	NE	SW	4	38.40	9	IS
Heid	16	43	NW	SW	4	29.10	9	IS
Heid	16	43	SE	SW	4	16.60	9	IS
Heid	16	43	SW	SW	4	2.00	9	IS
Hevner	15	42	NE	NE	25	11.40	9	IS
Ito	15	43	SE	NW	32	4.60	9	IS
Ito	15	43	SE	NW	32	29.90	9	IS
Ito	15	43	SW	NW	32	39.30	9	IS
Ito	15	43	SE	SE	32	34.70	9	IS
Ito	15	43	SW	SE	32	40.00	9	IS
Mayhall	15	42	NE	NE	23	19.70	9,5	IS
McBride	16	43	SW	SE	3	0.10	9	IS
McBride	16	43	SE	SW	3	2.70	9	IS
McBride	16	43	NW	NE	10	16.60	9	IS
McBride	16	43	SW	NE	10	14.50	9	IS
McBride	16	43	NE	NW	10	30.20	9	IS
McBride	16	43	SE	NW	10	5.50	9	IS
McGourty	15	42	NE	SE	24	38.10	9	IS
McGourty	15	42	SE	SE	24	37.70	9	IS
McGourty	15	43	NE	SW	19	18.30	9	IS
McGourty	15	43	NW	SW	19	38.00	9	IS
McGourty	15	43	SE	SW	19	39.00	9	IS
McGourty	15	43	NW	NE	30	39.20	9	IS
McGourty	15	43	NE	SE	30	38.30	9	IS
McGourty	15	43	SE	SE	30	39.00	9	IS
Park	15	43	SW	SW	19	37.00	9	IS
Perry	15	42	SW	SW	24	0.90	9,5	IS
Saldana	15	42	SE	NW	23	0.60	9,5	IS
Saldana	15	42	SW	NW	23	4.20	9,5	IS
Saldana	15	42	NE	SW	23	0.20	9,5	IS
Saldana	15	42	NW	SW	23	1.20	9,5	IS
Siddoway	15	42	NE	NE	22	3.10	9	IS
Siddoway	15	42	SE	NE	22	1.70	9	IS
Siddoway	15	42	SE	NE	22	5.80	9,5	IS
Siddoway	15	42	NE	SE	22	0.20	9,5	IS
Siddoway	15	42	NE	NW	23	7.00	9,5	IS
Siddoway	15	42	NW	NW	23	0.20	8,9	IS
Siddoway	15	42	NW	NW	23	5.80	9,8	IS
Siddoway	15	42	NW	NW	23	8.60	9,5	IS
Siddoway	15	42	SE	NW	23	6.20	9,5	IS
Siddoway	15	42	SW	NW	23	31.00	9,5	IS
Siddoway	15	42	NW	SW	23	1.50	9,5	IS
Singleton	15	43	SW	SW	29	5.50	9	IS
Singleton	15	43	NE	NW	32	11.10	9	IS
Singleton	15	43	NW	NW	32	29.60	9	IS
Smith	15	43	NW	NW	30	32.70	9	IS
Smith	15	43	SE	NW	30	38.70	9	IS
Smith	15	43	NE	NE	31	40.00	9	IS
Smith	15	43	NW	NE	31	25.50	9	IS
Smith	15	43	SE	NE	31	1.80	9	IS
Smith	15	43	SE	NE	31	35.40	9	IS
Smith	15	43	SW	NE	31	1.70	9	IS
Smith	15	43	SW	NE	31	10.00	9	IS

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WATER RESOURCES DEPT  
SALEM, OREGON

G-17529

OWNER	T(S)	R(E)	¼	¼	SEC	ACRES	POD	USE
Smith	15	43	NE	SE	31	2.00	9	IS
Smith	15	43	NE	SE	31	25.80	9	IS
Smith	15	43	NW	SE	31	0.10	9	IS
Smith	15	43	SE	SE	31	2.60	9	IS
Spence	15	42	NW	NE	23	10.00	9,5	IS
Vilsmeyer	15	42	NW	NW	25	7.80	9,5	IS
Vilsmeyer	15	42	NW	NW	25	10.00	9,5	IS
Vilsmeyer	15	42	NW	NW	25	15.60	9,5	IS
Vilsmeyer	15	42	NE	NE	26	34.10	9,5	IS
Vilsmeyer	15	42	NW	NE	26	10.30	9,5	IS
Worsham	15	43	NE	NE	30	19.00	9	IS
Total Acres: 1477.80								
Grand Total 1,482.60 Acres								

This certificate confirms an order of the director entered on 4-7-98, and recorded in Special Order Volume 52, Page 322, approving a petition by ORCHARDS WATER COMPANY under ORS 541.329 for mapping water rights within a district. This certificate supersedes Certificate 63623.

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

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

WITNESS the signature of the Water Resources Director, affixed 4/7/98.

  
Martha O. Pagel, Director

Recorded in State Records of Water Right Certificates numbered 75337.

75337.WPD.cj

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9-17520



# Land Use Information Form



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

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## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

G-17528

# Land Use Information Form



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

Applicant: ROCKIN R CATTLE COMPANY, LLC

First

Last

Mailing Address: P.O. BOX 550

MERIDIAN

City

IDAHO

State

83680

Zip

Daytime Phone: (208) 938-3507

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
15S	43 E	31 & 32		4900 & 5000		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

MALHEUR COUNTY, OREGON

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## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1.39     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

Drill a well for 6.40 acres of primary irrigation & 104.90 acres of supplemental irrigation.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

G-17528

See bottom of Page 3. →

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SALEM, OREGON

6-7528

### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC Title 6 Chap 3
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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 SALEM, OREGON

Name: \_\_\_\_\_ Title: Jon D Beal, Planning Dir.  
 Signature: Jon D Beal Phone: 541-473-5185 Date: 1-18-12  
 Government Entity: Malheur Co

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

#### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

**SCHEDULE A**

Amount of Insurance \$1,759,800.99

Premium \$3,240.00

Date of Policy: April 9, 2008 at 3:31 p.m.

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SALEM, OREGON

1. Name of Insured:

**\* Parcel A and B**  
**\* ROCKING R. CATTLE COMPANY, LLC,**  
**an Oregon limited liability company \***

2. The estate or interest in the land which is covered by this policy is:

**FEE SIMPLE**

3. Title to the estate or interest in the land is vested in:

**\* ROCKING R. CATTLE COMPANY, LLC,**  
**an Oregon limited liability company \***

4. The land referred to in this policy is described as follows:

**Parcel A:** Tax Lot 5000

Land in Malheur County, Oregon, as follows:

In Twp. 15 S., R. 43 E., W.M.:

Sec. 31: All that portion of Sec. 31 lying East and North of the John Day Highway right of way, EXCEPTING therefrom the abandoned Oregon-Washington Railroad and Navigation Company 100 foot right of way as filed September 3, 1926, Book 27, Page 129, Deeds. AND Excepting a 10 foot irrigation ditch as conveyed in Deed recorded October 25, 1946, Book 68, Page 414, official records.

**Parcel B:** Tax Lots 4300, 4600, 4800, 4900

Land in Malheur County, Oregon, as follows:

In Twp. 15 S., R. 43 E., W.M.:

Sec. 32: S1/2 NW1/4, NW1/4 SE1/4, S1/2 SE1/4 and SW1/4.

EXCEPTING THEREFROM the following 3 parcels:

Parcel No. 1: All that portion as conveyed to Malheur Valley Railway Co. by deed recorded July 2, 1910, Book U, Page 124, Deed records, for railroad right of way.

Parcel No. 2: All that portion as conveyed to Malheur County by deed recorded April 5, 1911, Book X, Page 179, Deed records, for County road right of way.

Parcel No. 3: All that portion as conveyed to the State of Oregon Highway Dept. by deed recorded January 7, 1942, Book 54, Page 114, Deed records, for Highway right of way.