

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG-ON TO HTTP://SCD.DAS.STATE.OR.US/SCD.HTM ON THE INTERNET, AND CLICK ON EFT/ACH VENDOR PAYMENTS

WARRANT NO.
118046731

WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		57927 - G15914 REVENUE REFUND	690	VP019118	225.00

VENDOR NAME:	KENNETH & DIANNE BUSCHER	ISSUE DATE:	11/07/03	WARRANT AMOUNT	225.00
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DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK OF CHAIN-LINKED SHAPES WHEN HELD TO THE LIGHT

STATE OF OREGON

Dept of Administrative Services
To the State Treasurer, Salem, OR 97301-3896
WATER RESOURCES DEPARTMENT
(503) 986-0926 EXT.

96-10
1232

CHECK DATE
11/07/03



BANK WARRANT NO.
11 8046731

PAY THIS AMOUNT
\$225.00

DOCUMENT NO.
VP019118

*****TWO HUNDRED TWENTY FIVE AND 00/100 DOLLARS

PAY TO THE ORDER OF:

KENNETH & DIANNE BUSCHER
3286 E LANGELL VALLEY RD
BONANZA OR 97623

VOID AFTER 2 YEARS FROM DATE OF ISSUE

John J. Fozard
AUTHORIZED SIGNATURE

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND** EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE

⑈8046731⑈ ⑆123200101⑆ 10501⑈

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

TO: GINA BEAMAN, FISCAL
CC: G-15914
FROM: JERRY GAINNEY
SUBJECT: REQUEST FOR REFUND CHECK

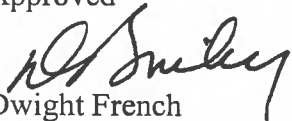
0203

PLEASE REFUND \$225.00 TO KENNETH & DIANNE BUSCHER FILE # G-15914,
RECEIPT #57927. THESE FUNDS ARE REFUNDED DUE TO EXCESS FEES
COLLECTED FOR APPLICATION.

PLEASE INCLUDE THE FOLLOWING MAILING ADDRESS ON THE CHECK:

KENNETH AND DIANNE BUSCHER
3286 E LANGELL VALLEY RD
BONANZA OR 97623

Approved



Dwight French
Manager, Water Rights Division

OCT 23 2003

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF DIMINUTION OF A)
 PORTION OF A PERFECTED AND) FINAL O R D E R
 DEVELOPED WATER RIGHT IN THE NAME)
 OF GLEN, ALDA, AND PHILIP ISRAEL)

FINDINGS OF FACTS

1. On July 21, 2003, the Department received an affidavit from Ken and Dianne Buscher, 3286 E. Langell Valley Road, Bonanza, Oregon, stating they are the owners of lands and the water right appurtenant as evidenced by Certificate 41993, State Record of Water Right Certificates. The affidavit further states they have obtained a better source of water for primary irrigation of these lands and requests the water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the lands.
2. The water right to be diminished is the right described by Certificate 41993, State Record of Water Right Certificates. The water right allows the use of not to exceed 1.60 cubic foot per second of water from the Sycan River, tributary to the Sprague River, for irrigation of 29.7 acres and supplemental irrigation of 145.0 acres. The priority date is December 24, 1965. The point of diversion is located in the NW¼ SW¼, Section 34, Township 35 South, Range 12 East, W. M.; 1410 feet North and 1230 feet East from the SW Corner of section 34.
3. The affidavit requests the following lands be diminished from primary irrigation to supplemental irrigation:

TWP		RNG		MER	1/4	1/4	DLC	LOT	ACRES
35	S	12	E	WM	NW	SW			5.9
35	S	12	E	WM	SW	SW			23.8

CONCLUSIONS OF LAW

The Director of the Water Resources Department concludes that the portion of the right evidenced by Water Right Certificate 41993 as described in *Findings of Fact #3* has been diminished from primary irrigation to supplemental irrigation

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

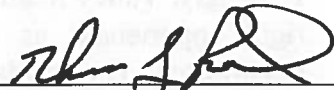
Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

IT IS HEREBY ORDERED:

1. Certificate 41993 is canceled.
2. The water right described by Certificate 41993 is diminished from a right for primary irrigation to a right for supplemental irrigation. The Department shall issue Certificate 80446, a new and superseding certificate, to confirm the dimunition of the right

Dated October 20, 2003.


Paul R. Cleary, Director

DATE	BY	FOR	BY	FOR
10/20/03	PC	41993	PC	41993
10/20/03	PC	80446	PC	80446

STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH AND DIANNE BUSCHER
3286 E LANGELL VALLEY RD
BONANZA, OR 97623

confirms the right to use the waters of SYCAN RIVER, a tributary of the SPRAGUE RIVER, for SUPPLEMENTAL IRRIGATION of 174.7 ACRES.

This right was perfected under Permit 31116. The date of priority is December 24, 1965. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 1.60 CUBIC FEET PER SECOND, or the equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

TWP	RNG	MER	SEC	1/4	1/4	DLC	LOT	LOCATION
35	S	12	E	W.M.	34	NW	SW	1410 feet North and 1320 feet East from SW Corner of Section 34

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 the equivalent for each acre irrigated, and shall further be limited to a diversion not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right further shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. Although this right is issued for supplemental irrigation, in the interest of conserving ground water supplies, the right may be exercised at times when water is available in the ground water supply provided that the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

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

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

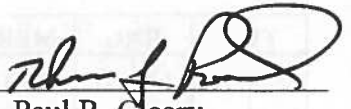
TWP		RNG		MER	SEC	1/4	1/4	DLC	LOT	ACRES
35	S	12	E	W.M.	34	NW	SW			5.9
35	S	12	E	W.M.	34	SW	SW			23.8
36	S	12	E	W.M.	3	NE	NW		3	40.0
36	S	12	E	W.M.	3	SE	NW			40.0
36	S	12	W	W.M.	3	NE	SW			40.0
36	S	12	W	W.M.	3	NW	SW			25.0

This certificate is issued to confirm the right modified by provisions of an order recorded at Special Order Volume 58, Page 97, diminishing the right evidenced by Certificate 41993. This certificate supersedes Certificate 41993.

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

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.

WITNESS the signature of the Water Resources Director, affixed October 20, 2003.


 for Paul R. Cleary

STATE OF OREGON
COUNTY OF **KLAMATH**
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **GLEN, ALDA, & PHILIP ISRAEL**
97621
of **P. O. Box 25, Beatty**, State of **Oregon**, has made proof
to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of
Sycan River

a tributary of **Sprague River** for the purpose of
irrigation of **29.7 acres and supplemental irrigation of 145.0 acres**

under Permit No. **31116** of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from **December 24, 1965**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
1.60 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the **NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, T. 35 S., R. 12 E., W. M.,**
1410 feet North and 1230 feet East from SW Corner, Section 34.

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 **one-fortieth** of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited to
a diversion of not to exceed **3 acre feet per acre** for each acre irrigated during
the irrigation season of each year; provided further that the right allowed herein
shall be limited to any deficiency in the available supply of any prior right exist-
ing for the same land and shall not exceed the limitation allowed herein, provided
further that although declared herein to be for supplemental irrigation the right
allowed may, in the interest of conserving the ground water supplies, be exercised
at times when water is available in the ground water supply provided* 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 hereby confirmed, and to which such right is
appurtenant, is as follows: Primary Supplemental

5.9 acres
23.8 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34
T. 35 S., R. 12 E., W. M.

40.0 acres **Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)**
40.0 acres **SE $\frac{1}{4}$ NW $\frac{1}{4}$**
40.0 acres **NE $\frac{1}{4}$ SW $\frac{1}{4}$**
25.0 acres **NW $\frac{1}{4}$ SW $\frac{1}{4}$**

Section 3
T. 36 S., R. 12 E., W. M.

* that the total quantity diverted from all sources of supply does not exceed the
limitation allowed herein,

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **April 14, 1975**

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume **34**, page **41993** **80446**

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15914

Final Order

Application History


On January 22, 2003, Kenneth and Dianne Buscher submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 12, 2003. The protest period closed September 26, 2003, and no protest was filed.

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

Order

Application G-15914 therefore is approved as proposed by the Proposed Final Order, and Permit G-15503 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED October 20, 2003



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 Jerry Gainey. 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 at (503) 986-0812.

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 at 503-986-0824.

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

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KENNETH AND DIANNE BUSCHER
3286 E LANGELL VALLEY RD
BONANZA, OR 97623

(541)545-3102

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

APPLICATION FILE NUMBER: G-15914

SOURCE OF WATER: WELL 3 IN SYCAN RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 126.1 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 80.0 ACRES

MAXIMUM RATE: 1.91 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 22, 2003

WELL LOCATION: SW ¼ SE ¼, SECTION 4, T36S, R12E, W.M.; 500 FEET NORTH & 1080 FEET EAST FROM S1/4 CORNER, SECTION 4

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ SW ¼	5.9 ACRES	
SW ¼ SW ¼	23.8 ACRES	
SECTION 34		
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.		
NE ¼ NW ¼		40.0 ACRES
SE ¼ NW ¼		40.0 ACRES
SECTION 3		
	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ SE ¼	35.0 ACRES	
SW ¼ SE ¼	38.0 ACRES	
SE ¼ SE ¼	23.4 ACRES	
SECTION 4		
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.		

Measurement, recording and reporting conditions:

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in

a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued October 20, 2003


Paul R. Cleary, Director
Water Resources Department

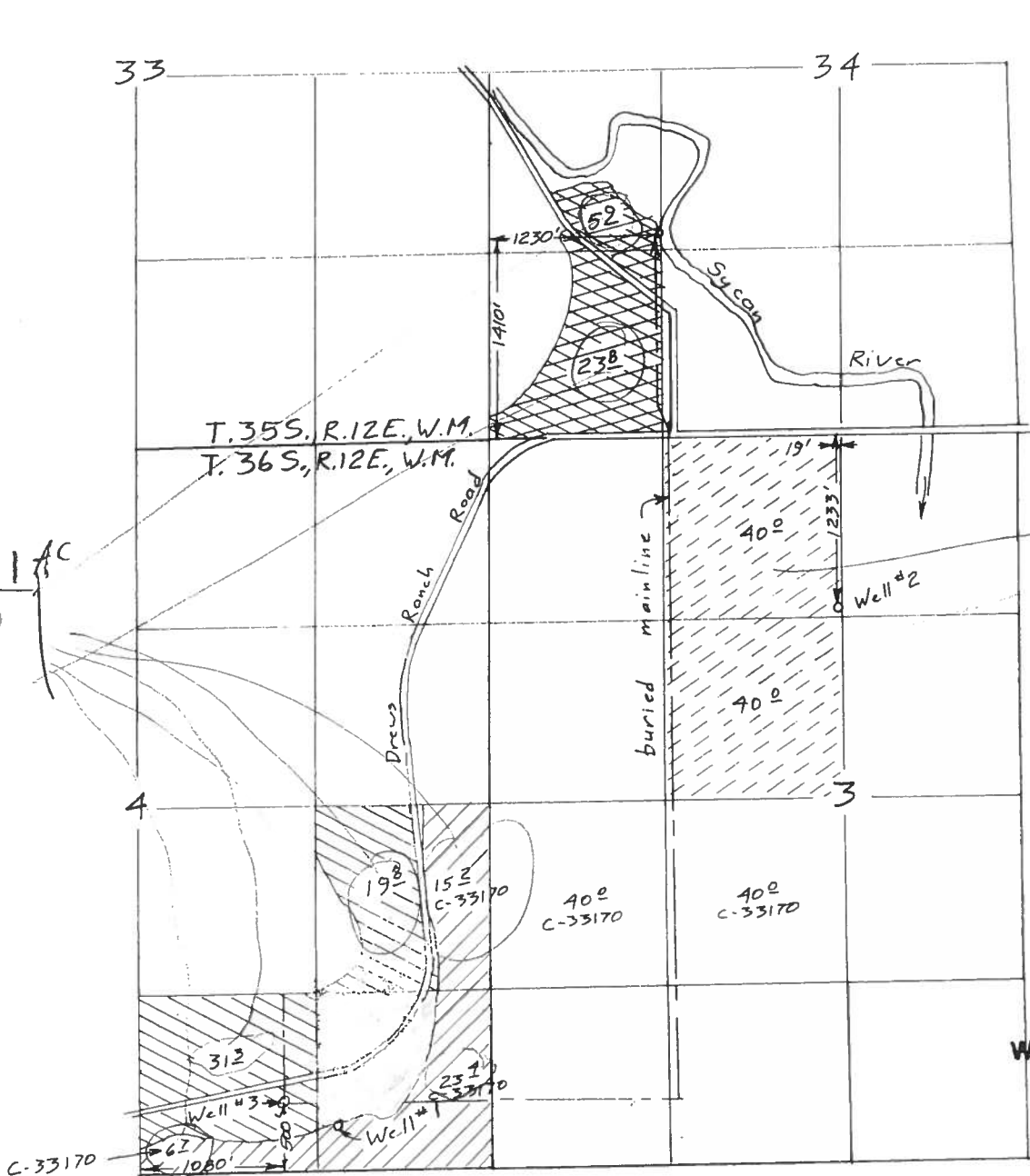
REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



Application G-15914 Water Resources Department
Basin 14 Volume 2A SYCAN R BL SYCAN MARSH
Gaineyjw

PERMIT G-15503
17



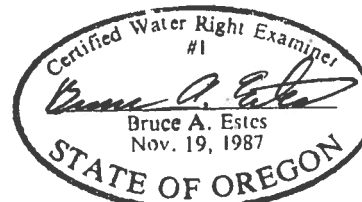
Scale 1"=1320'

RECEIVED

JAN 22 2003

WATER RESOURCES DEPT
SALEM, OREGON

- ⊗ New application primary from well # 3 96± acres
- ⊗ New application supplemental from well # 3 & Δ PDA from well # 2 to well # 3 (C-33170) 80± acres
- ⊗ C-41993 Sycan River, diminish to supplemental 29± acres



Renewal Dec 31, 2003

Application Map
for
Kenneth & Diane Buscher

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

ESTES SURVEYS

PO Box 17519 Salem, OR 97305-7519 (503) 585-7593
60382 Arnold Rd Bend, OR 97702 (541) 382-7391

Mailing List for FO Copies

Application # G-15914

Mailing List Print Date: October 3, 2003

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

Applicant: KENNETH AND DIANNE BUSCHER , 3286 E LANGELL VALLEY RD, BONANZA OR 97623

For FO w/Permit - Copies sent to:

1. WRD - File # G-15914
2. WRD - Ken Stahr

Copies Mailed
By: <u>[Signature]</u> (SUPPORT STAFF)
on: <u>10/21</u>

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

3. WRD - Data Center
4. WRD - Watermaster District #: 17

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

1. _____

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

1. _____
2. _____

CASEWORKER: Gaineyjw

FO CHECKLIST

FILE # G-15914
 PFO WEEK # 420
 FO WEEK # 389

PFO TO FO CONVERSION

REVIEW DATE: 10/3/03
 INITIALS: JWG
 WM District 17
 Region Mgr NA
 ODFW Bio NA

Y/N Has applicant name and address changed, or has the file been reassigned?
 If new: _____

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

1. **Y/N** Were comments 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 fee).

3. **Y/N/NA** Have affected land owners been notified? If not, refer to #9.

4. **Y/N/NA** Has ODFW asked for self certification of screening condition? If yes, include fish screening form

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

6. _____ Include or exclude permit conditions

7. _____ 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>250.00</u>
	Total <u>650</u>
	Amount Paid <u>875</u>
	Amount due <u>225</u> refund

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

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

FO Type: (circle types) DENIAL FO w/o PERMIT (REASON: Lacks Fees Lacks Easement
 Lacks Approved Dam Plans and Specifications)

FO & PERMIT (Permit # G-15503)

Route to Greg Nelson
~~Permit~~
 Need Refund

Once FO document is completed:

9. _____ Save WordPerfect document in M:\GROUPS\WR\FOWEEK_____
10. _____ Print final draft of document and submit for peer review
11. Complete routing list

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

PFO CHECKLIST

APPLICATION # G-15914

SAVE IN PFO WORK WEEK: 420

10. IR Date 6/20/03 Public Notice Date 6/24/03 Comment Rec'd NO

20. Filed after 10/23/99? Y / N (if N A date should be included)

Changes from IR determinations: ~~ALL PFO MATTER~~ 29¹/₂ x Sup to Pri
send file to Greg Nelson after PFO.

Agencies and Additional People to Notify: _____

30. Shortcomings preventing PFO, FO, or permit? Y / N Should process continue Y / N

40. Is second groundwater review complete? Y / N necessary? Y / N

50. IR identifies as on DEQ 303d List? Y / N / NA Comments received? Y / N

Initials: DWG Date: 8/4/03

Revised 3/7/

FEES:	EXAM:	<u>250</u>	
	Q	<u>225</u>	
	SUBTOTAL	<u>475</u>	
	RECORD	<u>175</u>	
	TOTAL	<u>650</u>	
	PD	<u>875</u>	
	OWE/REFUND	<u>225</u>	

<u>150</u>
<u>75</u>
<u>225</u>

2 CFS

IR CHECKLIST

Application #: G 15914

County KLAMATH

Basin: 14-KLAMATH

WAB: _____

Township 355 Range 12E Section 34 1/4 1/4 See map
365 12E 3 & 4 " "

- 10. Groundwater Review A B D River/Stream Name _____
 a. Groundwater Availability A B C
 b. Is the well located in a GWLA or CGWA or T1N R3E? (If applicable, include map with POD) Y / N
- 25. Use IR -126.1 A / SI -80 A Priority Date(s) 1/22/03 (If muni or quasi-muni use send to Doug Parrow)
- 30. Allowed under Basin Program / N Limitations? Y / ORS 542.620
- 40. Withdrawn? Y / season allowed _____
- 45. Basin Maps have been checked. Y / River Mile NOT PSI
- 50. SWW / N (if Y notify state parks) Sprague River - Above
- 60. Surface water Availability (80% live flow / 50% storage) NA
- 70. Divis 33: Y / N NA Above Bonn Y / N Not allowed April 15 - September 30 Y / N
Below Bonn Y / N If Y add PISPC
Statewide Y / N
- 80. Rate 180 Rate: Max 2.57 cfs Req 1.91 cfs
Duty 3 Season: Normal 3/1 - 10/31 Req 3/1 - 10/31
- 90. B.O.R. or Doug Co. project Y / contract # _____
- 100. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF, Contract Stored Water) or Large (≥ 1.5 cfs, ≥ 100 AF)
condition 71 and municipal require the Large conditions 7E 7J
- 110. Land use approval OK'd needs approval county notified NA
- 120. Watermaster Dist: (1 2 16 18 20 - NWR) (3 4 5 21 - NCR) (6 8 9 10 - ER) (11 12 SCR) (13 14 15 19 - SWR)
- 125. Conflict? Yes No will need to submit info to diminish C-33170. 4/993
- 130. per interactive mapping DOA 1010 IN PROGRESS Y / N (NO COPY TO PAUL MEASLES) 303D Y / N NA CTUIR Y / N
- 140. within Oregon Streamflow Restoration Area? Y / N / NA
- 150. Letter format = Good = Limited = Bad = Bad w/ IRshort = Bad w/ HC Opportunity
- 155. Attach basin map indicating point of diversion? NA
- 160. CWRE, representative, etc. to notify? Y / N Bruce A. ESTES CWRE #1

NOTE: ASG SPECIAL PERMITS FOR WINDING - NO MAP IN SIMPLY PER MAP

Name: Jerry Gaff Date: 6/11/03

c:\myfiles\forms\checkirnew 5/9/03

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

Analysis for Application: G15914

Location: 35S-12E-34-NWSW

Uses: IR 5.9 P

Basins

BASIN_NUM	BASIN_NAME
14	Klamath

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHON
17	SC	3441627	5377	Del Sparks	5170 Summers Lane	Klamath Falls	97603-8248	541-88

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
14	70823	Water Availability: 50% 80%	Flood Frequency Analysis
14	70805	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

County

COUNTY	FIPS
Klamath	41035

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams

RRN	HUCSEG	FEAT_NAME	TRIBAL	WRD_ID	CAUSE	DISCLAIM
180102020017 0.00	18010202 17	Sycan River		14009050100060060350022	TEMP	Refer to the 303(d) l

Records Found: 1

303D Lakes Records Found: 0

Location: 35S-12E-34-SWSW

Uses: IR 23.8 P

Basins

BASIN_NUM	BASIN_NAME
14	Klamath

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHON
17	SC	3441627	5377	Del Sparks	5170 Summers Lane	Klamath Falls	97603-8248	541-88

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
14	70823	Water Availability: 50% 80%	Flood Frequency Analysis
14	70805	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

County

COUNTY	FIPS
Klamath	41035

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 36S-12E-3-NENW

Uses: IS 40 S

Basins

BASIN_NUM	BASIN_NAME
14	Klamath

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHON
17	SC	3441627	5377	Del Sparks	5170 Summers Lane	Klamath Falls	97603-8248	541-88

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
14	70823	Water Availability: 50% 80%	Flood Frequency Analysis
14	70805	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

County

COUNTY	FIPS
Klamath	41035

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 36S-12E-3-SENW

Uses: IS 40 S

Basins

BASIN_NUM	BASIN_NAME
14	Klamath

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHON
17	SC	3441627	5377	Del Sparks	5170 Summers Lane	Klamath Falls	97603-8248	541-88

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
14	70823	Water Availability: 50% 80%	Flood Frequency Analysis
14	70805	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

County

COUNTY	FIPS
Klamath	41035

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 36S-12E-4-NESE

Uses: IR 35 P

Basins

BASIN_NUM	BASIN_NAME
14	Klamath

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHON
17	SC	3441627	5377	Del Sparks	5170 Summers Lane	Klamath Falls	97603-8248	541-88

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
14	70805	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Klamath	41035

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 36S-12E-4-SESE

Uses: IR 23.4 P

Basins

BASIN_NUM	BASIN_NAME
14	Klamath

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHON
17	SC	3441627	5377	Del Sparks	5170 Summers Lane	Klamath Falls	97603-8248	541-88

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
14	70805	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Klamath	41035

Records Found: 1

Groundwater Restricted Records Found: 0**Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0**303D Streams Records Found: 0****303D Lakes Records Found: 0**

Location: 36S-12E-4-SWSE

Uses: IR 38 P

Basins

BASIN_NUM	BASIN_NAME
14	Klamath

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHON
17	SC	3441627	5377	Del Sparks	5170 Summers Lane	Klamath Falls	97603-8248	541-88

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
14	70805	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Klamath	41035

Records Found: 1

Groundwater Restricted Records Found: 0**Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0**303D Streams Records Found: 0****303D Lakes Records Found: 0**

Platcard Report

Township 35.0S Range 12.0E Section 34

App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE			NW			SW			SE			Govt Lot	DLC
				NE	NW	SW	NE	NW	SW	SE	NE	NW	SW	SE			
1	-	-	KL102 dlc: 0 lot: 0														
	-	-	dlc: 0 lot: 0														
	-	-	dlc: 0 lot: 0														
1	-	-	KL103 dlc: 0 lot: 0														
	-	-	dlc: 0 lot: 0														
	-	-	dlc: 0 lot: 0														
1	-	-	KL237 dlc: 0 lot: 0														
	-	-	dlc: 0 lot: 0														
	-	-	dlc: 0 lot: 0														
1	-	-	KL254 dlc: 0 lot: 0														
	-	-	dlc: 0 lot: 0														
1	G1918 01/23/1961	G1763 33928															
	G15914 01/22/2003	-															
1	S39916 06/03/1964	S29710 34901															

Sub 1
for

Page: 1 2 Next Last

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director
Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 10 seconds

Platcard Report

Township 35.0S Range 12.0E Section 34

App#/ Priority	Permit/ Certificate	Claim/ Decree	Status dici/ot	NE			NW			SW			SE			Govt Lot	DLC				
				NE	NW	SW	NE	NW	SW	NE	NW	SW	NE	NW	SW			SE			
① S39917 06/03/1964	S29711 33929														38.0 IS (s)	36.4 IS (s)	25.6 IS (s)	37.5 IS (s)			
① S41439 12/24/1965	S31116 41993										5.9 IR	23.8 IR									
① S57268 04/07/1978	S43105								40.0 IR	40.0 IR											
① S63521 05/10/1982	S46826										35.0 IR										

Page: First Previous 1 2

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Paul R. Cleary, Director

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Run Time: 5 seconds

Platcard Report

Township 36.0S Range 12.0E Section 3

App#/ Priority	Permit/ Certificate	Claim/ Decree	Status d/c/lot	NE			NW			SW			SE			Govt Lot	DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1	-	-	KL123 d/c: 0 lot: 0		20.0 IR	26.6 IR	2.2 IR										
	-		d/c: 0 lot: 2														
	-		d/c: 0 lot: 0			6.6 IR	32.2 IR										
	-		d/c: 0 lot: 0														
	-		d/c: 0 lot: 1		36.0 IR												
	-		d/c: 0 lot: 2		7.0 IR												
1	G472 09/07/1966	G350 33169															
1	G1752 05/31/1960	G1602 33170															
1	G15914 01/22/2003	-															
1	S33991 05/31/1960	S26784 33177															

Subst
File

Page: 1 2 Next Last

Return to Platcard Query Screen

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Run Time: 8 seconds

Platcard Report

Township 36.0S Range 12.0E Section 3

App# Priority	Permit/ Certificate	Claim/ Decree	Status d/c/lot	NE			NW			SW			SE			Govt Lot	DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1 S37534 04/09/1962	S27972 34775																
1 S40413 11/04/1964	S30264 34777			36.0 IR		33.2 IR	34.4 IR										
			lot: 1														
			lot: 2		27.0 IR												
1 S41439 12/24/1965	S31116 41993							40.0 IS (s)	40.0 IS (s)	40.0 IS (s)	25.0 IS (s)						
			lot: 3														

Page: First Previous 1 2

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Run Time: 8 seconds

Platcard Report

Township 36.0S Range 12.0E Section 4

Appt# Priority	Permit/ Certificate	Claim/ Decree	Status dclot	NE			NW			SW			SE			Govt Lot	DLC			
				NE	NW	SW	NE	NW	SW	SE	NE	NW	SW	SE	NE			NW	SW	SE
1 G1752 05/31/1960	G1602 33170																			
1 G15914 01/22/2003	-																			
1 P82037 01/29/1997	-																			

Page:1

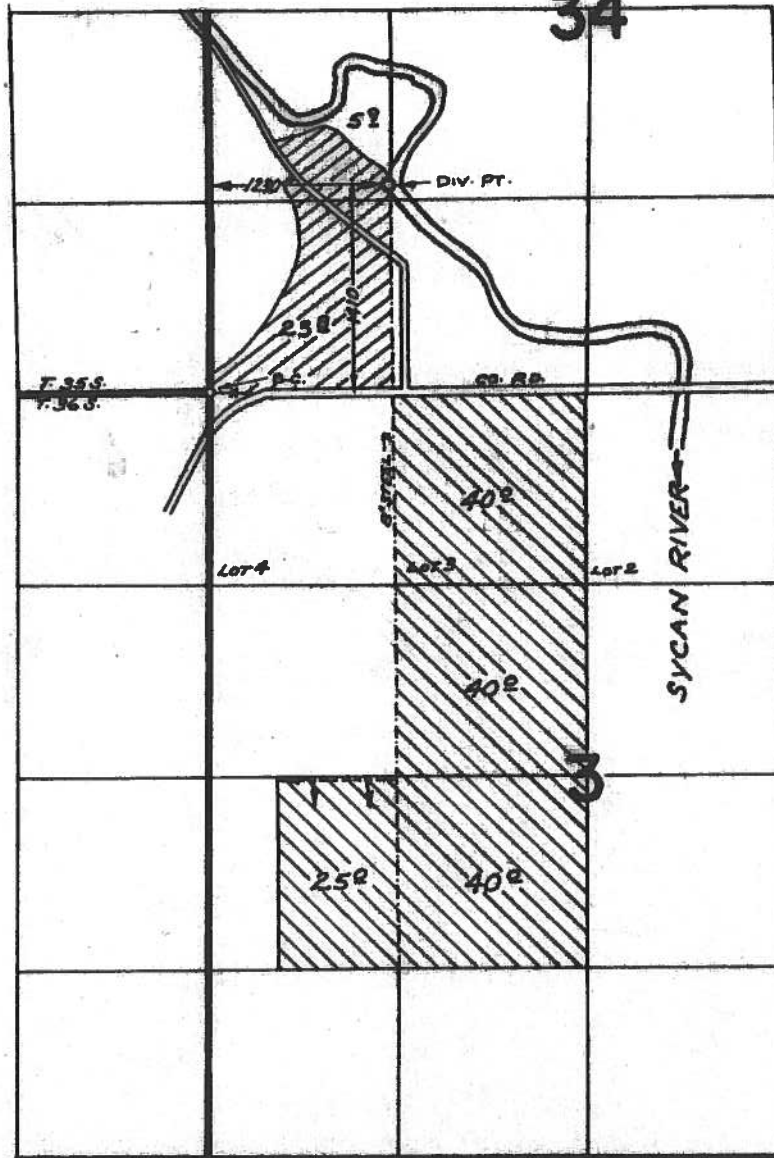
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Run Time: 3 seconds

T.35&36S.R.12E.W.M.

34



PRIMARY  SUPPLEMENTAL 

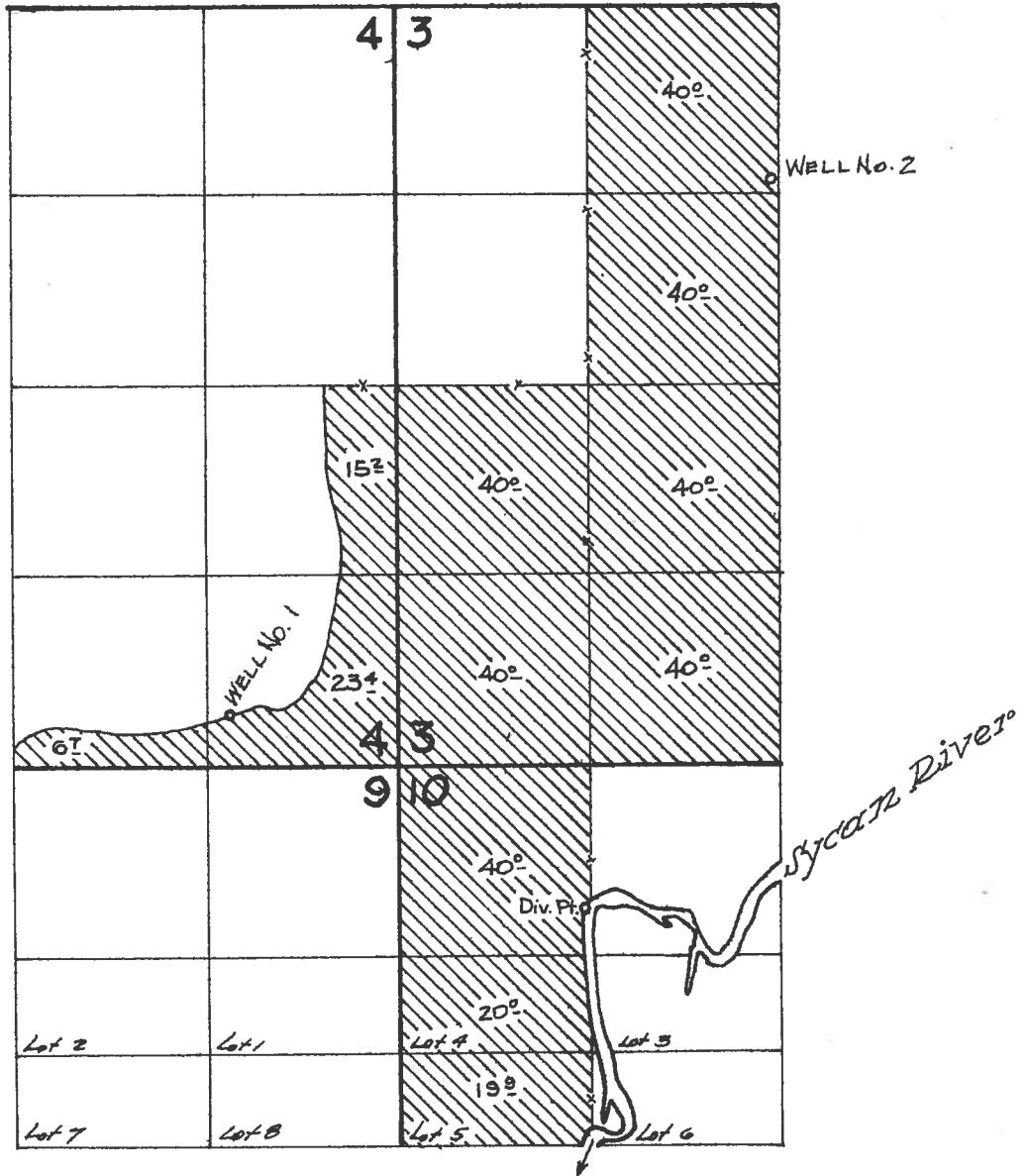
FINAL PROOF SURVEY
UNDER

Application No. 41439... Permit No. 31116...
IN NAME OF

GLEN and ALDA ISRAEL and PHILIP ISRAEL

Surveyed OCT. 23, 1974., by R. MUCKEN..

T.36S.R.12E.W.M.



APPLICATION NO. 33991 PERMIT NO. 26784
 G-472 G-350
 G-1752 G-1602

THOMAS & VIOLA H. PLEMONS
 WALLACE & LAWRENCE PLEMONS

Mailing List for PFO Copies

Application #G-15914

PFO Date August 12, 2003

Original mailed to:

Applicant: KENNETH AND DIANNE BUSCHER, 3286 E LANGELL VALLEY RD, BONANZA, OR 97623

Copies sent to:

- 1. WRD - File # G-15914
- 2. Water Availability: Ken Stahr

PFO and Map Copies sent to:

- 3. WRD - Watermaster # 17

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

- 4. Bruce A. Estes, CWRE #1

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

CASEWORKER : Gaineyjw- WEEK 420

<p>Copies Mailed By: <u> 788 </u> (SUPPORT STAFF) on: <u> 8/12/03 </u> (DATE)</p>

**BUSCHER RANCH
3286 E. LANGELL VALLEY ROAD
BONANZA, OR 97623
TELEPHONE: 541-545-3102
FAX: 541-545-3102**

Mr. Jerry W. Gainey,
Water Right Processing Technician
State of Oregon, Water Resources Department
158 - 12th Street NW
Salem, OR 97301-4172

Re: File G-15914

Dear Mr. Gainey:

Enclosed is additional information required to process our water use permit application:

1. Affidavit for the Partial Diminution of a Water Right Certificate
2. Application Map
3. Copy of Certificate of Water Right - Permit No. 311116
4. ~~Copy of the Deed of Trust for the property.~~ *sent with original permit request*

If there is any additional information that you require, please do not hesitate to contact us.

Thank you for your help.

Sincerely,



Ken and Dianne Buscher

Enclosures

RECEIVED

JUL 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE**

State of Oregon)
County of Klamath) ss

I/We (or authorized agent), Kenneth M. Buscher & Dianne M Buscher
residing at 3286 E Longell Cheley Road, Bonanza, OR 97623,
telephone number 541-545-3102, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number _____, within the NW SW $\frac{1}{4}$ $\frac{1}{4}$, Section 34, Township 35 S N(S), Range 12 (E)W, of the Willamette Meridian, in Klamath County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right certificate number 311116 issued to Glen Alda & Philip Israel with a date of priority of 12/24/65 for use of 1.60 cubic foot per second of water from the Sycan River (sources) for the purpose of irrigation of pastures (uses) is appurtenant to my/our property;
3. I/We have obtained a more reliable (e.g., better, more economical) source of water for the primary irrigation of the portion of this water right shown on the attached map and described as follows:
The right to the use of 1.91 cubic foot per second from well 3
for the irrigation of 96.4 acres located:

<u>80 supplemental</u>	<u>1/4</u>	<u>1/4</u>	Acres
	<u>1/4</u>	<u>1/4</u>	Acres
	<u>1/4</u>	<u>1/4</u>	Acres

Section 34
Township 35 N(S), Range 12 (E)W, WM;
4. I/we request the water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the above described lands;
5. The appurtenant water right is/is not located within the boundaries of an irrigation district (if the right is located within a district, name it here: n/a); and

(MORE - PAGE 1 of 2)

RECEIVED
JUL 21 2003
WATER RESOURCES DEPT.
SALEM, OREGON

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE
(CONTINUED - PAGE 2 of 2)**

6. I/We agree that if this change is approved, it is permanent and the right to the use of water from permit 31116 (29.7 acres) cannot be changed back to the primary source. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from permit 31116 for irrigation of these lands.

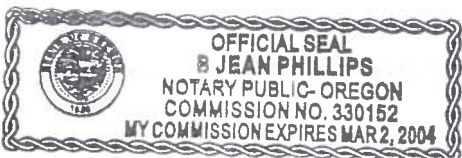
Glenn M Buscher
Signature of legal owner as listed on deed, or authorized agent

7/18/03
Date

Deane M Buscher
Signature of legal co-owner as listed on deed
(if applicable)

7/18/03
Date

Subscribed and Sworn to Before Me this 18th day of July, 2003



B Jean Phillips
Notary Public for Oregon

My Commission Expires _____

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S). January 2003

RECEIVED
JUL 21 2003
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
 COUNTY OF **KLAMATH**
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **GLEN, ALDA, & PHILIP ISRAEL**
97621
 of **P. O. Box 25, Beatty**, State of **Oregon**, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Sycan River

a tributary of **Sprague River** for the purpose of
 irrigation of **29.7 acres and supplemental irrigation of 145.0 acres**

under Permit No. **31116** of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from **December 24, 1965**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
1.60 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the **NW 1/4 SW 1/4, Section 34, T. 35 S., R. 12 E., W. M.,**
1410 feet North and 1230 feet East from SW Corner, Section 34.

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 **one-fortieth of one cubic foot per second**
per acre, or its equivalent for each acre irrigated and shall be further limited to
a diversion of not to exceed 3 acre feet per acre for each acre irrigated during
the irrigation season of each year; provided further that the right allowed herein
shall be limited to any deficiency in the available supply of any prior right exist-
ing for the same land and shall not exceed the limitation allowed herein, provided
further that although declared herein to be for supplemental irrigation the right
allowed may, in the interest of conserving the ground water supplies, be exercised
at times when water is available in the ground water supply provided* 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 hereby confirmed, and to which such right is
 appurtenant, is as follows:

<u>Primary</u>	<u>Supplemental</u>	
5.9 acres		NW 1/4 SW 1/4
23.8 acres		SW 1/4 SW 1/4
	Section 34	
	T. 35 S., R. 12 E., W. M.	
	40.0 acres	Lot 3 (NE 1/4 NW 1/4)
	40.0 acres	SE 1/4 NW 1/4
	40.0 acres	NE 1/4 SW 1/4
	25.0 acres	NW 1/4 SW 1/4
	Section 3	
	T. 36 S., R. 12 E., W. M.	

* that the total quantity diverted from all sources of supply does not exceed the
 limitation allowed herein,

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
 use herein described.

WITNESS the signature of the State Engineer, affixed

this date. April 14, 1975

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume **34**, page **41993**

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JUL 21 2003

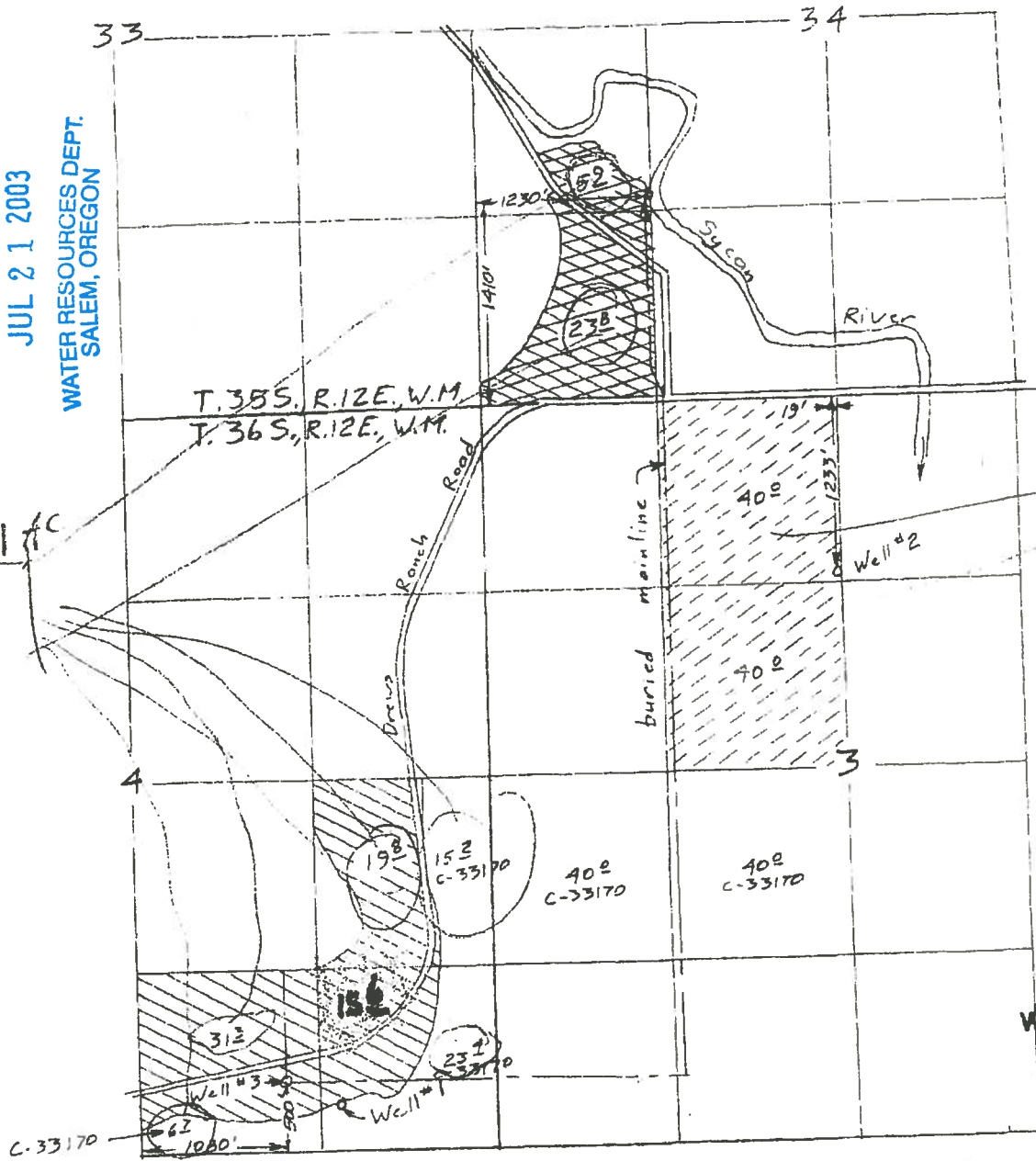
WATER RESOURCES DEPT.
 SALEM, OREGON

app # G-15914 Permit #

RECEIVED

JUL 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON



Scale 1"=1320'

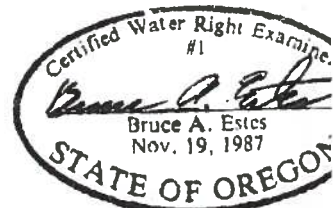
RECEIVED

JAN 22 2003

WATER RESOURCES DEPT.
SALEM, OREGON

- ⊗ New application primary from well #3 96[±] acres
- ⊖ New application supplemental from well #3 & Δ PDA from well #2 to well #3 (C-33170) 80[±] acres
- ⊗ C-41993 Sycon River, diminish to supplemental 29[±] acres

Application Map
for
Kenneth & Diane Buscher



Renewal Dec 31, 2004

ESTES SURVEYS

PC Box 17519
Salem, OR 97305-7519
(503) 585-7593

60382 Arnold Rd
Bend, OR 97702
(541) 382-7391

This map is for the purpose of locating a water right only and has no intent to provide legal confirmation of the location of property lines.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15914

Proposed Final Order

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

Application History

On January 22, 2003, KENNETH AND DIANNE BUSCHER submitted an application to the Department for the following water use permit:

- Amount of Water: 1.91 cubic feet per second
- Use of Water: Irrigation use on 126.1 acres; supplemental irrigation use on 80.0 acres
- Source of Water: Well 3 in Sycan River Basin
- Area of Proposed Use: Klamath County within Section 34, Township 35 South, Range 12 East, W.M.; Section 3 and Section 4, Township 36 South, Range 12 East, W.M.

On June 20, 2003, the Department mailed the applicant notice of its Initial Review, determining that "*The use of 1.91 cubic feet per second from Well 3 in Sycan River Basin for irrigation use on 96.4 acres and supplemental irrigation use on 80.0 acres is allowable from March 1 through October 31 of each year.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On June 24, 2003, 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.

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 Klamath River Basin Compact allows the use of water for irrigation.

Well 3 in Sycan River Basin is above the Klamath River State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), 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.

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

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

The Department finds that the amount of water requested, 1.91 CFS, is an acceptable amount.

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

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 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 Klamath River Basin Compact, or a 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.

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.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED August 12, 2003


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 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 26, 2003**.

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 Jerry Gainey. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 458.

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

Fax: (503)378-6203

Gaineyjw- WEEK 420

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF KLAMATH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

KENNETH AND DIANNE BUSCHER
3286 E LANGELL VALLEY RD
BONANZA, OR 97623

(541)545-3102

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

APPLICATION FILE NUMBER: G-15914

SOURCE OF WATER: WELL 3 IN SYCAN RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 126.1 ACRES AND SUPPLEMENTAL
IRRIGATION USE ON 80.0 ACRES

MAXIMUM RATE: 1.91 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JANUARY 22, 2003

WELL LOCATION: SW ¼ SE ¼, SECTION 4, T36S, R12E, W.M.; 500 FEET NORTH &
1080 FEET EAST FROM S1/4 CORNER, SECTION 4

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ SW ¼	5.9 ACRES	
SW ¼ SW ¼	23.8 ACRES	
SECTION 34		
TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.		
NE ¼ NW ¼		40.0 ACRES
SE ¼ NW ¼		40.0 ACRES
SECTION 3		

<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ SE ¼ 35.0 ACRES	
SW ¼ SE ¼ 38.0 ACRES	
SE ¼ SE ¼ 23.4 ACRES	
SECTION 4	
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.	

Measurement, recording and reporting conditions:

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is

complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in

no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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.

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued _____, 2003

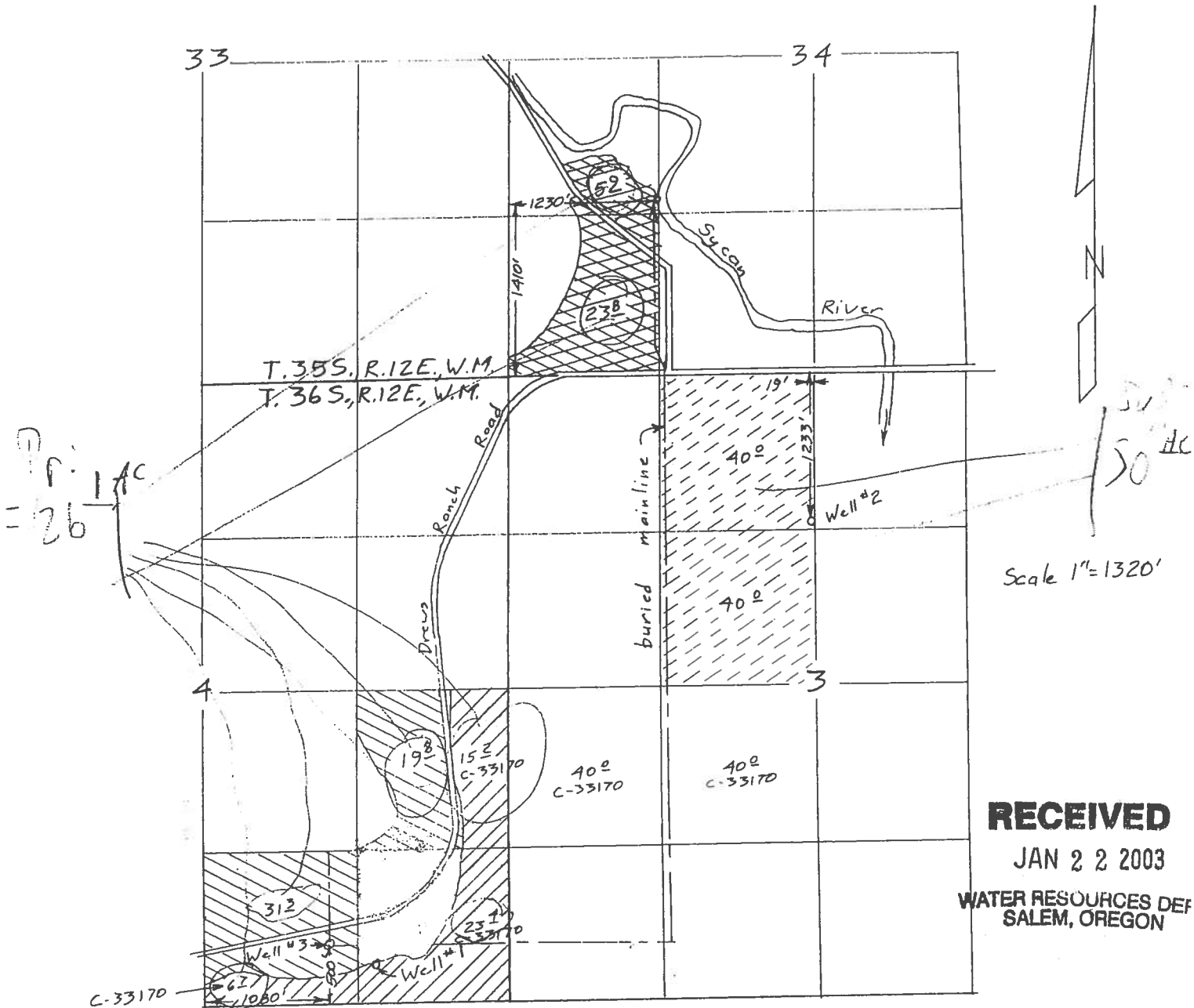
DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

app # G-15914 Permit #

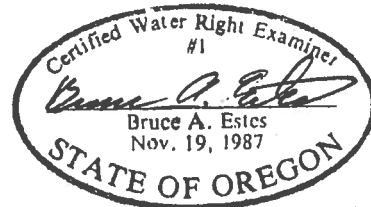


RECEIVED

JAN 22 2003

WATER RESOURCES DEPT
SALEM, OREGON

- ⊗ New application primary from well #3 96± acres
- ⊗ New application supplemental from well #3 & Δ PDA from well #2 to well #3 (C-33170) 80± acres
- ⊗ C-41993 Sycan River, diminish to supplemental 29± acres



Renewal Dec 31, 2003

Application Map
for
Kenneth & Diane Buscher

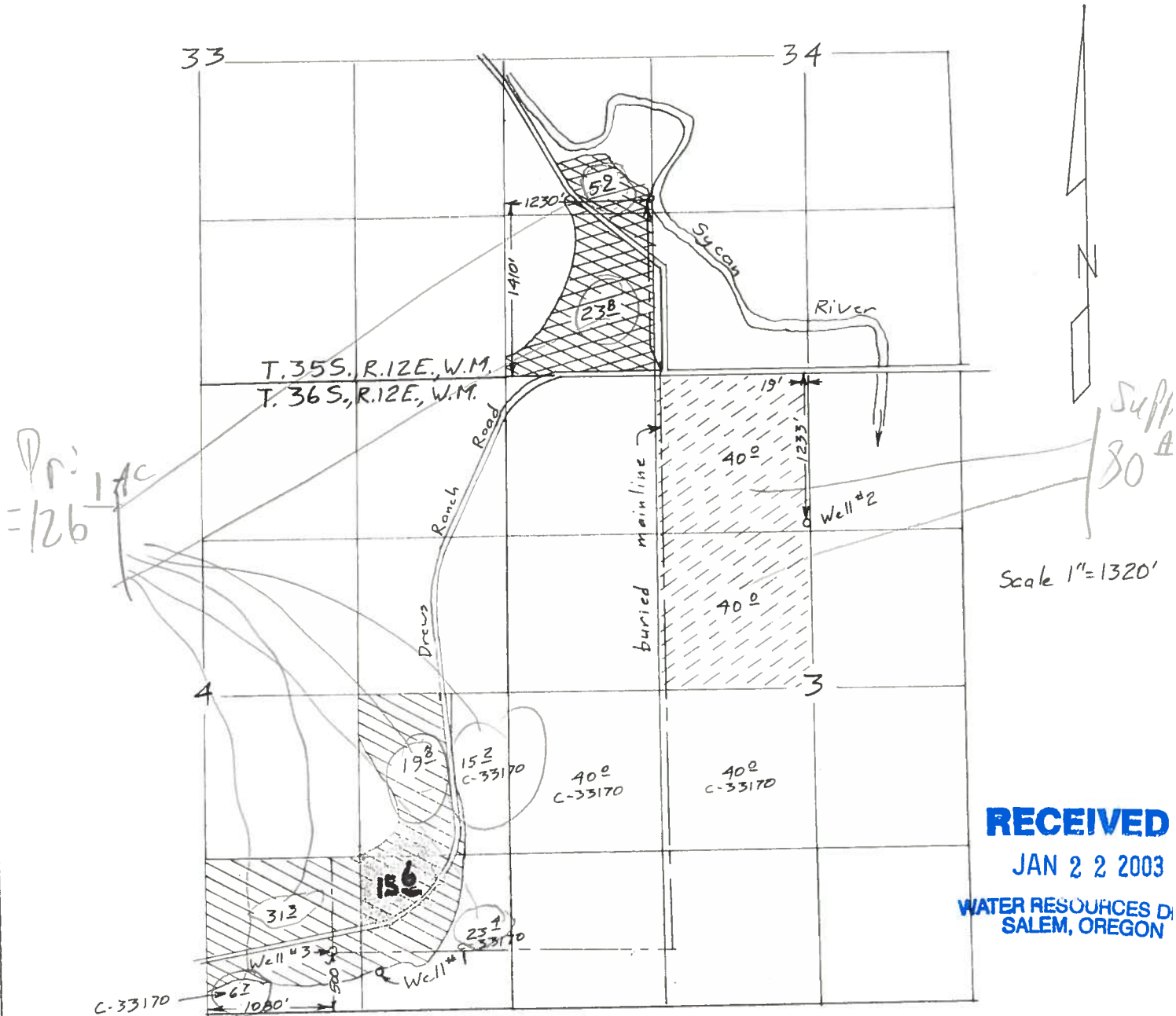
This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

ESTES SURVEYS

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593

60382 Arnold Rd
Bend, OR 97702
(541) 382-7391

app# G-15914 Permit #



RECEIVED
 JAN 22 2003
 WATER RESOURCES DIVISION
 SALEM, OREGON

- ⊗ New application primary from well # 3 96± acres
- ⊗ New application supplemental from well # 3 & Δ POA from well # 2 to well # 3 (C-33170) 80± acres
- ⊗ C-91993 Sycan River, diminish to supplemental 29± acres

Certified Water Right Examiner
 #1
Bruce A. Estes
 Bruce A. Estes
 Nov. 19, 1987
 STATE OF OREGON
 Renewal Dec 31, 2003

Application Map
 for
 Kenneth & Diane Buscher

This map is for the purpose of indicating a water right only and has no intent to provide legal dimensions or the location of property lines.

ESTES SURVEYS
 PO Box 17519 60382 Arnold Rd
 Salem, OR 97305-7519 Bend, OR 97702
 (503) 585-7593 (541) 382-7391

Attachment 7A

RECEIVED

JAN 22 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Primary

T35S R12E Sec 34 29.7 acres

NW ¼ SW ¼	5.9 acres***
SW ¼ SW ¼	23.8 acres***

***now part of permit #31116

T36 R12E Sec 4 66.7 acres

NE ¼ SE ¼	19.8 acres****
SE ¼ SE ¼	15.6 acres****
SW ¼ SE ¼	31.3 acres****

****new application – not shown on old water rights.

Total acres of water applied for ground water are for proposed new well.

Supplemental

T36S R12E Sec 3 80.0 acres

NE ¼ NW ¼	40.0 acres
SE ¼ NW ¼	40.0 acres

app #G. 15914



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

June 20, 2003

CERTIFIED MAIL
Return Receipt Requested

KENNETH AND DIANNE BUSCHER
3286 E LANGELL VALLEY RD
BONANZA, OR 97623

(541)545-3102

Reference: File G-15914

Dear Mr. and Mrs. Buscher:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except as otherwise noted below.
2. The use of water from Well 3 in Sycan River Basin for irrigation use on 96.4 acres and supplemental irrigation use on 80.0 acres is **allowable** under ORS 542.620, the Klamath River Basin Compact.
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 1.91 cubic feet per second for irrigation and supplemental irrigation if properly conditioned, will not injure existing rights or the groundwater resource.
5. The Department has identified information that is required to continue processing your request for water use. Please refer to the **ADDITIONAL INFORMATION SECTION** below for details.

Application G-15914

1

Summary of Initial Determinations

The use of 1.91 cubic feet per second from Well 3 in Sycan River Basin for irrigation use on 96.4 acres and supplemental irrigation use on 80.0 acres is allowable from March 1 through October 31 of each year.

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.

Additional information is required to process your application. Please provide the following item:

- The map provided indicates 29.7 acres under Certificate 41993 to be diminished to supplemental irrigation and the 29.7 acres become primary irrigation under this application, G-15914. If documentation is not received to diminish the 29.7 acres to supplemental under Certificate 41993 prior to issuance of a permit for G-15914, the 29.7 acres will be reflected as supplemental irrigation under G-15914.

Please submit this information no later than Thursday, July 24, 2003. If you are unable to submit the information listed above, you may request an administrative hold 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 an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold from processing 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.

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, July 4, 2003**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. 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 acre-feet for each acre irrigated during the irrigation season of each year.
3. The priority date for this application is January 22, 2003.

The water source identified in your application is in an area in which an Agricultural Water Quality Management Area Plan is being developed. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders. These plans help make sure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to contact Paul Measeles, (503) 986-4778 at the ODA to learn more about the plan and how it may affect your proposed water use.

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 503-378-8455 extension 201. Feel free to call me at 503-378-8455 extension 458 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 97301-4172, Fax: 503-378-6203.

Sincerely,


Jerry W. Gainey
Water Right Processing Technician

enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15914
wab 14-
pou 14-
gw c

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-15914

Applicant: KENNETH AND DIANNE BUSCHER

County: Klamath

Watermaster: 17

Priority Date: January 22, 2003

Source: WELL 3 IN SYCAN R BASIN

Use: IRRIGATION USE ON 96.4 ACRES AND SUPPLEMENTAL IRRIGATION USE ON
80.0 ACRES

Quantity: 1.91 CUBIC FEET PER SECOND

Basin Name & Number: Klamath, #14

Stream Index Reference: Volume 2A SYCAN R BL SYCAN MARSH

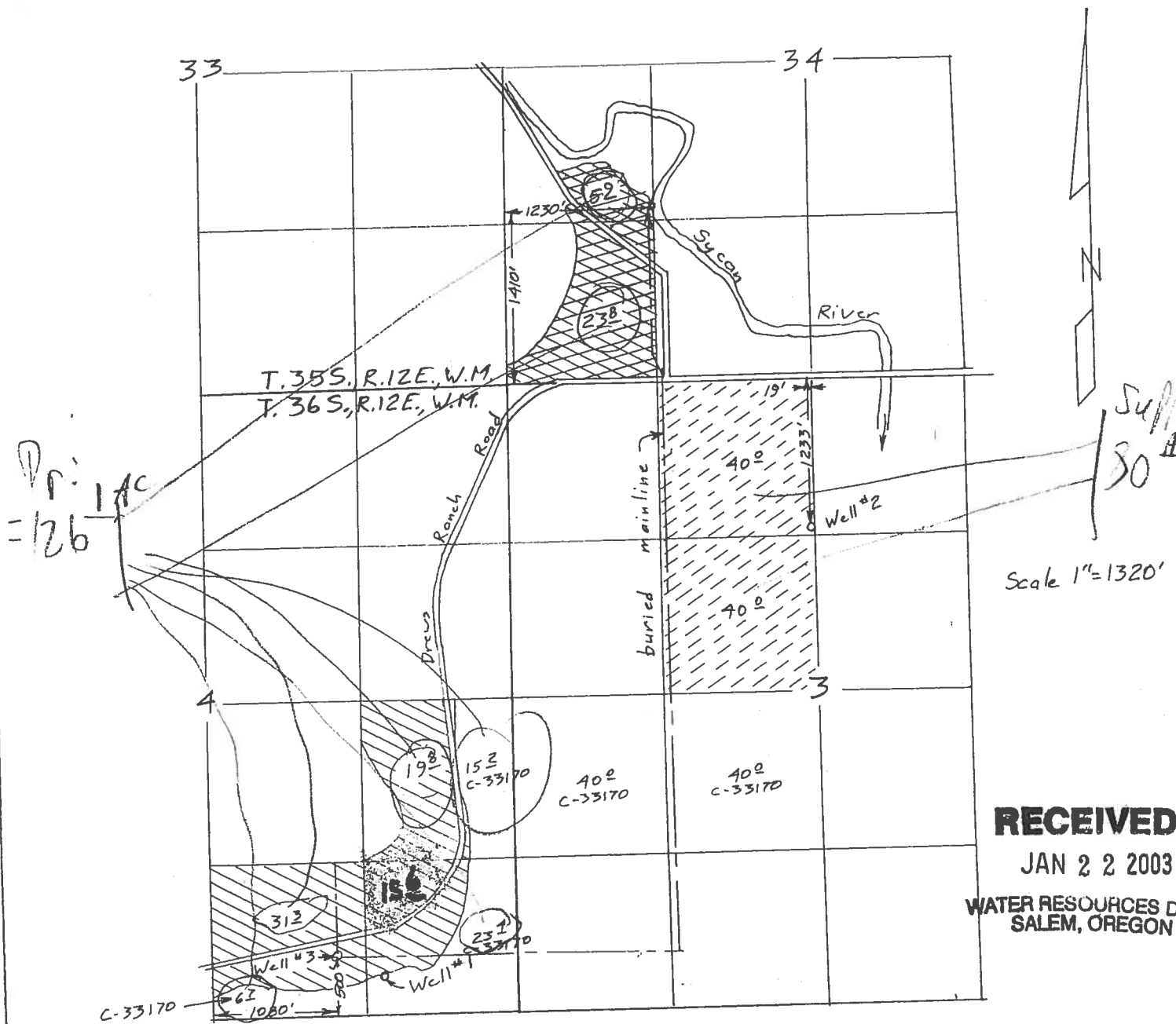
Well Location: SWSE SECTION 4, T36S, R12E, W.M.; 500 FEET NORTH & 1080 FEET
EAST FROM S1/4 CORNER, SECTION 4

Place of Use: NWSW 5.9 ACRES IRRIGATION, SWSW 23.8 ACRES IRRIGATION,
SECTION 34, TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.; NENW 40.0 ACRES
SUPPLEMENTAL IRRIGATION, SENW 40.0 ACRES SUPPLEMENTAL IRRIGATION,
SECTION 3; NESE 19.8 ACRES IRRIGATION, SWSE 31.3 ACRES IRRIGATION, SESE
15.6 ACRES IRRIGATION, SECTION 4, TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 4, 2003

PUBLIC NOTICE DATE: Tuesday, June 24, 2003

30 DAY COMMENT DEADLINE DATE: Thursday, July 24, 2003



Scale 1"=1320'

RECEIVED
 JAN 22 2003
 WATER RESOURCES DIV
 SALEM, OREGON

- ⊗ New application primary from well # 3 96± acres
- ⊘ New application supplemental from well # 3 & Δ POA from well # 2 to well # 3 (C-33170) 80± acres
- ⊙ C-41993 Sycan River, diminish to supplemental 297 acres

Application Map
 for
 Kenneth & Diane Buscher

Certified Water Right Examiner
 #1
Bruce A. Estes
 Bruce A. Estes
 Nov. 19, 1987
 STATE OF OREGON
 Renewal Dec 31, 2000

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

ESTES SURVEYS
 PO Box 17519
 Salem, OR 97305-7519
 (503) 585-7593
 60382 Arnold Rd
 Bend, OR 97702
 (541) 382-7391

Mailing List for IR Copies

Application #G-15914

IR Date: June 20, 2003

Original mailed to:

~~Applicant: KENNETH BUSCHER , 3286 E LANGELL VALLEY RD, BONANZA, OR 97623~~

Copies sent to:

- ~~1. WRD - File # G-15914~~
- ~~2. WRD - Water Availability: Ken Stahr~~

IR, Map, and Fact Sheet Copies sent to:

- ~~3. WRD - Greg Nelson~~
- ~~4. WRD - Watermaster # 17~~
- ~~5. ODFW - Roger Smith (SEE REMINDER)~~
- ~~6. DEQ - Dick Nichols (SEE REMINDER)~~

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

- ~~7. Bruce A. Estes, CWRE #1~~

8. _____

9. _____

Copies Mailed By: <u>JK</u> (SUPPORT STAFF) on: <u>6/20/03</u> (DATE)

ID# JWG

COPY/IT IR

REMINDER: Copy *all* IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)

TO: Water Rights Section May 20, 2003
 FROM: Ground Water/Hydrology Section Michael Zwart
 SUBJECT: Application G- 15914 Reviewer's Name
Supersedes review of N/A Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.

A. **GENERAL INFORMATION:** Applicant's Name: Kenneth + Dianne Buscher

A1. Applicant(s) seek(s) 1.91 cfs from 1 well(s) in the Klamath Basin,
Sprague River subbasin Quad Map: Beatty

A2. Proposed use: pri: + supp. irrigation 126.1 cc P Seasonality: April 1 to October 31
80.05

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, example: 2250' N, 1200' E fr NW cor S 36
<u>3</u>	<u>proposed</u>	<u>shale/sed rocks*</u>	<u>1.91</u>	<u>365/12E-4 SW-SE</u>	<u>500' N, 1080E fr. S 1/4 cor. sec. 4</u>
2					
3					
4					
5					

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval	Casing Intervals	Liner Intervals	Perforations Or Screens	Well Yield	Draw Down	Test Type
<u>3</u>	<u>4349</u>	<u>1000*</u>	<u>-</u>	<u>-</u>	<u>1000</u>	<u>0-100</u>	<u>0-150</u>	<u>-</u>	<u>-</u>	<u>1840</u>	<u>-</u>	<u>-</u>

Use data from application for proposed wells.

A4. Comments: *All construction info proposed by applicant, including proposed aquifer. However based on review of nearby well logs it is likely that basalt will be penetrated. It is also likely that first water will be shallower than 1000'. It is possible that the well will be a flowing artesian well but the well-head elevation may be too high for this to be the case.

A5. Provisions of the _____ Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water are, or are not, activated by this application. (Not all basin rules contain such provisions.)
 Comments: Klamath Basin not subject to Basin rules.

A6. Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction. Name of administrative area: _____
 Comments: _____

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130 (b) (c)

B1. Based upon available data, I have determined that ground water for the proposed use:

- a. is over appropriated, is not over appropriated, or cannot be determined to be over-appropriated during any period of the proposed use;
- b. will not or will likely be available in the amounts requested without injury to prior ground water rights;
- c. will not or will likely to be available within the capacity of the ground water resource; or
- d. will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
 - i. The permit should contain condition #(s) 7E;
 - ii. The permit should be conditioned as indicated in item 2 below.
 - iii. The permit should contain special condition(s) as indicated in item 3 below;

- B2.
- a. Condition to allow ground water production from no deeper than _____ ft. below land surface;
 - b. Condition to allow ground water production from no shallower than _____ ft. below land surface;
 - c. Condition to allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. Ground water availability remarks: _____

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
3	shale, sedimentary rocks, poss. Tertiary Basalt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: Many area wells are flowing artesian; proposed well targets this aquifer.

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than 1/4 mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
3	1	Sycan River	4350± (est)	4305	3300	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
						<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"/>

Basis for aquifer hydraulic connection evaluation: Surface water source does not breach the confining bed for the targeted aquifer.

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically N/A connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. If Q is not distributed by well, use full rate for each well. If modeled, include description and model parameters in Comments (C3b). Any checked box indicates the well is assumed to have the potential to cause substantial interference with surface water.

Well	SW #	Well < 1/4 mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<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"/>	<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"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

C3b. 690-09-040 (4): Evaluation of stream impacts by total appropriation for all wells determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Complete only if Q is distributed among wells. Otherwise same evaluation and limitations apply as in C3a above.

SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
	<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"/>

Comments: This section not applicable

C4a. 690-09-040 (5): Estimated impacts on surface water sources as percent or qualitative fraction* of proposed pumping rate. Limit evaluation to one year of pumping.

Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
3	1	VL											VL

*VL = Very Low (<5%), L = Low (5-25%), I = Intermediate (25-75%), H = High (>75%).

Basis for impact evaluation: Lack of hydraulic connection with adjacent surface water source requires impacts to be very low.

C4b. 690-09-040 (5): Evaluation of paragraphs under subsection 5. A determination of Low denotes no connection or a very indirect connection between surface water and ground water; High denotes hydraulic connection that would likely reduce surface water availability in the first year of pumping. Do not equate "Low" and "High" between C4a and C4b.

- (a) The potential to reduce surface water availability in Sycan River is Low or High
- The potential to reduce surface water availability in _____ is Low or High
- The potential to reduce surface water availability in _____ is Low or High
- The potential to reduce surface water availability in _____ is Low or High

Basis: _____

(b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

C4b. 690-09-040 (5): Evaluation of paragraphs under subsection 5 continued.

(c) The percentage of appropriation in the first year of use that will be at the expense of surface water unknown, likely v. 1

Basis: _____

(d) The timing of interference will be immediate (within one year), or delayed;

Basis: _____

(e) The potential for cumulative adverse impacts: A graphical distribution of POAs and summary of permitted rights
 are or are not available at this time of review.

Impacted stream	Impacted basin or sub-basin	Existing Ground Water Rights (cfs)

Comments: _____

C5. If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:

- i. The permit should contain condition #(s) 7B, 7J;
- ii. The permit should contain special condition(s) as indicated in "Remarks" below;
- iii. The permit should be conditioned as indicated in item 6 below;

C6. If the well is not reconstructed, it will interfere with surface water. Well reconstruction, as follows, will adequately protect surface water from interference. If the ground water use under this permit is found to have the potential for substantial interference with surface water, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.:

The well should be reconstructed as follows: _____

C7. SW / GW Remarks _____

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL does not meet current well construction standards based upon:**
a. review of the well log;
b. field inspection by _____;
c. report of CWRE _____;
d. other: (specify) _____

D3. **THE WELL construction deficiency:**
a. constitutes a health threat under Division 200 rules;
b. commingles water from more than one ground water reservoir;
c. permits the loss of artesian head;
d. permits the de-watering of one or more ground water reservoirs;
e. other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

D5. **THE WELL** a. was, or was not constructed according to the standards in effect at the time of original construction or most recent modification.
b. I don't know if it met standards at the time of construction.

D6. **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

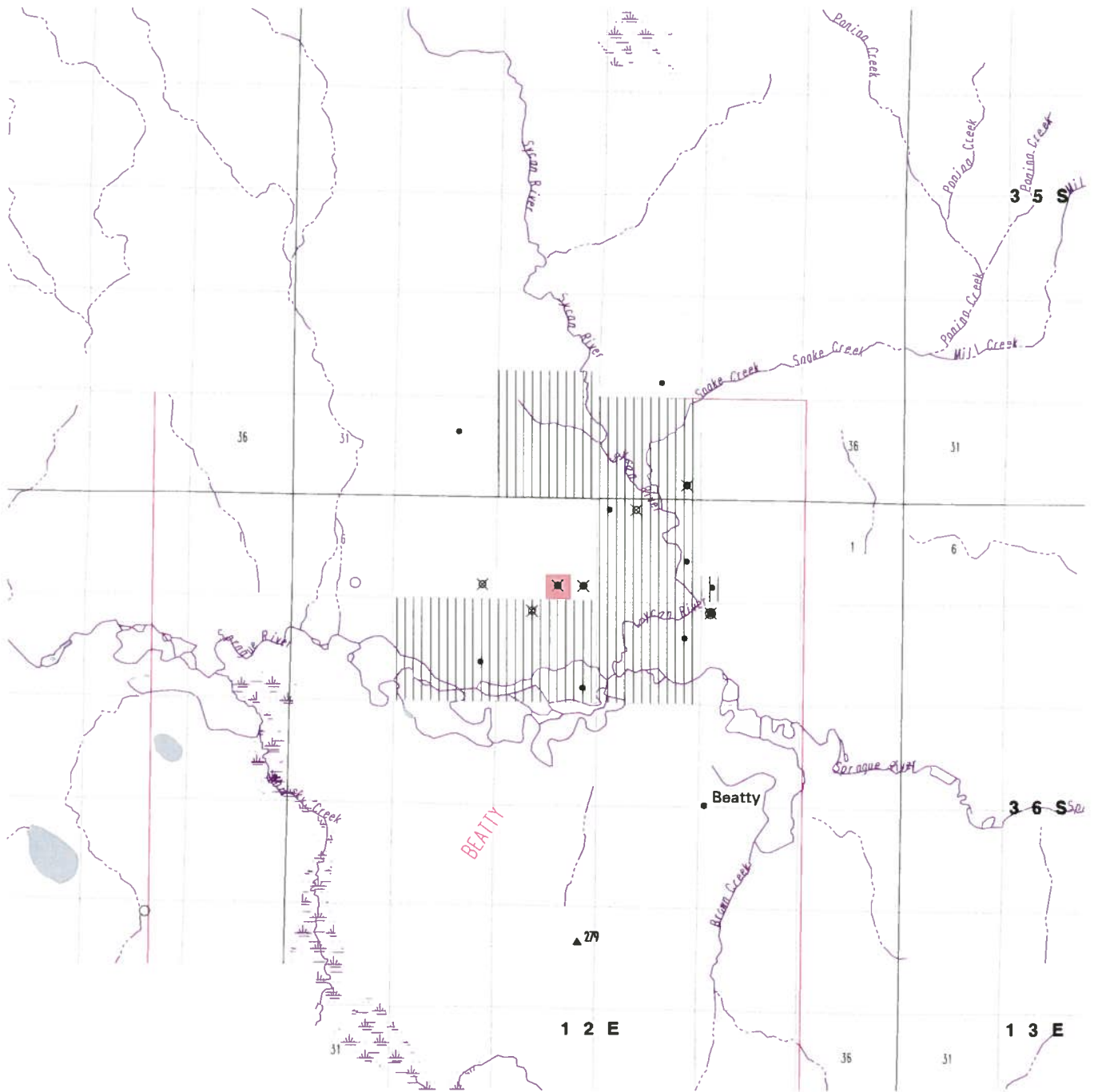
D7. Well construction deficiency has been corrected by the following actions: _____

_____, 200_____
(Enforcement Section Signature)

D8. **Route to Water Rights Section (attach well reconstruction logs to this page).**

Wells in the vicinity of application G 15914

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> 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) | <ul style="list-style-type: none"> • 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) | <ul style="list-style-type: none"> ○ 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) |
| | | <ul style="list-style-type: none"> Critical GW Area Regulated GW Area |



WELL LOGS WITHIN 1 MILE OF APPLICATION G 15914

ABANDON: 0
 RECONDITIONED: 0
 REPAIRED: 0
 CONVERSION: 0
 DEEPENINGS: 0
 NEW CONSTRUCT: 20

COMMUNITY USE: 0
 DOMESTIC USE: 13
 INDUSTRIAL USE: 0
 INJECTION USE: 0
 IRRIGATION USE: 5
 THERMAL USE: 0
 LIVESTOCK USE: 2

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15914

\$RECNO	APPLICATION	PERMIT	CLAIM	LOC-QQ	USE_CODE
1	G 1918	G 1763		0 35.00S12.00E34SESE	IR
2	G 1752	G 1602		0 36.00S12.00E 3NENW	IR
3	G 3472	G 3718		0 36.00S12.00E 5SESE	IS
4				36.00S12.00E 4SWSE	
5	P 82037	0		0 36.00S12.00E 4SESE	IR
5	G 1752	G 1602		0 36.00S12.00E 4SESE	IR
6	G 444	G 368		0 36.00S12.00E 9NENW	IR
7	G 12836	G 11812		0 36.00S12.00E11NWNW	IR

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 15914

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G 12469	G 11410	36.00S11.00E26NWNW	4E
2			36.00S12.00E 6SWSE	
3	G 12836	G 11812	36.00S12.00E11NWNW	4KG

APPLICATION G 15914 FALLS WITHIN THESE QUAD(S)

BEATTY



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

1. APPLICANT INFORMATION

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WATER RESOURCES DEPT.
 SALEM, OREGON

A. Individuals

Applicant: Kenneth & Dianne Buscher
First Last

Co-applicant: _____
First Last

Mailing address: 3286 E. Langell Valley Rd.
Bonanza OR 97623
City State Zip

Phone: (541) 545-3102
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. <u>G-15914</u>	Permit No. _____	Date _____

2. PROPERTY OWNERSHIP

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

- Yes (Skip to section 3 "Ground water Development.")
- No Please check the appropriate box below.
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 1 B. Name of nearest surface water body: Sycan River

C. Distance from well(s) to nearest stream or lake: 1) 4000'

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) River is 4311', well head is 4355'

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:

Well(s) will be constructed by: Storey Drilling Service

Address: 22560 Adobe Rd, Red Bluff, OR 96080

Completion date: May 1, 2003

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SALEM, OREGON

app # G-18914

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	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	16"	16" steel casing	150.00		100'	1,000.00	1,000.00	sounding as	1,000.00
								required	

F. Artesian Flows

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

Flowing Artesian well would have a manual butterfly control valve installed.

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

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B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	SHALE/SEDIMENTARY	IRRIGATION	858.00 1.91cfs	201,460,630.00	1,840.00

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? Min. 1/80th cfs/3 ac.ft. per acre
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 - October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:
 Primary 126.1 Supplemental 80.0
(This number should be consistent with you application map.)

5. WATER MANAGEMENT

A. Diversion

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

- Pump (give horsepower and pump type) 100 horse turbine, 50 horse booster (2)
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)
 Width _____ Depth _____
 Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
 Diameter 16 inch & 12 inch Length 1425'
- Other (describe) 6" - 800' / to tie into existing system

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 SALEM, OREGON

APP # G-75914

C. Application/Distribution Method

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

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

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Would take out one pump in river and the supply power line which would allow room t put a pivot in to
replace less efficient wheel lines.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin March 15, 2003

Proposed date construction will be completed April 15, 2003

Proposed date beneficial water use will begin May 1, 2003

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.

The proposed well would be the primary source of water for a portion of Certificate #41993 and 66.7 acres
of ground that has never been irrigated. See (attachement 7A) for legal description of acreage. This applicaton
is the authorization to diminish 5.9 acres in NW1/4 SW1/4 and 23.8 acres in SW 1/4 SW 1/4 of Section 34,
T.35S., R.12EWM from primary to supplemental under Certificate 41993 (Sycan River water right with priority
of December 24, 1965)

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app # G-15914

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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SALEM, OREGON

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Kenneth M. Buscher _____ 1/21/03
 Signature of Applicant Date

Dianne M. Buscher _____ 1-21-03
 Signature of Co-applicant Date

STATE OF OREGON

County of Klamath

RECEIVED

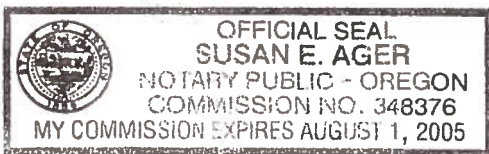
JAN 22 2003

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SALEM, OREGON

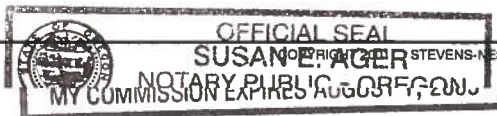
On January 21, 2003 before me personally appeared Kenneth M. Buscher
Dianne M. Buscher

whose identity was established to my satisfaction, and who executed the foregoing instrument, acknowledging to me that the same was executed freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the date first written above.



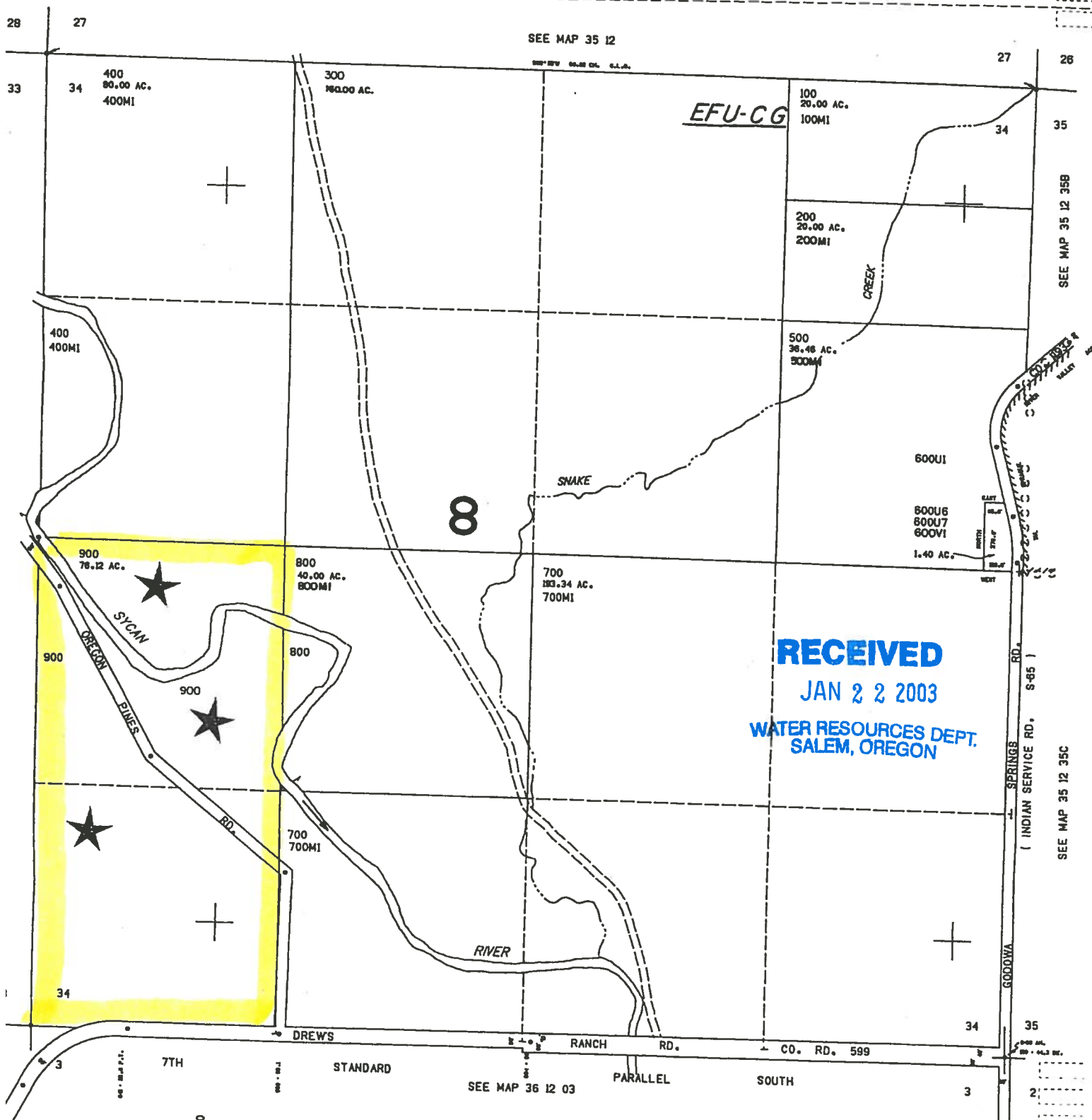
Susan E. Ager
 Notary Public for Oregon
 My commission expires August 1, 2005



SECTION 34 T.35S. R.12E. V ..
 KLAMATH COUNTY

Scale: 1" = 400'

WAS PREPARED FOR
 PERMIT PURPOSE ONLY



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WATER RESOURCES DEPT.
 SALEM, OREGON

app # G-15914
 Permit #

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE
 PURPOSE OF ASSISTING IN LOCATING
 CERTAIN PREMISES AND NO LIABILITY IS
 ASSUMED FOR VARIATIONS IF ANY, IN
 DIMENSIONS AND LOCATIONS ASCERTAINED
 BY ACTUAL SURVEY.



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

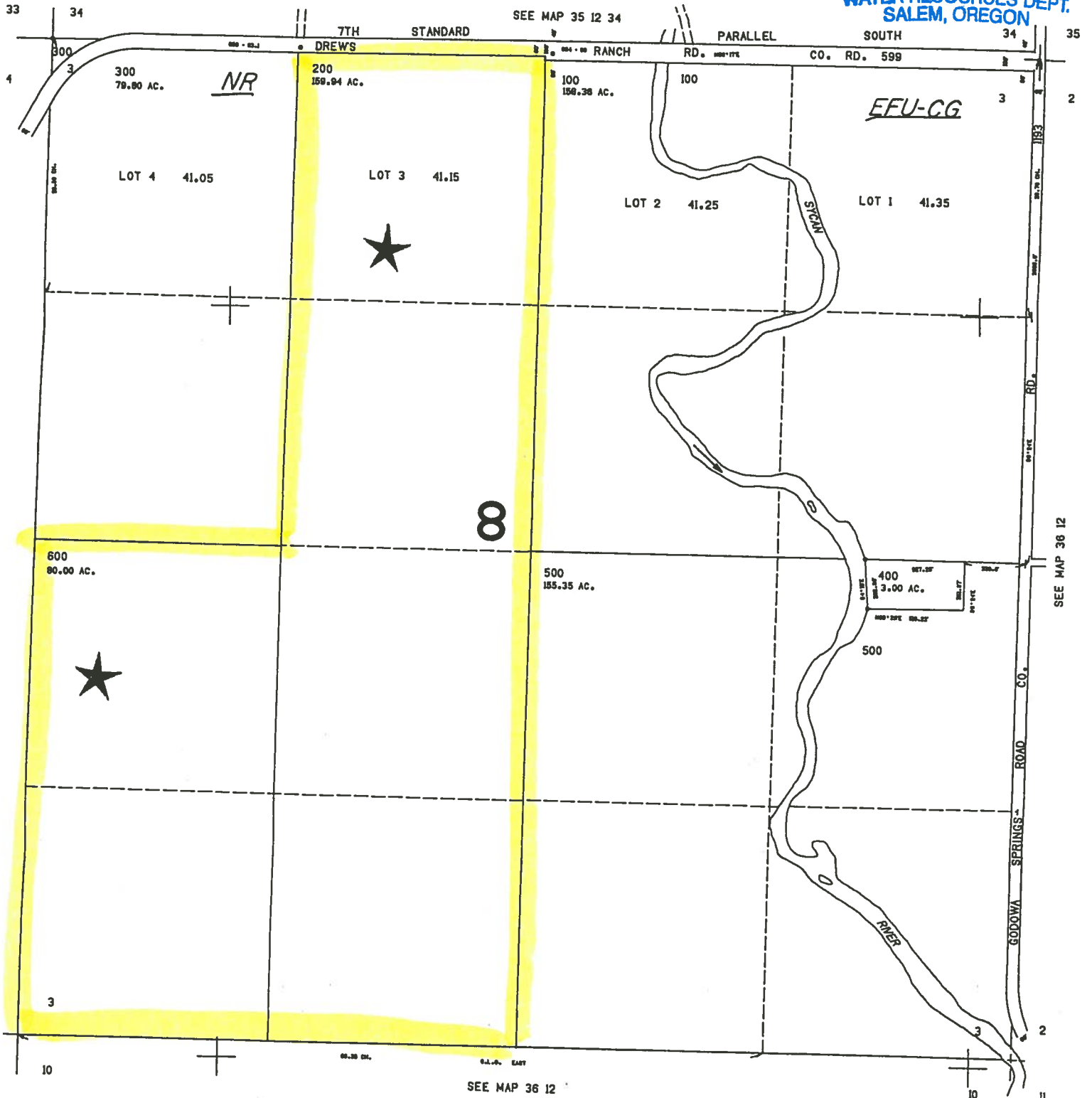
SECTION 03 T.36S. R.12E. W.M.
KLAMATH COUNTY

1"=400'

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JAN 22 2003

WATER RESOURCES DEPT.
SALEM, OREGON



app # G-15914
Permit #

1788.000

SEE MAP 36 12

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

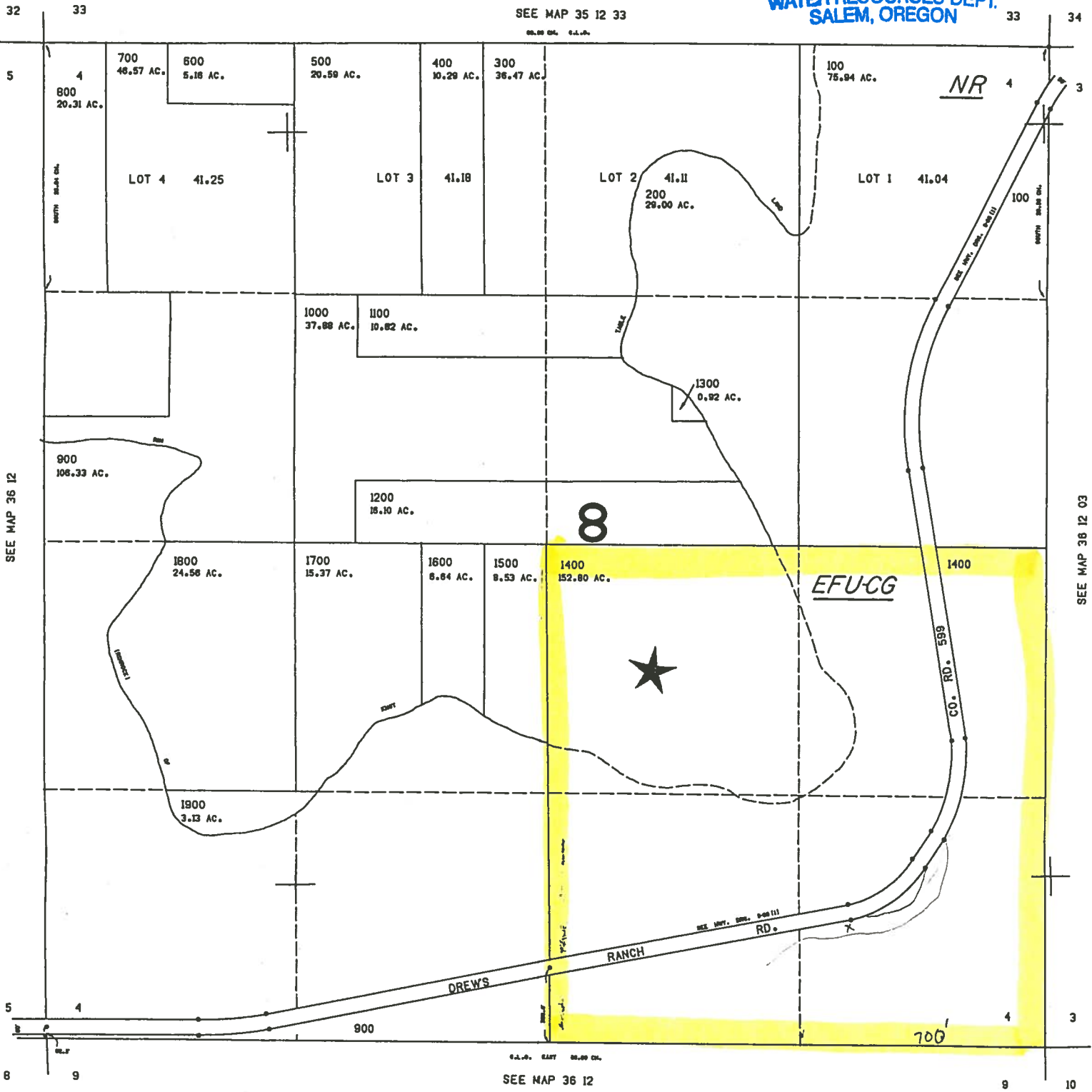
SECTION 04 T.36S. R.12E. W.M.
KLAMATH COUNTY

1"=400'

RECEIVED

JAN 22 2003

WATER RESOURCES DEPT.
SALEM, OREGON



app # G-15914
Permit #

1,783,000

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.

1" = 100' = 25'

26

↑
N

T.36S. R.12E. W.M.
KLAMATH COUNTY

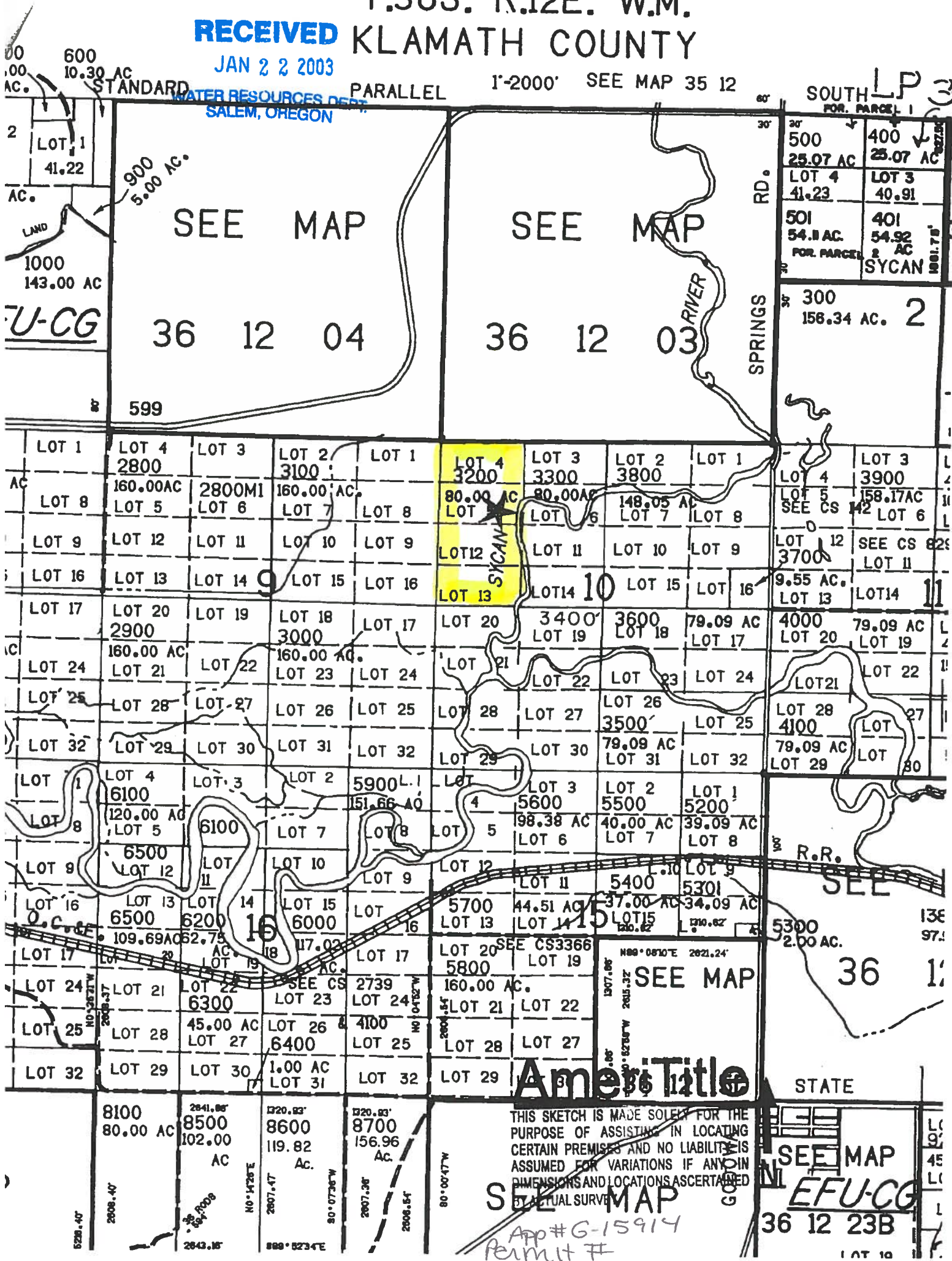
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JAN 2 2 2003

WATER RESOURCES DEPT.
 SALEM, OREGON

PARALLEL 1'-2000' SEE MAP 35 12

SOUTH LP FOR PARCEL 1



SEE MAP

SEE MAP

36 12 04

36 12 03

300 158.34 AC. 2

U-CG

LOT 3 3900
 LOT 4 158.17 AC
 LOT 5 SEE CS 142
 LOT 6

LOT 1	LOT 4 2800	LOT 3	LOT 2 3100	LOT 1	LOT 4 3200	LOT 3 3300	LOT 2 3800	LOT 1	LOT 3	LOT 4 3900
AC	160.00 AC	2800 MI	160.00 AC	AC	80.00 AC	80.00 AC	148.05 AC	AC	AC	158.17 AC
LOT 8	LOT 5	LOT 6	LOT 7	LOT 8	LOT 6	LOT 7	LOT 8	LOT 8	LOT 5	LOT 6
LOT 9	LOT 12	LOT 11	LOT 10	LOT 9	LOT 12	LOT 11	LOT 10	LOT 9	LOT 12	SEE CS 825
LOT 16	LOT 13	LOT 14	LOT 15	LOT 16	LOT 13	LOT 14	LOT 15	LOT 16	LOT 13	LOT 14
LOT 17	LOT 20 2900	LOT 19	LOT 18 3000	LOT 17	LOT 20	3400'	3600'	79.09 AC	4000'	79.09 AC
LOT 24	160.00 AC	LOT 22	160.00 AC	LOT 24	LOT 21	LOT 22	LOT 23	LOT 24	LOT 21	LOT 22
LOT 25	LOT 28	LOT 27	LOT 26	LOT 25	LOT 28	LOT 27	LOT 26	LOT 25	LOT 28	LOT 27
LOT 32	LOT 29	LOT 30	LOT 31	LOT 32	LOT 29	LOT 30	LOT 31	LOT 32	79.09 AC	LOT 30
LOT 1	LOT 4 6100	LOT 3	LOT 2 5900 L. 1	LOT 1	LOT 4 5600	LOT 3 5500	LOT 2 5200	LOT 1	LOT 3	LOT 4
LOT 8	120.00 AC	LOT 5	6100	LOT 7	LOT 8	LOT 5	98.38 AC	LOT 6	40.00 AC	39.09 AC
LOT 9	6500	LOT 12	LOT 11	LOT 10	LOT 9	LOT 12	LOT 11	5400	5301	34.09 AC
LOT 16	LOT 13	LOT 14	LOT 15	LOT 16	LOT 13	44.51 AC	37.00 AC	LOT 14	LOT 15	120.62
LOT 17	109.69 AC	62.75 AC	17.02 AC	LOT 17	LOT 20	SEE CS 3366	LOT 19	LOT 19	LOT 19	5300
LOT 24	LOT 21	LOT 22	LOT 23	LOT 24	5800	160.00 AC	LOT 21	LOT 22	LOT 22	2.00 AC.
LOT 25	LOT 28	45.00 AC	LOT 26	4100	LOT 28	LOT 27	LOT 28	LOT 27	LOT 27	36 12 23B
LOT 32	LOT 29	LOT 30	1.00 AC	LOT 32	LOT 29	LOT 30	LOT 31	LOT 32	LOT 31	STATE

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY

SEE MAP

App # G-15914
 Permit #

SEE MAP

EFU-CG

36 12 23B

LOT 10



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

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JAN 22 2003

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: 126.1 Acres

Secondary: 80.0 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. Permanent pasture Full season Partial season (from: 4/1 to 10/31)
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:

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

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

- Daily during daytime hours Daily during nighttime hours
 Two or three times weekly during daytime Two or three times weekly during nighttime
 Weekly, during daytime hours Weekly, during nighttime hours
 Other, explain: when needed by the crops

app #G-15914



**Oregon Water Resources Department
Land Use Information Form**

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

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**WATER RESOURCES DEPT.
SALEM, OREGON**

To Be Completed By Applicant

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

A. Applicant

Name: Kenneth & Dianne Buscher

Address: 3286 E. Langell Valley Rd.

City: Bonanza State: Ore Zip: 97623 Day Phone: 541 545-3102

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)
3512-0000-3200	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used
3612-4-1400	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used
3612-3-600	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used
3612-3-200	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used
3512-34-900	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used

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

C. Description of Water Use

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

Beneficial Use(s): _____

Briefly describe: _____

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

3 acre ft. per acre CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

app # 6-15914

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); ARTICLE 54. Go to section B "Approval" below
Klamath Co. LAND DEVELOPMENT CODE
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

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

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

B. Approval

Please provide printed name and written signature.

Name: DANIEL J. MAIYO Date: 6/24/03
 Title: ASSOCIATE PLANNER Phone: (541) 853-4200
 Signature: D.J. Maiyo

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: Kenneth & Dianne Buscher

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____
 Staff contact: _____ Phone: _____

Signature: _____ Date: _____

app #6-15914

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 JAN 22 2003
 WATER RESOURCES DEPT.
 SALEM, OREGON



THIS SPACE RESERVED FOR RECORDER'S USE
MTC 56860-KR

Vol MO2 Page 40472

After recording return to:
ASSET PRESERVATION, INC.
4208 DOUGLAS ROAD, #300
GRANITE BAY, CA 95746

State of Oregon, County of Klamath
Recorded 07/16/2002 3:12 p m.
Vol MO2, Pg 40472-73
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

Until a change is requested all
tax statements shall be sent to
the following address:
ASSET PRESERVATION, INC.
4208 DOUGLAS ROAD, #300
GRANITE BAY, CA 95746

Escrow No: MT56860-KR
Title No. _____

RECEIVED

JAN 22 2003

WATER RESOURCES DEPT.
SALEM, OREGON

'02 JUL 16 PM 3:12

WARRANTY DEED

WILLIAM C. KNUDTSEN,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
KENNETH M. BUSCHER & DIANNE M. BUSCHER, AS TENANTS BY THE ENTIRETY
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of KLAMATH and State of Oregon, to wit:

PLEASE SEE ATTACHED EXHIBIT A"

- | | |
|-----------------------|--------------------------|
| KEY #290465 | 3512-03400-00900-000 |
| KEY #352184 | 3612-00000-03200-000 |
| KEY #351853 & #358171 | 3612-00300-00200 & 00600 |
| KEY #3586689 | 3612-00400-01400-000 |
| KEY #295674 | 3513-02000-00700-000 |
| KEY #875342 | ACCT #M223681 |

SUBJECT TO: all those items of record and those apparent upon the land, if
any, as of the date of this deed and those shown below, if any;
and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is
THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS PURSUANT TO AN
IRC 1031 EXCHANGE ON BEHALF OF THE GRANTOR AND/OR GRANTEE.

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.

Dated this 15th day of July, 2002.

~~COURTESY EXCHANGE CORPORATION~~

~~BY: WILLIAM C. KNUDTSEN, DEEDSMAN~~

~~READ AND APPROVED AS TO FORM & CONTENT:~~

BY: [Signature]
WILLIAM C. KNUDTSEN

State of Oregon
County of KLAMATH

This instrument was acknowledged before me on July 15, 2002 by
WILLIAM C. KNUDTSEN.

[Signature]
(Notary Public for Oregon)

My commission expires 11/16/2003



app#G-15914

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WATER RESOURCES DEPT.
SALEM, OREGON

**EXHIBIT "A"
LEGAL DESCRIPTION**

PARCEL 2:

Township 35 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Section 34: W1/2 SW1/4

Township 36 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Section 3: Government Lot 3 (NE1/4 NW1/4); SE1/4 NW1/4; SW1/4

Section 4: SE1/4

Section 10: Government Lots 4, 5, 12 and 13 (W1/2 NW1/4)

NOTE A: Taxes for fiscal year 2001-2002, paid.

Account No.:	3512-03400-00900-000 ✓
Key No:	290465
Code No.:	008
Amount:	\$110.06
Account No:	3612-00000-03200-000 ✓
Key No:	352184
Code No.:	008
Amount:	\$143.40
Account No:	3612-00300-00200-000 ✓
Key No:	351853
Code No.:	008
Amount:	\$286.70
Account No:	3612-00300-00600-000 ✓
Key No:	351871
Code No.:	008
Amount:	\$143.40
Account No:	3612-00400-01400-000 ✓
Key No:	356689
Code No.:	008
Amount:	\$472.11

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JAN 22 2003

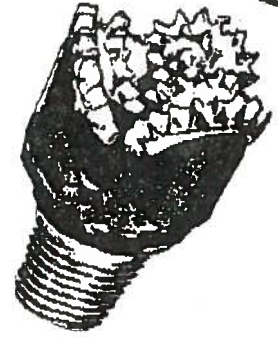
WATER RESOURCES DEPT.
SALEM, OREGON

app#G-15974

STOREY DRILLING SERVICES

P.O. Box 98 • MIDLAND, OREGON 97634
(541) 884-3990 • (800) 245-8122
Fax #: (530) 528-2562

22560 ADOBE ROAD • RED BLUFF, CALIFORNIA 96080
CONTRACTOR'S LICENSES:
OR #801 • CA #583153 • NV #38199



February 27, 2002

Mrs. Linda Long
Crater Lake Realty
P. O. Box 489
Chiloquin, Oregon 97624

RECEIVED

JAN 22 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Linda;

This letter is in response to our telephone conversation last week regarding drilling an irrigation well on the Kundtson Ranch located on Drews Road north-west of Beatty, Oregon. As discussed wells in this area are 900 - 1000 feet deep and can be artesian. As you requested, the following is an estimated cost to drill a large diameter well using these parameters:

- ◆ Mobilization of equipment to well site
- ◆ Drill & set approximately 100 feet of 16 inch diameter steel casing set and cemented for seal
- ◆ Drill 16 inch diameter hole from 100 - 500 feet
- ◆ Drill 12 inch diameter hole from 500 - 1000 feet
- ◆ Develop well to capacity by air lifting
- ◆ Test pump well for pump sizing and placement
- ◆ De-mobilize equipment from well site.

The estimated cost for this well construction is \$50,450.00

If you have any further questions, please contact me. Storey Drilling Services performs all well construction by written contract in which all costs are itemized. The actual drilling formations encountered in the well construction and the final drilling depth can cause the actual final cost of the well to be different from this estimated cost. All well construction work is completed by my direct supervision and operation of the equipment involved. I would be happy to meet at the Knudtson Ranch to discuss this well construction proposal in more detail. Thank you.

Sincerely,


David M. Storey

app # G-15914

OK The water management section has been completed? If, the water system has not been designed, the applicant may estimate this information.

OK Resource protection system completed on Surface Water application?

OK Are the dates of construction indicated? If, the system already is completed, the applicant should indicate existing.

OK Is the application signed in ink by the applicant? If the application is in the name of an Organization, or corporation, the authorized agent must sign the application.

OK Is a copy of the deed, land sales contract or title insurance policy included? We cannot accept a copy of the tax bill.

OK A completed Land-Use Form or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?*

OK Does the map meet map requirements of OAR 60-310-050?

OK Town, Range, Sec, 1/4 1/4's and Tax Lot #

OK Scale of the Map

OK Reference corner on map

OK North Directional Symbol

OK 1/4 1/4's clearly identified

OK POD clearly identified

OK POU clearly identified

OK Location Coordinates for each POD

OK Location of House, if Domestic

OK Number of acres per 1/4 1/4, if Irrigation

OK Location of Bldg, if Com./Indus.

OK Location of Stock Tanks, if Livestock

OK Muni / Quasi-Muni Service Boundaries

OK Other

OK fees enclosed?

Base Fee \$250.00

Total Paid \$875.00

plus \$150.00

OVER PAID BY \$225.00

plus \$75.00

Total Amount of

Water Requested: 1.91 CFS

Total Exam Fee \$475.00

Total Exam Fee \$475.00

Recording Fee \$175.00 PAID IN FULL

Completeness Check by: ROGER WRIGHT

Date: 1/22/03

Standard Application "Completeness" Checklist

Application: G-15914

County: KLAMATH

Priority Date: 1/22/03

Township: SEE MAP

Range: SEE MAP

Use(s): IRRIGATION

Section: SEE MAP

PRI. 126.1 ACRES SUP.80 ACRES

POD ¼¼: SEE MAP

Rate: 1.91 CFS

POU ¼¼: SEE MAP

Minimum Requirements (OAR 60-310-040)

OK Applicant/Organization Name, Mailing Address', and Telephone Numbers. If applicant is other than a private landowner, Organizations section must be completed.

OK Source *and* tributary listed

OK Property ownership indicated? If applicant does not own all the land, is the affected landowners name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is located ...or... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE:** An easement or agreement DOES NOT need to be submitted at this time, but will be required before a permit will be issued.

OK If a groundwater application...is the groundwater development section completed?

OK Proposed Use of the water.... Is each proposed use identified?

OK Has the appropriate "Supplemental Form" for each proposed use been completed?

OK Form I (Irrigation)

NA Form M (Municipal or Quasi-Municipal)

NA Form R (Mining)

NA Form Q (Commercial or Industrial)

NASpring Description Sheet (if source is a Spring)

OK Amount of water from each source listed in GPM, CFS or AF?

OK Acreage being proposed, if applicable.

OK Season being requested by applicant.