



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

January 6, 2005

COLUMBIA EMPIRE FARMS INC
PAGEL, MARTHA O (C/O)
1211 SE 5TH AVE STE 1700
PORTLAND, OR 97204

Re: File's R-84889, S-84890 & G-15606

The above application was withdrawn from the records of the Water Resources Department on January 6, 2005, in Special Order Volume 63 page 16. The application is of no further force or effect.

If you have any questions, contact the Water Rights Section at 503.986.0801.

Sincerely,

Jonnine Fuss
Water Rights Section

Enclosure

cc: Watermaster # 11
File
Data Center
Ken Stahr, WRD
Steve Marx, ODFW
Schwabe, Williamson & Wyatt, P.C.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

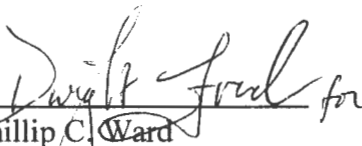
IN THE MATTER OF THE WITHDRAWAL) FINAL
OF APPLICATION FOR G-15606, R-84889 AND S-84890) ORDER

The following application for permit is being voluntarily withdrawn by the applicant.

<u>APPLICANT</u>	<u>APPL.#</u>	<u>BASIN #</u>
COLUMBIA EMPIRE FARMS INC, PAGEL, MARTHA O (C/O)	G-15606, R-84889 AND S-84890	05

It is ORDERED that the application is of no further force or effect.

Dated at Salem, Oregon, on January 6, 2005


Phillip C. Ward
DIRECTOR

This is a final order in other than 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 ORS 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG-ON TO <http://egov.oregon.gov/DAS/SCD/SFMS/ach.shtml> ON THE INTERNET. CLICK ON: FORMS AND BROCHURES THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO.
118714902

WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		48020 - G15606 REVENUE REFUND	690	VP021377	525.00
		48020 - R84889 REVENUE REFUND	690	VP021377	525.00
		48021 - S84890 REVENUE REFUND	690	VP021377	405.00

1-7-05


mailed 1/13/05

*Make Copies and
mail -*

VENDOR NAME: SCHWABE WILLIAMSONS & WYATT PC

ISSUE DATE: 01/10/05

WARRANT AMOUNT: 1,455.00

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

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
01/10/05



BANK WARRANT NO.
11 8714902

PAY THIS AMOUNT
\$1,455.00

DOCUMENT NO.
VP021377

*****ONE THOUSAND FOUR HUNDRED FIFTY FIVE AND 00/100 DOLLARS

PAY TO THE ORDER OF:

SCHWABE WILLIAMSONS & WYATT PC
ATTN: MARTHA PAGEL
1011 LIBERTY STREET SE
SALEM OR 97302-4140

VOID AFTER 2 YEARS FROM DATE OF ISSUE

Jody J. Pagel

AUTHORIZED SIGNATURE

INTEROFFICE MEMO

DATE: January 6, 2005

TO: FISCAL SECTION

FROM: JONNINE FUSS

SUPERVISOR APPROVAL

Dwight Ford

SUBJECT: Request for refund check



Please refund \$1,455.00 to SCHWABE WILLIAMSONS & WYATT, P.C.

file's # R-84889, s-84890 and G-15606, receipt # 48020 *48021*

These TRANSFERED are refunded because: *525.*

_____ Application rejected

XXXXX Application withdrawn

_____ Excess fees collected for assignment

_____ Excess fees collected for extension

_____ Other

525. 405 525.
0201 - 400⁰⁰
0202 - 125⁰⁰
0203 - 400⁰⁰
0204 - 125⁰⁰
~~*0205 - 2*~~
0201 - 280⁰⁰
0202 - 125

MAILING ADDRESS:

SCHWABE, WILLIAMSON & WYATT, P.C.
ATTN: MARTHA O PAGEL
1011 LIBERTY STREET S.E.
SALEM, OR 97302-4140



SCHWABE, WILLIAMSON & WYATT, P.C.
ATTORNEYS AT LAW

1011 LIBERTY STREET S.E. • SALEM, OREGON 97302-4140
TELEPHONE: 503.399.7712 • FAX: 503.399.1645 • www.schwabe.com

MARTHA O. PAGEL
Direct Line: Portland 503.796.2872;
Salem 503.399.7712
E-Mail: mpagel@schwabe.com

December 27, 2004

Anita Huffman
Water Rights Caseworker
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Re: Application Files G-15606; R-84889 and S-84890,
in the name of Columbia Empire Farms
Our File No. 107164-120630

Dear Anita:

Thank you for your letter of November 26, 2004, regarding the above-referenced water right applications filed in the name of our clients Columbia Empire Farms. As noted in your letter, the applications have been on "administrative hold" for some time. The last administrative hold period expired on October 1, 2004.

This letter will confirm our telephone conversation in late November, in which I advised you that the applicants have decided not to pursue the applications, and therefore request voluntary withdrawal.

Thank you for your assistance. Please let me know if you need any additional information.

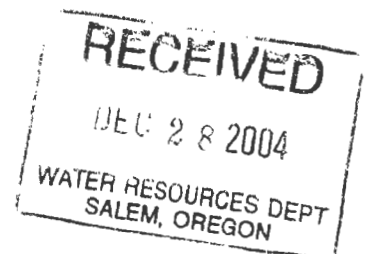
Sincerely,

Martha O. Pagel (mca)

Martha O. Pagel

MOP:mca

cc: Floyd Aylor, CEF
John Ekman, CEF





SCHWABE, WILLIAMSON & WYATT, P.C.

ATTORNEYS AT LAW

Pacwest Center, Suites 1600-1900

1211 Southwest Fifth Avenue

Portland, Oregon 97204-3795

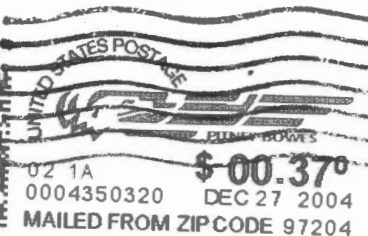
MOP

G-15606

R-84889

S-84890

Anita Huffman
Water Rights Caseworker
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271



02 1A
0004350320 DEC 27 2004
MAILED FROM ZIP CODE 97204

97301+1266 07



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **48020**

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

INVOICE # _____

RECEIVED FROM: <u>Schwabe Williamson Wyatt</u>	APPLICATION <u>R 84889</u>
BY: _____	INSURE <u>G-15606</u>
	TRANSFER <u>T 8885</u>

CASH: CHECK: # 24-201 OTHER: (IDENTIFY) **TOTAL REC'D** \$2807.40

0417 WRD MISC CASH ACCT	REF. RECEIPT# 48020, 48021, 48022, 48023, 48024, 48025, 48026, 48027, 48028, 48029, 48030, 48031, 48032, 48033, 48034, 48035, 48036, 48037, 48038, 48039, 48040, 48041, 48042, 48043, 48044, 48045, 48046, 48047
ADJUDICATIONS	
PUBLICATIONS / MAPS	
OTHER: (IDENTIFY)	
OTHER: (IDENTIFY)	

REDUCTION OF EXPENSE CASH ACCT. \$ _____

PCA AND OBJECT CLASS VOUCHER # _____

0427 WRD OPERATING ACCT 6611

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$ _____
0410 RESEARCH FEES		\$ _____
0408 MISC REVENUE: (IDENTIFY)		\$ _____
(New) TC162 DEPOSIT LIAB. (IDENTIFY)		\$ _____
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE \$ <u>400.00</u>	0202 RECORD FEE \$ <u>175.00</u>
0203 GROUND WATER	\$ <u>400.00</u>	0204 \$ <u>175.00</u>
0205 TRANSFER	\$ <u>300.00</u>	0206 \$ _____
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT		0220 \$ _____
OTHER (IDENTIFY)		

0437 WELL CONST. START FEE RECEIVED OVER THE COUNTER

021 REFERENCE 2 \$ _____ CARD # _____

0210 G-15606, S-84890,

05	<u>R-84891, R-84892, R-84893,</u>	
	<u>R-84894, R-84895, R-84896,</u>	
1302	<u>R-84897, R-84898, R-84899,</u>	\$ _____
	<u>R-84900, R-84901, R-84902,</u>	
	<u>R-84903, R-84904, R-84905,</u>	
0233	<u>R-84906, R-84907, R-84908,</u>	\$ _____
0231	<u>R-84909, R-84910, R-84911,</u>	\$ _____
	<u>R-84912, R-84913, R-84914,</u>	
	<u>R-84915, R-84916</u>	\$ _____

Application No. R 84889
 Permit No.

RECEIPT # **48020**

DATED 09/06/01 BY C. Vance



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

CERTIFIED MAIL Return Receipt Requested

November 26, 2004

Martha O. Pagel
Schwabe, Williamson & Wyatt, P.C.
1211 SW Fifth Ave, Suites 1600-1900
Portland, OR 972041-3795

Reference: Application Files G-15606, R-84889 and S-84890; S.W.&W file no. 07164-120630

Dear Ms. Pagel

On September 10, 2002, the Department approved your request for a one year administrative hold on the processing of the above referenced applications. On November 26, 2003 the Department approved your request for additional one year administrative hold to allow the reservoir to fill and cure. The last administrative hold expired October 1, 2004, and as of the date of this letter, we have not received any correspondence or communication regarding this application.

Please notify the Department as to how you wish to proceed no later than **December 10, 2004**. If you need to request additional time your request will need to show justification for why the additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process. If we do not hear from you by December 10, 2004, we will move forward with processing the applications and proposed final orders.

Should you have any questions regarding your application or the required materials listed at [redacted] or if you need to request an exte:

Sincerely,

Anita Huffman
Water Rights Caseworker

cc: Watermaster #11
File

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p>
<p>1. Article Addressed to:</p> <p>G-15606, R-84889, S-84890</p>	<p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p><i>M. Huffman</i> <i>NOV 30 2004</i></p>
<p>ATTN: MARTHA O PAGEL, ATTY SCHWABE WILLIAMSON & WYATT PACWEST CENTER 1211 SW FIFTH AVE STE 1700 PORTLAND OR 97204</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. Article Number (Transfer from service label) 7004 1160 0007 0796 9054



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

November 26, 2003

Martha O. Pagel
Schwabe, Williamson & Wyatt, P.C.
1211 SW Fifth Ave. Suites 1600-1900
Portland, OR 97204-3795

RE: Application Files G-15606, R-84889 and S-84890
SWW File No. 107164-120630

Dear Ms. Pagel:

On October 1, 2003 the Department received your request for an additional one year administrative hold on processing of the above referenced applications. You indicated the time was needed to allow the reservoir to fill and cure.

Your request for additional time for administrative hold with the Department is longer than the 180 days allowed under OAR 690-310-270, however also under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary.

Based upon review of the information you have provided, the Department has determined that a longer administrative hold on processing of the above referenced application is reasonable and necessary. The Department has approved your request for an additional one year administrative hold. We will not take action on this application until **October 1, 2004**. Please let us know if you are ready to proceed sooner.

If you have any questions, please call the application file caseworker, Anita Huffman, at (503) 986-0815, or you may e-mail her at Anita.M.HUFFMAN@wrd.state.or.us.

Sincerely

Dwight French
Water Rights Section Manager

cc: Watermaster District 11
Files

TO: Water Rights Section Oct 15, 2001
 FROM: Groundwater/Hydrology Section Michael Zwart
 SUBJECT: Application G-15666 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

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

REMARKS: _____

G-15666

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

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

_____, 199____
(Signature)

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-15606

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 9S/15E-106d

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water files Date: October 15, 2001

From: Michael J. Zwart

Subject: Application Review: G-15606, Columbia Empire Farms, Inc., (R-2 Ranch)

This application proposes to use about 450 gpm from one well for reservoir maintenance. The well (JEFF 50679) produces water from a confined to semiconfined aquifer developed in fractured tuffstone rocks of the John Day Formation. The well is sealed to a depth of 255 feet, also in tuffstone.

The well is about 1500 feet from Pony Creek. The aquifer is not in hydraulic connection with the creek. There is no potential for substantial interference, based on the distance and confined nature of the aquifer.

I recommend permit conditions 7B and 7J.

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15606

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G 12958	G 11543	9.00S15.00E	4SESE IS	2.6800	C
2	G 1585	G 1456	9.00S15.00E	9NWSW IR	0.4500	C
2	G 1585	G 1456	9.00S15.00E	9NWSW IR	0.5700	C
3	G 1585	G 1456	9.00S15.00E	9NESW IR	0.4500	C
3	G 1585	G 1456	9.00S15.00E	9NESW IR	0.5700	C
4	G 1585	G 1456	9.00S15.00E	9SWSW IR	0.4500	C
4	G 1585	G 1456	9.00S15.00E	9SWSW IR	0.5700	C
5	G 9175	G 8696	9.00S15.00E	9SESW IR	1.3500	C
6	G 9174	G 8695	9.00S15.00E	9SESE IR	4.1250	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 15606

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G 12958	G 11543	9.00S15.00E	4SESE DRF

APPLICATION G 15606 FALLS WITHIN THESE QUAD(S)

WILLOWDALE





SCHWABE, WILLIAMSON & WYATT, P.C.

ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • www.schwabe.com

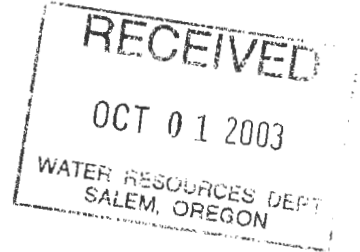
MARTHA O. PAGEL

Direct Line: Portland 503.796.2872;

Salem 503.399.7712

E-Mail: mpagel@schwabe.com

September 30, 2003



Mr. Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite "A"
Salem, OR 97301-4172

Re: Request for Continuation of "Administrative Hold"
for Water Right Applications
Our File No. 107164-120630

Dear Dwight:

I am writing on behalf of our clients Columbia Empire Farms (R-2 Ranch), to request continuation of the "administrative hold" process for three pending applications: R-84889, S-84890, and G-15606. These applications relate to a voluntary proposal by R-2 Ranch to provide for the release of stored water to assist with stream flow restoration efforts on Trout Creek. As described in my letter to you of September 6, 2002, the original purpose of the administrative hold was to provide time for the newly constructed reservoir to fill and "cure" before assessing water quality conditions that may need to be addressed as part of the water delivery plan. Because of drought conditions in the area, the reservoir did not fill until this past Spring. As a result, the reservoir has not yet cured. For this reason, we request continuation of the administrative hold for an additional one-year period.

Please let me know if you have questions or need additional information in connection with this request.

Sincerely,

Martha O. Pagel (MCA)

Martha O. Pagel

MOP:mca

cc: Floyd Aylor
John Ekman



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

September 10, 2002

Martha O. Pagel
Schwabe, Williamson & Wyatt, P.C.
1211 SW 5th Ave. STE 1600
Portland, OR 97204-3795

RE: Applications R-84889, S-84890, G-15606
Your File No. 107164-120630/Columbia Empire Farms/R-2 Ranch

Dear Martha:

On September 6, 2002, the Department received your request for an administrative hold on the above referenced applications for a one year time period. You have requested a longer administrative hold to complete filling and curing of Fuston Reservoir as it pertains to the uses proposed under the applications listed above.

Under OAR 690-310-270, the Department may grant an administrative hold for up to 180 days, however, a longer administrative hold may also be granted, if the Director finds that a longer period is reasonable and necessary.

Based upon the information you have provided I have determined, on the behalf of the Director, that a longer administrative hold on the processing of this application is reasonable and necessary. The Department has approved the request for an additional one year administrative hold. The Department will not take any action on this application until **September 10, 2003**. Please let us know if you are ready to proceed sooner.

If you need to request additional time, once the present administrative hold expires, a new written request will need to be submitted. Your new request must demonstrate justification for why additional time is reasonable and necessary. The request must also show that substantial progress has been and is being made towards resolving the issues that led to the request for administrative hold. Additional administrative holds may not be granted unless you can demonstrate that substantial progress has been made. You must also include a detailed time-line, which describes what actions have been, are being, and will be taken in order for the application process to proceed and identifies when the applicant anticipates being ready to continue with the application process. The dates associated with each action described in the time-line must be identified.

If you have any questions, please give me a call. I can be reached at (503) 378-8455, extension 268, or you can reach Anita Huffman, the assigned caseworker at extension 229 or via e-mail at Anita.M.HUFFMAN@wrd.state.or.us

Sincerely,

A handwritten signature in black ink that reads "Dwight French". The signature is written in a cursive style with a long, sweeping underline.

Dwight French
Water Rights Section Manager

cc: Watermaster District 11



SCHWABE, WILLIAMSON & WYATT, P.C.

ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795

TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • www.schwabe.com

MARTHA O. PAGEL

Direct Line: Portland 503.796.2872;

Salem 503.399.7712

E-Mail: mpagel@schwabe.com

September 6, 2002

RECEIVED

SEP 09 2002

WATER RESOURCES DEPT.
SALEM, OREGON

VIA FACSIMILE AND US MAIL

Mr. Dwight French, Manager
Oregon Water Resources Department
Water Rights/Adjudication Div.
158 12th St. NE
Salem, OR 97310-4172

Re: Columbia Empire Farms/R-2 Ranch
Application Nos.: R-84889, S-84890; G-15606
Our File No. 107164-120630

Dear Dwight:

This will confirm our earlier e-mail exchange regarding the above-referenced applications. On behalf of our client, Columbia Empire Farms (R-2 Ranch), I would like to formally request that the applications be placed on "administrative hold," as provided under ORS 537.175(2) and OAR 690-310-0270(2). The reasonable period of time requested for this extension is one year. We understand the department typically limits such extensions to 180 days, but note the Director has discretion, under both the statute and the rule, to allow for a longer period of time, if reasonable under the circumstances. As described below, we believe the one-year time period is reasonable and necessary to ascertain physical characteristics of the reservoir that is involved in a voluntary proposal for flow augmentation to Trout Creek.

The three applications all relate to implementation of a plan by the R-2 Ranch to assist with fish habitat and stream flow restoration efforts on Trout Creek by releasing up to 90 acre-feet of water, per year, from a storage reservoir on the ranch. The plan was developed in cooperation with the Oregon Department of Fish and Wildlife (ODFW) and the Water Resources Department (WRD), as well as with input from various environmental groups.

Application R-84889 provides for an increase in the authorized volume of storage for Fuston Reservoir from 250 acre-feet to 310 acre-feet, the maximum as-built capacity of the reservoir (currently authorized for 250 acre feet under Permit No. R-12964). Application S-84890 would authorize release of up to 90 acre feet of stored water, per year, for flow augmentation in Trout Creek, and Application G-15606 would allow use of an existing well to refill the reservoir, with ground water, following the annual release. Under the proposal, the applicants would coordinate annually with ODFW staff regarding the timing and volume of storage releases to help with fish and flow restoration needs.

Mr. Dwight French
September 6, 2002
Page 2

RECEIVED

SEP 09 2002

WATER RESOURCES DEPT.
SALEM, OREGON

As details of the plan are being developed, questions have been raised concerning the method for delivering water from the reservoir to the creek, and for ensuring appropriate water quality for fish needs. Key factors in making those determinations relate to temperature and water quality within the reservoir, which will not be known until the reservoir fills and "cures." Because of low flow conditions in Trout Creek and Pony Creek during the past two storage seasons, the Ranch has not been able to complete the initial filling of the reservoir. As a result, additional time is needed to allow for completion of that first fill, and for curing of the reservoir, in order to assess water quality in connection with the flow augmentation plan. The additional time will also allow the applicant to develop additional implementation details, including any role that may be played by ODFW in the process.

We look forward to the Director's approval of this request for administrative hold. Please let me know if you have questions or need any additional information from us.

Sincerely,



Martha O. Pagel

MOP:njm

cc: Floyd Aylor
John Ekman
Anita Huffman, WRD





SCHWABE, WILLIAMSON & WYATT, P.C.
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • www.schwabe.com

FACSIMILE TRANSMISSION
Please notify the recipient immediately.

DATE: September 6, 2002

To:	FAX NO.	PHONE NO.
Mr. Dwight French Oregon Water Resources Department	(503) 378-6203	(503) 378-8455

FROM:	PHONE NO.:	E-MAIL ADDRESS:
Martha O. Pagel	503-796-2872	mpagel@schwabe.com

MESSAGE:

FILE NUMBER:	107164-120630		
NO. OF PAGES, INCLUDING COVER:	3	TRANSMITTAL TIME:	a.m. / p.m.
VIA FAX ONLY:		ALSO VIA:	U.S. Mail

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IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (503) 796-2410 AS SOON AS POSSIBLE.

FAX OPERATOR:		DIRECT DIAL PHONE:	(503) 796-2410
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SCHWABE, WILLIAMSON & WYATT, P.C.

ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • www.schwabe.com

MARTHA O. PAGEL

Direct Line: Portland 503.796.2872;

Salem 503.399.7712

E-Mail: mpagel@schwabe.com

September 6, 2002

VIA FACSIMILE AND US MAIL

Mr. Dwight French, Manager
Oregon Water Resources Department
Water Rights/Adjudication Div.
158 12th St. NE
Salem, OR 97310-4172

Re: Columbia Empire Farms/R-2 Ranch
Application Nos.: R-84889, S-84890; G-15606
Our File No. 107164-120630

Dear Dwight:

This will confirm our earlier e-mail exchange regarding the above-referenced applications. On behalf of our client, Columbia Empire Farms (R-2 Ranch), I would like to formally request that the applications be placed on "administrative hold," as provided under ORS 537.175(2) and OAR 690-310-0270(2). The reasonable period of time requested for this extension is one year. We understand the department typically limits such extensions to 180 days, but note the Director has discretion, under both the statute and the rule, to allow for a longer period of time, if reasonable under the circumstances. As described below, we believe the one-year time period is reasonable and necessary to ascertain physical characteristics of the reservoir that is involved in a voluntary proposal for flow augmentation to Trout Creek.

The three applications all relate to implementation of a plan by the R-2 Ranch to assist with fish habitat and stream flow restoration efforts on Trout Creek by releasing up to 90 acre-feet of water, per year, from a storage reservoir on the ranch. The plan was developed in cooperation with the Oregon Department of Fish and Wildlife (ODFW) and the Water Resources Department (WRD), as well as with input from various environmental groups.

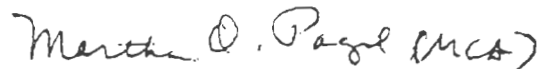
Application R-84889 provides for an increase in the authorized volume of storage for Fuston Reservoir from 250 acre-feet to 310 acre-feet, the maximum as-built capacity of the reservoir (currently authorized for 250 acre feet under Permit No. R-12964). Application S-84890 would authorize release of up to 90 acre feet of stored water, per year, for flow augmentation in Trout Creek, and Application G-15606 would allow use of an existing well to refill the reservoir, with ground water, following the annual release. Under the proposal, the applicants would coordinate annually with ODFW staff regarding the timing and volume of storage releases to help with fish and flow restoration needs.

Mr. Dwight French
September 6, 2002
Page 2

As details of the plan are being developed, questions have been raised concerning the method for delivering water from the reservoir to the creek, and for ensuring appropriate water quality for fish needs. Key factors in making those determinations relate to temperature and water quality within the reservoir, which will not be known until the reservoir fills and "cures." Because of low flow conditions in Trout Creek and Pony Creek during the past two storage seasons, the Ranch has not been able to complete the initial filling of the reservoir. As a result, additional time is needed to allow for completion of that first fill, and for curing of the reservoir, in order to assess water quality in connection with the flow augmentation plan. The additional time will also allow the applicant to develop additional implementation details, including any role that may be played by ODFW in the process.

We look forward to the Director's approval of this request for administrative hold. Please let me know if you have questions or need any additional information from us.

Sincerely,



Martha O. Pagel

MOP:njm

cc: Floyd Aylor
John Ekman
Anita Huffman, WRD

Oregon Water Resources Department
Water Rights Division

*Storage
For Streamflow
Augmentation*

Water Rights Application
Number G-15606

Proposed Final Order

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

Application History

On AUGUST 31, 2001, MARTHA PAGEL FOR COLUMBIA EMPIRE FARMS, INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 1.0 CUBIC FOOT PER SECOND, WITH A MAXIMUM ANNUAL DUTY OF 100.0 ACRE-FEET
- Use of Water: RESERVOIR MAINTENANCE OF A RES *TO BE RELEASED FOR RECREATION & FISH LIFE*
- Source of Water: A WELL IN TROUT CREEK BASIN
- Area of Proposed Use: JEFFERSON County within SECTION 10, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

On March 8, 2002, the Department mailed the applicant notice of its Initial Review, determining that "The use of 1.0 CUBIC FOOT PER SECOND, WITH A MAXIMUM ANNUAL DUTY OF 100.0 ACRE-FEET, from A WELL IN TROUT CREEK BASIN for RESERVOIR MAINTENANCE FOR PERMIT R-12964 is allowable year-round." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On March 26, 2002, 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 Deschutes Basin Program allows STORAGE ~~USE~~.

*FOR WHAT USE (IRRIGATION, ?
WATER, ? WHAT?)*

A WELL IN TROUT CREEK BASIN is above the Deschutes 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, 1.0 CFS, WITH A MAXIMUM ANNUAL DUTY OF 100.0 ACRE-FEET, is an acceptable amount.

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

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest 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) (i.e. the use of water is human consumption or livestock), 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 Deschutes Basin Plan, 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.

Recommendation

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

DATED September 10, 2002

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 **October 25, 2002**.

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 Anita Huffman. 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 229.

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

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF JEFFERSON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

COLUMBIA EMPIRE FARMS, INC.
C/O MARTHA O PAGEL
SCHWABE, WILLIAMSON & WYATT
1211 SW 5TH AVE STE 1700
PORTLAND, OREGON 97204

(503) 796-2872

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

APPLICATION FILE NUMBER: G-15606

SOURCE OF WATER: A WELL IN TROUT CREEK BASIN

CONSTRUCTED UNDER PERMIT

PURPOSE OR USE: ~~RESERVOIR MAINTENANCE~~

MAINTENANCE OF A RESERVOIR FOR

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND, WITH A MAXIMUM ANNUAL DUTY OF 100.0 ACRE-FEET

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 31, 2001

WELL LOCATION: SE ¼ NW ¼, SECTION 10, T9S, R15E, W.M.; 602 FEET NORTH & 1544 FEET EAST FROM W1/4 CORNER, SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

EXTRA SPACE

SW ¼ NW ¼

SE ¼ NW ¼

NW ¼ SW ¼

SECTION 10

TOWNSHIP 9 SOUTH, RANGE 15 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.

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, 2006. 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 _____, 2002

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.

Mailing List for PFO Copies

Application #G-15606

PFO Date September 10, 2002

Original mailed to:

Applicant: MARTHA PAGEL FOR COLUMBIA EMPIRE FARMS, INC., 1211 SW 5TH AVE
STE 1700, PORTLAND, OREGON 97204

Copies sent to:

1. WRD - File # G-15606
2. Water Availability: Ken Stahr

PFO and Map Copies sent to:

3. WRD - Watermaster # District 11
4. Oregon State Parks

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

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

5. Martha Pagel, Schwabe, Williamson & Wyatt, 1211 SW 5th Ave STE 170, Portland, OR 97204

6. WaterWatch of Oregon, 213 SW ASH ST., STE 208; PORTLAND, OR 97204

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

CASEWORKER : Huf fmaam- WEEK 372

STATE OF OREGON

COUNTY OF JEFFERSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COLUMBIA EMPIRE FARMS INC.

R. B. PAMPLIN JR

31461 NE BELL ROAD

SHERWOOD, OREGON 97140

(503)538-2156

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

APPLICATION FILE NUMBER: G-15105

SOURCE OF WATER: A WELL IN PONY CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 18.6 ACRES, SUPPLEMENTAL IRRIGATION OF 35.8 ACRES AND MAINTENANCE OF A RESERVOIR CONSTRUCTED UNDER APPLICATION R-84331, PERMIT R-12964, FOR RECREATION

MAXIMUM RATE: NOT TO EXCEED A MAXIMUM CUMULATIVE TOTAL OF 1.34 CUBIC FOOT PER SECOND(CFS), BEING 0.232 CFS FOR IRRIGATION OF 18.6 ACRES, 0.448 CFS FOR SUPPLEMENTAL IRRIGATION OF 35.8 ACRES, AND 0.668 CFS FOR MAINTENANCE OF A RESERVOIR FOR RECREATION

PERIOD OF USE: YEAR ROUND FOR MAINTENANCE OF A RESERVOIR FOR RECREATION AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: MARCH 16, 2000

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4, SECTION 10, T9S, R15E, W.M.; 602 FEET NORTH AND 1544 FEET EAST FROM THE W1/4 CORNER SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>	<u>RESERVOIR</u>
SW 1/4 NW 1/4		10.0 ACRES	X
SE 1/4 NW 1/4	12.6 ACRES	14.0 ACRES	X

Application G-15105 Water Resources Department

PERMIT G-13875

STATE OF OREGON

COUNTY OF JEFFERSON

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COLUMBIA EMPIRE FARMS INC.
R. B. PAMPLIN JR
31461 NE BELL ROAD
SHERWOOD, OREGON 97140

(503)538-2156

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

APPLICATION FILE NUMBER: R-84331

SOURCE OF WATER: PONY CREEK AND TROUT CREEK, TRIBUTARIES OF DESCHUTES RIVER

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FISH AND WILDLIFE AND TO BE MAINTAINED UNDER APPLICATION G-15105, PERMIT G-13875, FOR RECREATION

MAXIMUM VOLUME: 250 ACRE-FEET PER YEAR

WATER MAY BE APPROPRIATED FOR STORAGE FROM: FOR THE YEAR 2001 ONLY: THE DATE OF ISSUANCE OF THIS PERMIT THROUGH APRIL 14, 2001; THEREAFTER, FROM JANUARY 1 THROUGH JANUARY 31 AND MARCH 1 THROUGH APRIL 14 OF EACH YEAR.

DATE OF PRIORITY: FEBRUARY 1, 2000

The area submerged by the reservoir, when full, will be 19.4 acres and the maximum depth of water will be 23.0 feet. The maximum height of the dam shall not exceed 30.0 feet.

DAM LOCATION: SW 1/4 NW 1/4, SECTION 10, T9S, R15E, W.M.; 720 FEET NORTH AND 330 FEET EAST FROM THE W 1/4 CORNER SECTION 10

POINT OF DIVERSION LOCATION:

POD 1: Cram Ditch - NW 1/4 NE 1/4 SECTION 2, BEING 430' S & 1868' W OF NE CORNER SECTION 2;

POD 2: Johnson Infiltration Gallery - SW 1/4 NW 1/4 SECTION 3, BEING 2576' S & 353' E OF NW CORNER SECTION 3;

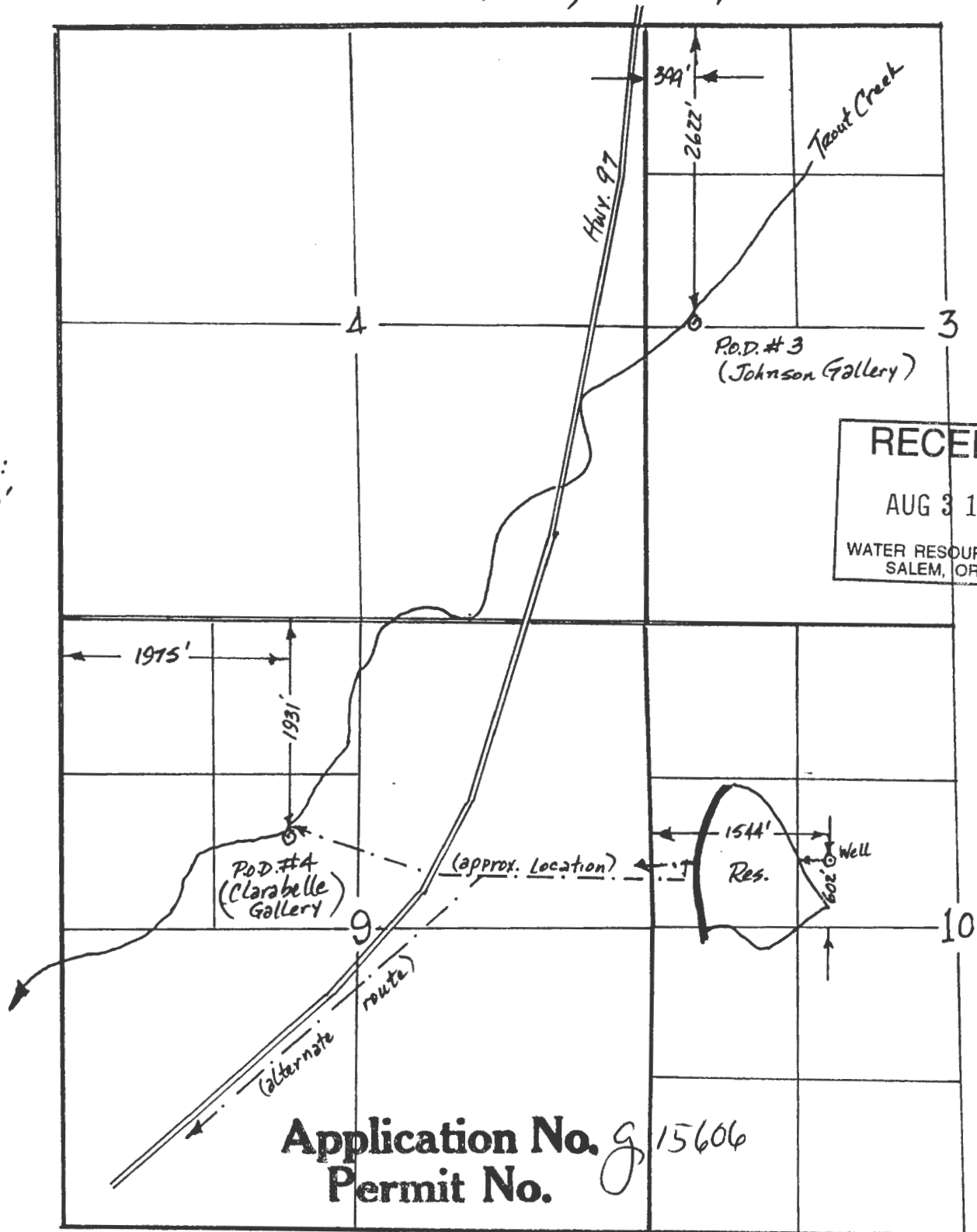
POD 3; Clarabelle Infiltration Gallery - SE 1/4 NW 1/4 SECTION 9, BEING 1945' S & 2068' E OF NW CORNER SECTION 9;

POD 4; Pony Creek Diversion - NW 1/4 NE 1/4 SECTION 10, BEING

T. 9S., R. 15E., W.M.



SCALE:
1" = 1320'



RECEIVED
 AUG 31 2001
 WATER RESOURCES DEPT
 SALEM, OREGON

Application No. 15606
Permit No.

MAP TO ACCOMPANY 3 APPLICATIONS
 IN THE NAME OF
 COLUMBIA EMPIRE FARMS, INC.

AK 8/01

615206

PFO CHECKLIST

PFO WEEK # 312

10. IR Date 3/8/02 Public Notice Date 3/26/02 Comment Rec'd NO

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

Changes from IR determinations: None

Agencies and Additional People to Notify: * Martha Payel; Schwabe, Williamson & Wyatt 1211 SW 5th Ave STE 170 Portland, OR 97204 * Parks above Deschutes SW * Water Watch of Oregon

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

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

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

Initials: [Signature] Date: 8/30/02

515606

IR CHECKLIST

Application #: _____

County _____ Basin: _____ WAB: _____
Township _____ Range _____ Section _____ 1/4 1/4 _____

- ___10. Groundwater Review A B C 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
 Name: _____

- ___20. Use _____ Priority Date(s) _____

- ___30. Allowed under Basin Program Y / N Limitations? Y / N _____

- ___40. Withdrawn? Y / N season allowed _____

- ___45. Basin Maps have been checked. Y / N River Mile _____

- ___50. SWW Y / N (if Y notify state parks) *See over* →

- ___60. Surface water Availability (80% live flow / 50% storage) NA _____

- ___70. Divis 33: Y / N / NA Above Bonn Y / N If Y not allowed April 15 - September 30
 Below Bonn Y / N If Y add PISPC
 Statewide Y / N

- Rate _____
 ___80. Duty _____ Rate: Max _____ Req _____
 Season: Normal _____ Req _____

- ___90. B.O.R. or Doug Co. project Y / N contract # _____

- ___100. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)
 condition 7I and municipal require the Large conditions _____

- ___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 17 - SCR) (13 14 15 19 - SWR)

- ___130. per interactive mapping DOA 1010 Y / N Adopted ___ In Progress ___ 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

- ___160. CWRE, representative, etc. to notify? Y / N _____

Name: _____ Date: _____

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.

IR CHECKLIST

Application #: G 152006
Diversion Info: County JEFF Basin: 5-Deschutes WID: NA
Township 9S Range 15E Section 10 1/4 1/4 SE NW

- 2. Groundwater Review
 - a. PSI A B C D River/Stream Name _____
 - b. Groundwater Availability A B C
 - c. Is the well located in a GWLA or CGWA? Y (N) (if in an area include map showing POD)
- 3. Is the well located in T1N R3E Sec 20, 21, 28, 29 Y (N)
- 6. Allowed under Basin Program Y (N) Limitations? Y (N) *not restrictively classified 690-505-003*
- 7. Withdrawn? Y (N) season allowed _____
- 5. SWW Y (N) (if Y notify state parks) NI
- 9. Water Availability (80% live flow / 50% storage) NA
- 14. DIVISION 33 Y / N (NA) Above Bonn Y / N (7/17/92) Below Bonn Y / N (4/8/94) Statewide Y / N (6/3/94) map date _____
- 10. Rate/Duty/Season Requested 450 GPM (1.0 cfs) / 100 AF/yr.
 Allowable _____
- 13. B.O.R. or Doug Co. project Y / (N) contract # _____
- 17. Condition S ($\leq 0.1, \leq 9.2$), M (≥ 0.1 or ≤ 1.5 CFS, or ≥ 9.2 or ≤ 100 AF), L ($\geq 1.5, \geq 100$), BOR, GW, etc. Y / N _____
- 18. Land use approval (OK'd) needs approval county notified NA
- 19. Watermaster Dist: (1 2 16 18 20 - NWR) (3 4 5 21 - NCR) (6 8 9 10 - ER) (1) 12 17 - SCR) (13 14 15 19 - SWR)
- 15. DOA 1010 (Y) / N 303D Y (N)
- 16. Is the use located within Oregon Streamflow Restoration Area? Y / N (NA)
- 20. Letter format = (Good) = Limited = Bad = Bad w/ IRshort = Bad w/ HC Opportunity
- 21. CWRE, representative, etc. to notify? Y / N (N) Martha O. Paezel, Schwabe, Williamson + Wyatt.
1211 SW 5th Ave Ste 1700
Portland, OR 97204

Use is Res Maint. per permit 2/15/02

Name: [Signature] Date: 2/15/02

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.

(E) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife and fish life uses.

(b) Applications for the use of the waters of the Middle Deschutes River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of Lake Creek or its tributaries above the confluence of Lake Creek with the Metolius River for flows of Lake Creek below 20 cubic feet per second measured at the mouth of Lake Creek except that this limitation shall not apply to waters legally stored or legally released from storage (priority date - May 24, 1962).

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Lower Deschutes River Basin

690-505-003

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Lower Deschutes River Basin are hereby so classified with the following exceptions:

(A) OAR 690-505-006, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.

(B) The waters of Boulder Lake in Hood River and Wasco Counties are classified only for domestic and livestock uses; power development not to exceed 7-1/2 theoretical horsepower; recreation, wildlife and fish life uses; and irrigation not to exceed 100 acre-feet annually from water stored in the lake.

(C) The maximum economic development of this state, the attainment of the highest and best use of the waters of the other natural lakes of the Lower Deschutes River Basin, and the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7-1/2 theoretical horsepower, recreation, wildlife, and fish life uses and the waters of the natural lakes of the Lower Deschutes River Basin are hereby so classified.

(b) Applications for the use of the waters of the Lower Deschutes River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

(2) Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of the White River or its tributaries above the confluence of White River with the Deschutes River for flows of the White River below the specified flows in Table 2, except that this limitation shall not apply to waters legally stored or legally released from storage.

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Upper Crooked River Basin

690-505-004

(1) Classifications

Analysis for Application: G15606

Location: 9.00 S-15.00 E-10-nws

Uses: PM 0.000 (P)

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
11	SC

Records Found: 1

WAB

BASIN	WID	LINK_1
5	70247	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Jefferson	41031

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 9.00 S-15.00 E-10-snw

Uses: PM 0.000 (P)

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
11	SC

Records Found: 1

WAB

BASIN	WID	LINK_1
5	70247	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Jefferson	41031

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 9.00 S-15.00 E-10-senw

Uses: PM 0.000 (P)

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
11	SC

Records Found: 1

WAB

BASIN	WID	LINK_1
5	70247	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Jefferson	41031

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-15606

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 9S/15E-106d

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

TO: Water Rights Section

Oct 15, 2001

FROM: Groundwater/Hydrology Section Michael Zwart

Reviewer's Name

SUBJECT: Application G-15666

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

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

REMARKS: _____

(Well Construction Considerations on Reverse Side)

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water files Date: October 15, 2001

From: Michael J. Zwart

Subject: Application Review: G-15606, Columbia Empire Farms, Inc., (R-2 Ranch)

This application proposes to use about 450 gpm from one well for reservoir maintenance. The well (JEFF 50679) produces water from a confined to semiconfined aquifer developed in fractured tuffstone rocks of the John Day Formation. The well is sealed to a depth of 255 feet, also in tuffstone.

The well is about 1500 feet from Pony Creek. The aquifer is not in hydraulic connection with the creek. There is no potential for substantial interference, based on the distance and confined nature of the aquifer.

I recommend permit conditions 7B and 7J.



Oregon

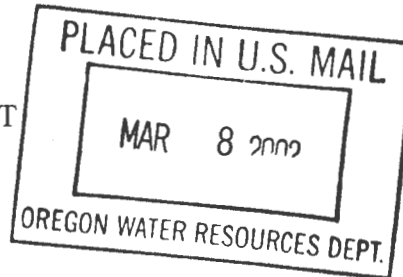
John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

March 8, 2002

COLUMBIA EMPIRE FARMS INC.;
C/O MARTHA PAGEL
SCHWABE, WILLIAMSON & WYATT
1211 SW 5TH AVE STE 1700
PORTLAND, OREGON 97204



(503) 796-2872

Reference: File G-15606

Dear Applicant:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN TROUT CREEK BASIN for RESERVOIR MAINTENANCE FOR PERMIT R-12964 is **not restrictively classified** under OAR 690-505-003, the Deschutes Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 1.0 CUBIC FOOT PER SECOND, WITH A MAXIMUM ANNUAL DUTY OF 100.0 ACRE-FEET for RESERVOIR MAINTENANCE FOR PERMIT R-12964, if properly conditioned, will not injure existing rights or the groundwater resource.

Summary of Initial Determinations

The use of 1.0 CUBIC FOOT PER SECOND, WITH A MAXIMUM ANNUAL DUTY OF 100.0 ACRE-FEET, from A WELL IN TROUT CREEK BASIN for RESERVOIR MAINTENANCE FOR PERMIT R-12964 is allowable year-round.

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

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, March 22, 2002**. 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.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting

procedures for review and approval.

2. 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.
3. 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.
4. The priority date for this application is AUGUST 31, 2001.

The water source identified in your application is in an area that has an approved Agricultural Water Quality Management Area Plan. These plans have been 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 Mike Wolf, (503) 986-4711 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 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-6203.

Sincerely,



Anita M. Huffman
Senior Water Rights Technician

cc: Regional Manager, Watermaster District 11, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

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-15606

Applicant: COLUMBIA EMPIRE FARMS INC.; PAGEL, MARTHA O (C/O)

County: JEFFERSON

Watermaster: District 11

Priority Date: AUGUST 31, 2001

Source: A WELL IN TROUT CREEK BASIN

Use: RESERVOIR MAINTENANCE

Quantity: 1.0 CUBIC FOOT PER SECOND, WITH A MAXIMUM TOTAL DUTY OF 100.0 AF

Basin Name & Number: Deschutes, #05

Stream Index Reference: Volume 3 TROUT CR MISC

Point of Diversion Location: SENW, SECTION 10, T 9S, R15E, W.M.; 602 FEET NORTH & 1544 FEET EAST FROM W1/4 CORNER, SECTION 10

Place of Use: SWNW SENW NWSW, SECTION 10, TOWNSHIP 9 SOUTH, RANGE 15 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 22, 2002

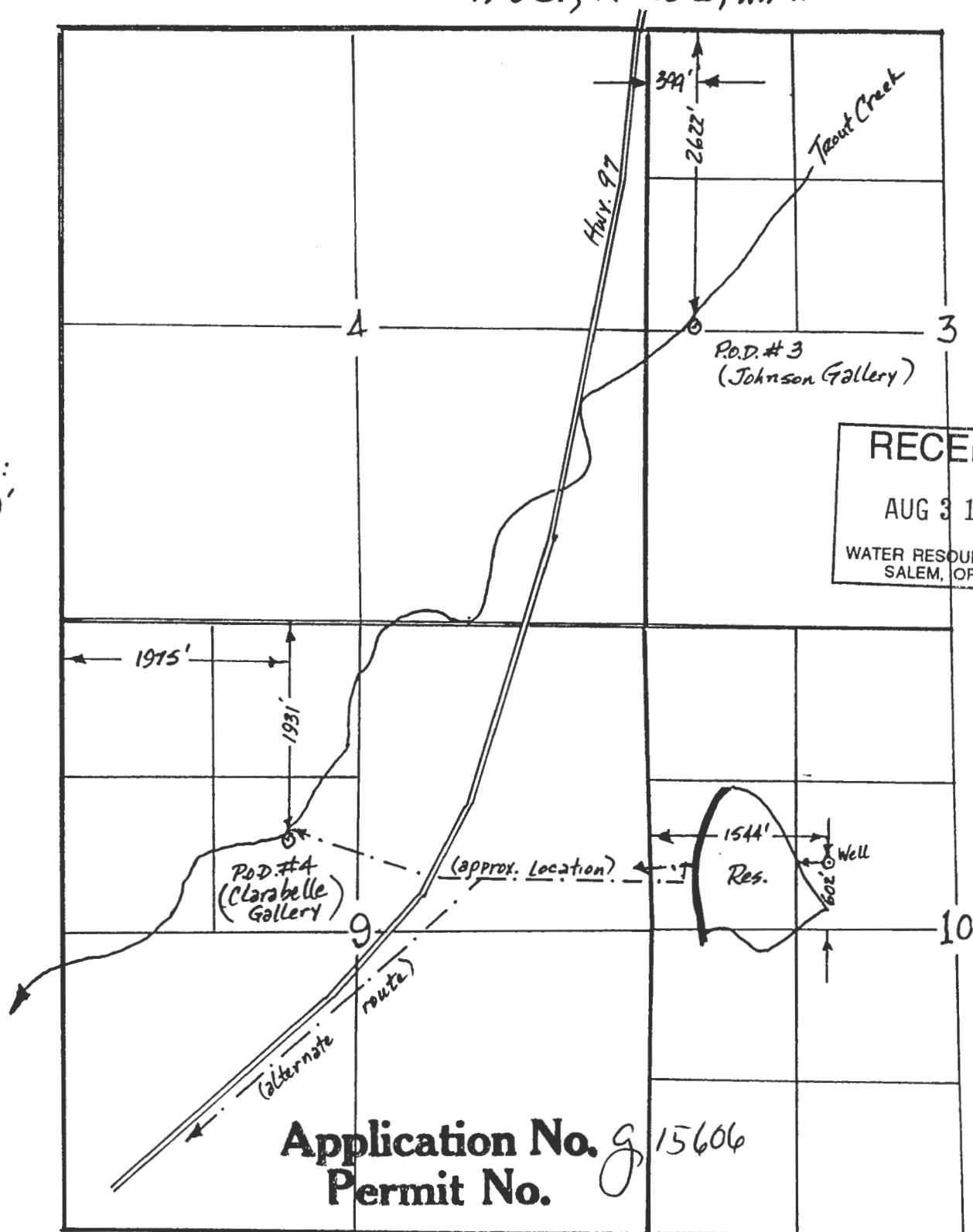
PUBLIC NOTICE DATE: Tuesday, March 26, 2002

30 DAY COMMENT DEADLINE DATE: Thursday, April 25, 2002

T. 9S., R. 15E., W.M.



SCALE:
1" = 1320'



RECEIVED
 AUG 31 2001
 WATER RESOURCES DEPT
 SALEM, OREGON

Application No. *g* 15606
 Permit No.

MAP TO ACCOMPANY 3 APPLICATIONS
 IN THE NAME OF
 COLUMBIA EMPIRE FARMS, INC.

AK 861

Mailing List for IR Copies

Application #G-15606

IR Date: March 8, 2002

Original mailed to:

Applicant: COLUMBIA EMPIRE FARMS INC.; PAGEL, MARTHA O (C/O), 1211 SW 5TH AVE STE 1700, PORTLAND, OREGON 97204

Copies sent to:

1. WRD - File # G-15606
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 11
4. DOA (N.Salem/Keizer): Mike Wolf

Copies Mailed
By: <u>LAB</u>
(SUPPORT STAFF)
on: <u>3/8/02</u>
(DATE)

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

5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

ID# AMH

COPYSHIT.IR

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **52999**

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

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 24-680 OTHER: (IDENTIFY)

TOTAL REC'D \$ 10.00

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$
VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$ <u>10.00</u>
(New) TC162 DEPOSIT LIAB. (IDENTIFY)	\$

P.F.O.

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203 GROUND WATER	EXAM FEE \$	0204 RECORD FEE \$
0205 TRANSFER	EXAM FEE \$	0206 RECORD FEE \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 RECORD FEE \$
LANDOWNER'S PERMIT		0220 RECORD FEE \$
OTHER (IDENTIFY)		

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

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

RECEIPT # **52999**

DATED: 5/30/02 BY: Connie Vance



WATERWATCH

PROTECTING NATURAL FLOWS IN OREGON RIVERS

May 29, 2002

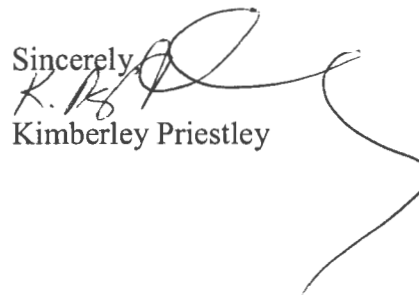
Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Request for PFO, G-15606

Dear Water Rights Section,

Please send us the IR, PFO and FO for application G-15606. Enclosed is the statutorily required fee of \$10.

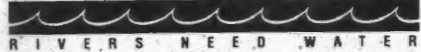
Sincerely,


Kimberley Priestley

5/31/02

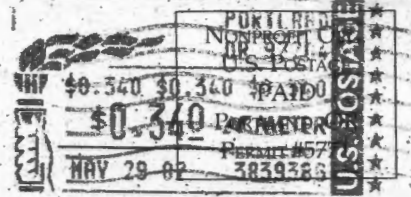
Electronic copy of IR
sent to them by DWF.
-JCB

Water Watch

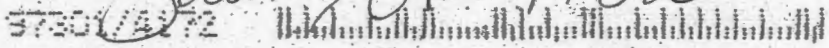


WaterWatch of Oregon
213 Southwest Ash, Suite 208
Portland, OR 97204

Return Service Requested



Water Rights Section
WRD
158 12th St NE
Salem, OR 97310



this section should not be certificated shall be submitted in writing to the department on or before August 1, 1997:

(a) By the State Department of Fish and Wildlife if the reservoir should not be exempt because the existing reservoir, including any impoundment structure, poses a significant detrimental impact to existing fishery resources; or

(b) By any person if the existing reservoir should not be exempt because the existing reservoir, including the storage or use of the water, results in injury to an existing water right.

(4) Within 180 days after the department receives information under subsection (3) of this section, the Water Resources Director shall determine whether the reservoir results in injury to an existing water right or poses a significant detrimental impact to existing fishery resources. The determination of injury to an existing water right or impact to existing fishery resources shall be based on verifiable evidence.

(5) If the director determines that an existing reservoir does not injure an existing water right or pose a significant detrimental impact to existing fishery resources, the certificate for the reservoir shall continue with the same terms and conditions included with the certificate under subsection (1) of this section.

(6) If the director determines that an existing reservoir results in injury to an existing water right or poses a significant detrimental impact to existing fishery resources, the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resources.

(7) If the director fails to act under subsection (5) or (6) of this section within 180 days after receiving the information under subsection (3) of this section, the certificate shall continue with the same terms and conditions included with the certificate.

(8) Nothing in this section shall be construed to allow any owner of a reservoir certificated under this section to increase the quantity of water stored in or diverted from such reservoir on or before January 1, 1995.

(9) Any person who submitted an application for a reservoir under section 4, chapter 595, Oregon Laws 1993, may submit a written request to the department to convert the application to a notice of exemption under ORS 537.405. Upon receipt of a request under this subsection, the department shall refund all fees and convert the application to a notice of exemption. [1995 c.752 §3]

537.409 Alternate permit application process for qualifying reservoirs; injury to existing users or fishery resources; public interest review. (1) In lieu of the process set forth in ORS 537.140 to 537.211 for applying for a water right permit, an owner of a reservoir may submit an application to the Water Resources Department to issue a water right permit under ORS 537.211 or a certificate under ORS 537.250 according to the process set forth in this section if the reservoir:

(a) Has a storage capacity of less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height;

(b) Does not injure any existing water right;

(c) Does not pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of Fish and Wildlife; and

(d) Is not prohibited under ORS 390.835.

(2) An application for a water right permit for a reservoir under subsection (1) of this section shall provide sufficient information to demonstrate compliance with the criteria set forth in subsection (1) of this section. The application shall:

(a) Include the quantity of water to be stored by the reservoir, a map indicating the location of the reservoir and the source of the water used to fill the reservoir; and

(b) Be accompanied by the fee established in ORS 536.050 (1)(q).

(3) The map required under subsection (2) of this section need not be prepared by a water right examiner certified under ORS 537.798. The map submitted with the application shall comply with standards established by the Water Resources Commission.

(4) Within 60 days after receiving an application under subsection (1) of this section, the Water Resources Department shall provide public notice of the application in the manner the department determines to be the most appropriate.

(5) Within 60 days after the department provides public notice under subsection (4) of this section, any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir:

(a) Would result in injury to an existing water right; or

(b) Would pose a significant detrimental impact to existing fishery resources.

(6) In accordance with rules established by the Water Resources Commission for an

expedited public interest review process for applications submitted under this section or in response to a request under subsection (5) of this section, the department shall conduct a public interest review of the reservoir application. The review shall be limited to issues pertaining to:

- (a) Water availability;
- (b) Potential detrimental impact to existing fishery resources; and
- (c) Potential injury to existing water rights.

(7) Within 180 days after the department receives an application for a permit under subsection (1) of this section, the department shall issue a final order granting or denying the permit or granting the permit with conditions.

(8) If the department issues an order under subsection (7) of this section denying the permit, the applicant may request a contested case hearing, which shall be conducted in accordance with applicable provisions of ORS 183.310 to 183.550.

(9) If the department does not find injury or impact under subsection (6) of this section and the department issues a final order under subsection (7) of this section allowing the issuance of a permit, the order shall be subject to judicial review of orders in other than contested cases as provided in ORS 183.310 to 183.550.

(10) Notwithstanding the requirement for a survey under ORS 537.230 (3), a survey of the appropriation is not required for a reservoir that has a storage capacity of less than 9.2 acre-feet of water. For a reservoir qualifying under this subsection, a permittee shall submit to the department a claim of beneficial use within one year after the date of completion of construction. A claim of beneficial use for a reservoir qualifying under this subsection shall require only a written affidavit signed by the permittee that includes the following:

- (a) The dimensions of the reservoir.
- (b) The maximum capacity of the reservoir in acre-feet.
- (c) A map identifying the location of the reservoir. The map shall comply with standards established by the Water Resources Commission. The map required under this subsection need not be prepared by a water right examiner certified under ORS 537.798.

(11) Any person applying for a secondary permit for the use of stored water from a reservoir qualifying under subsection (10) of this section shall submit a survey prepared by a water right examiner certified under ORS 537.798. The survey required under this subsection shall apply to the storage reser-

voir and to the secondary use of the water in the reservoir. [1995 c.752 §4; 1997 c.446 §5; 1997 c.502 §2; 1997 c.587 §7]

CANCELLATION OF PERMIT FOR APPROPRIATION

537.410 Failure to commence or complete work, or to properly apply water, as grounds for cancellation of permit; irrigation districts, municipalities and public utilities excepted. (1) Whenever the owner of a permit to appropriate the public waters of Oregon fails to commence actual construction work within the time required by law, or having commenced construction work as required by law, fails or neglects to prosecute the construction work with reasonable diligence, or fails to complete the construction work within the time required by law, or as fixed in the permit, or within such further time as may be allowed under ORS 537.230, or having completed construction work, fails or neglects to apply the water to beneficial use within the time fixed in the permit, the Water Resources Commission may cancel the permit on the records in the Water Resources Department as provided in ORS 537.410 to 537.450.

(2) However, permits issued by the commission to irrigation districts for reclamation purposes under the irrigation district laws of this state, to municipal corporations for municipal uses or purposes or to public utilities complying with subsection (3) of this section for an energy facility granted a site certificate by the Energy Facility Siting Council, are not subject to cancellation under the provisions of ORS 537.410 to 537.450.

(3) For a public utility to qualify under subsection (2) of this section:

(a) The energy facility of the public utility must not be a facility required to be licensed under ORS chapter 543; and

(b) The public utility must supply information every two years that demonstrates to the satisfaction of the commission that the conditions in the site certificate issued by the Energy Facility Siting Council contemplate the future use of the remaining portion of the water applied for in the original permit application. [Amended by 1985 c.673 §41; 1995 c.372 §1]

537.420 Notice of hearing. Whenever a permit holder fails to comply with the laws of the state and the requirements of the permit as to the commencement of work with due diligence, completion of the work of construction or the application of the water for a beneficial use, and the permit is subject to cancellation as provided in ORS 537.410 to 537.450, the Water Resources Commission shall, not less than 30 nor more than 60 days



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.

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: Columbia Empire Farms
Address: 31461 NE Bell Rd.
City: Sherwood State: OR Zip: 97146 Day Phone: (503) 852-6636

B. Land and Location

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

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be (check all that apply)		
<u>1600</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

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): (3 Applications) Storage/Use of stored water for flow enhancement /
well as source of water for filling of reservoir
Briefly describe:

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water Well & Trout Cr.
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

60 CFS GPM Acre-Feet

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SALEM, OREGON

Receipt for Request for Land Use Information

Application No. 915606
Permit No.

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

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

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

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

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

B. Approval

Please provide printed name and written signature.

Name: Darin L. Heary Date: 8/9/01
 Title: Interim Comm. Dev. Administrator Phone: (541) 475-4462
 Signature: *Darin L. Heary*

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.

Application No. 915606
Permit No.

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.)

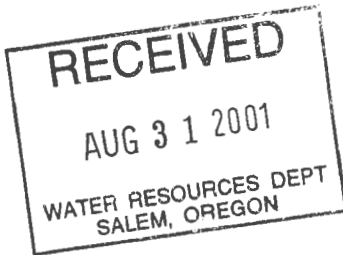
Receipt for Request for Land Use Information

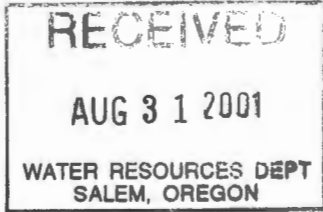
Name of water right applicant: _____

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: _____





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: Trout Creek

C. Distance from well(s) to nearest stream or lake: 1) 4060'

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) Well head approx. 100 ft. above streambed

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: (See enclosed well log)

Address: _____

Completion date: _____

Application No. 915606

Permit No. _____

Application No. _____

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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
		(See well log)							

F. Artesian Flows

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

N/A

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

Ground Water/ 3
Application No. 215606
Permit No.

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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	(See well log)	Storage	450.00	100 AF	750.00

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 450 gpm
 (The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Year round / when needed
 (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: _____
 (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) 150 HP Subm - Goulds
- 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 8" PVC Length 200 ft.
- Other (describe) _____

Application No. g15606
 Ground Water
 Permit No.

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WATER RESOURCES DEPT
SALEM, OREGON

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Open flow into reservoir

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.

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 _____

Proposed date construction will be completed _____

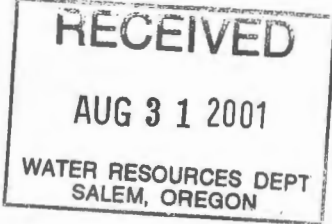
Proposed date beneficial water use will begin _____

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.

- 4. Water Use - Storage, Alternate source for re-filling reservoir after releases for stream flow augmentation (see accompanying applications).
- 6. Project Schedule - Construction - This is an existing well; Beneficial water use will begin upon approval. The well has an existing permit (G-13875) for providing reservoir maintenance water. This application is a proposal to allow use of well as supplemental source for reservoir filling at times when the Trout/Pony Creeks (Permit R-12964) are insufficient to provide it, or outside of the authorized storage season for use of surface water under R-12964.

Application No. **51706**
 Permit No. **51706**
 Ground Water/5



8. MAP REQUIREMENTS

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

9. SIGNATURE

By my signature below I confirm that I understand:

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

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

Walter R. [Signature]

8/31/01

Signature of Applicant

Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

Application No. *g157006*
Permit No.

RECEIVED

JEFF 50679

STATE OF OREGON Arrow 00-029

WATER SUPPLY WELL REPORT NOV 21 2000

(1) OWNER:

WATER RESOURCES DEPT. SALEM, OREGON
Name: Columbia Empire Farms
Address: 31461 NE Bell Road
City: Sherwood State: OR Zip: 97140

(2) TYPE OF WORK: (repair/
New Well Deepening Alteration/renovation Abandonment

(3) DRILL METHOD:
Rotary Air Rotary Mud Cable Auger
Other:

(4) PROPOSED USE:
Domestic Community Industrial Irrigation
Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No
Depth of Completed Well 730
Explosives Used Yes No Type Amount

Table with columns: HOLE Diameter, From, To, Material, SEAL From, To, sacks or pounds. Includes rows for 26", 24", and 19" diameters.

How was seal placed: Method A B C D E
Other
Backfill placed from to Material
Gravel placed from to Size of gravel

(6) CASING/LINER:

CASING: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes row for 20" diameter.

LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes row for 16" diameter.

Final location of Shoe(s): 20" @ 255'

(7) PERFORATIONS/SCREENS:

Table with columns: From, To, Slot Size, No., Diameter, Tele/pipe size, Casing, Liner. Includes row for 470-730 ft interval.

(8) WELL TESTS: Minimum testing time is 1 hour

Table with columns: Pump, Bailer, Air, Flowing Artesian, Yield, Drawdown, Drill Stem at, Time. Includes row for 1500+ yield.

Temperature of water 56 Depth Artesian Flow Found
Was a water analysis done? By whom:
Did any strata contain water not suitable for intended use? (explain)

Depth of Strata:
ARROW DRILLING (503) 538-4422

WELL ID # L 42479
START CARD # 127519

(9) LOCATION OF WELL by legal description:
County: Jefferson Latitude: Longitude:
Township: 9S Range: 15E
Section: 10 1/4 1/4
Tax Lot: 1600 Lot: Block: Subdivision:
Street Address of Well (or nearest address) Approximately 1/4 mile SE of Hor 62 Box 456, Madras, Oregon 97741

(10) STATIC WATER LEVEL:
83 Ft. below land surface Date 10/18/00
Artesian pressure lb. per sq. in. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 195

Table with columns: From, To, Est. Flow Rate, SWL. Includes rows for 195-230 and 545-628 ft intervals.

(12) WELL LOG:
Material Ground Water Resources Dept. SALEM, OREGON SWL

Table with columns: Material, SWL. Lists geological layers such as sandy soil, tuftstone, and rock with corresponding SWL values.

Date Started: 9/18/00 Completed: 10/18/00

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.
Signed Date WWC Number

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above.
Signed Date WWC Number 1483 Date 11/13/00



Oregon

John A. Kitzhaber, M.D., Governor

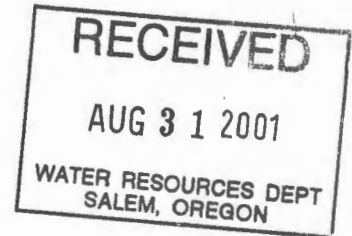
January 25, 2001

Water Resources Department

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

Cork Palmer, P.E.
M.A. Palmer & Sons, Inc.
P.O. Box 61
Burns, OR 97720

Re: Fuston Ranch Dam (File F-32)
Application R-84331



Dear Mr. Palmer:

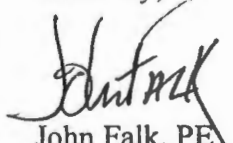
Thank you for submitting your letter certifying completion of construction for the referenced project located in **Section 10, T9S, R15E, Jefferson County**, together with the construction report and accompanying set of as-constructed drawings. Our receipt of these items satisfies the dam safety requirements for construction of the dam and the storage of water to reservoir elevation 1840.5 feet (NGVD).

Based on the asbuilt drawings, the crest elevation of the completed structure at maximum section is 1845.0 feet, approximately 31 feet above natural ground surface and 44 feet above the bottom of the core trench. Reservoir storage equals 302 acre-feet @ normal pool level, which corresponds to the top of the 6' diameter riser tube (elevation 1840.5').

We understand all waters used to fill the reservoir originate from a combination of natural flow and seepage, diversion via the Cram Ditch, and/or ground water pumped directly out of a water well upstream of the dam. Because the size of the dam and reservoir exceed the established limits for exempt structures (greater than or equal to 10 feet height *and* 9.2 acre-feet storage), this project has been added to the state inventory of dams and reservoirs. As required by statute, the dam will be inspected on a regular basis for purposes of public safety by one or more employees of the Water Resources Department. We have tentatively scheduled the next inspection of this dam for autumn, 2001.

Thank you for your cooperation. We appreciate all your efforts toward quality design and construction. If you have any questions, please do not hesitate to let me know.

Sincerely,


John Falk, PE
Safety of Dams

Application No. 152606

c: Permit No. R.B. Pamplin, Jr. - Columbia Empire Farms
OWRD Water Rights Section
Kyle Gorman - Watermaster Dist. #11

20012816 INDEXED SCANNED

MICROFILM
STATE OF OREGON



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AUG 31 2001
WATER RESOURCES DEPT
SALEM, OREGON

After recording, return to:

Richard A. Canaday
Miller, Nash LLP
3500 US Bancorp Tower
111 SW Fifth Avenue
Portland, OR 97204

COUNTY OF JEFFERSON)
SS
I CERTIFY that the within instrument of writing
was received for the record on the 5th day of July
A.D. 2001 at 11:21 o'clock AM and recorded in
Deed MF# 20012816 of said County

Kathleen B. Marston, County Clerk
By [Signature] Deputy

2001 JUN -5 AM 11:21

WARRANTY DEED
(Statutory Form)

R. B. Pamplin, Jr. ("Grantor"), conveys and warrants to Columbia Empire Farms, Inc., an Oregon corporation ("Grantee"), the real property in Jefferson County, Oregon, that is described on attached Exhibit A free and clear of encumbrances except those listed on attached Schedule B.

The true consideration for this conveyance is \$240,000, which is the agreed value of the real property that is being contributed by Grantor to Grantee as additional equity.

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: as of June __, 2001.

[Signature]
R. B. Pamplin, Jr.

State of Oregon)
County of Multnomah) ss.

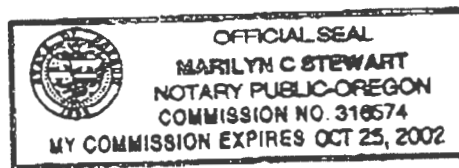
Application No. 515606
Permit No.

This instrument was acknowledged before me on June 7, 2001, by R. B. Pamplin, Jr.

[Signature]
Notary Public for Oregon
My commission expires: 10-25-02

Until a change is requested, all tax statement should be sent to the following address:

Columbia Empire Farms, Inc.
c/o R. B. Pamplin Corporation
805 SW Broadway, Suite 2400
Portland, OR 97205-3341



Former Fuston Prop.

THIS DOCUMENT IS BEING RECORDED BY
JEFFERSON COUNTY TITLE AS AN
ACCOMMODATION ONLY.

29903

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SALEM, OREGON

Exhibit A

The S 1/2 of the NE 1/4, the N 1/2 of the SE 1/4, the S 1/2 of the NW 1/4 and the N 1/2 of the SW 1/4 in Section 10, T. 9 S., R. 15 E., W.M., in Jefferson County, Oregon.

Application No. 515706
Permit No.



SCHWABE, WILLIAMSON & WYATT, P.C.
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • www.schwabe.com

FACSIMILE TRANSMISSION
Please notify the recipient immediately.

DATE: September 5, 2001

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AUG 31 2001
WATER RESOURCES DEPT
SALEM, OREGON

TO:	FAX NO.	PHONE NO.
Roger Wright Water Resources Department	503-378-6203	503-378-8455

FROM:	PHONE NO.:	E-MAIL ADDRESS:
Martha O. Pagel	(503) 796-2872	mpagel@schwabe.com

MESSAGE:
Roger: Attached is the deed and "Exhibit A" showing the legal description for the Fuston Property where the reservoir and well are located. Please let me know if you need any additional information. Thanks for your help.

FILE NUMBER:	107164-120630		
NO. OF PAGES, INCLUDING COVER:	3	TRANSMITTAL TIME:	a.m. / p.m.
VIA FAX ONLY:	X	ALSO VIA:	

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE AT OUR COST. THANK YOU.

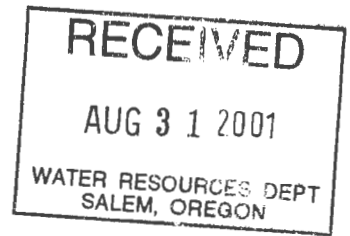
IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (503) 796-2410 AS SOON AS POSSIBLE.

FAX OPERATOR:		DIRECT DIAL PHONE:	(503) 796-2410
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Application No. 515606
Permit No.

Application Filing Fees:

1)	Application to construct a reservoir (Expansion of Fuston Reservoir)	\$ 575.00
2)	Application to use stored water	455.00
3)	Application to use ground water	575.00
4)	Stock pond applications	902.40
5)	Application for transfer (Swan Property)	300.00
6)	Amended transfer application (no fee)	0.00
	TOTAL	\$2,807.40



Application No. 515606
Permit No.



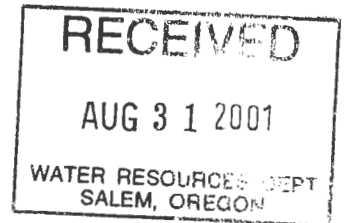
SCHWABE, WILLIAMSON & WYATT, P.C.

ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • www.schwabe.com

MARTHA O. PAGEL
Direct Line: Portland 503.796.2872;
Salem 503.399.7712
E-Mail: mpagel@schwabe.com

August 31, 2001



Dwight W. French and Tom Paul
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Columbia Empire Farms (R-2 Ranch) Applications
Our File No. 107164-120630

Dear Dwight and Tom:

On behalf of Columbia Empire Farms (The R-2 Ranch), I am pleased to submit the enclosed package of materials for consideration by the Water Resources Department. The package represents a first step toward clarifying the water rights of record and developing a long-range plan for water management on the ranch. Included in the plan is a significant voluntary contribution to assist with stream flow restoration efforts on Trout Creek.

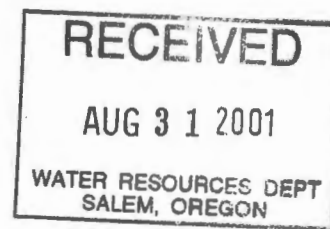
The enclosed materials include: (1) a package of four applications related to the proposed expansion of the Fuston Reservoir in order to provide storage releases of up to 90 acre-feet of water per year to augment instream flows in Trout Creek; (2) a package of 25 applications for stock water ponds on the ranch; (3) a revised application to transfer irrigation water rights from the site now inundated by the Fuston Reservoir; and (4) a new transfer application to change the place of use of existing irrigation water rights. Additional background and details about the enclosed applications are provided below.

Background

During the past year, Steve Applegate and I have worked with a team of technical professionals on behalf of the ranch owners, Columbia Empire Farms and Dr. R.B. Pamplin, Jr., to develop a complete inventory of water rights and water uses on the ranch. As a result of that effort, we identified a total of 941 acres of irrigation water rights in the Willowdale area, near Trout Creek. (The Ranch also holds other water rights in various locations that are not part of this project.) These long-standing water rights have a variety of priority dates, beginning in the late 1800s. However, our investigation showed 180.6 acres of the rights have not been exercised in many years and would therefore be subject to forfeiture.

In order to help clarify department records, we will soon be submitting an affidavit and appropriate supporting materials to initiate voluntary cancellation of these water rights. We also expect to file another package of transfer applications soon, to change the location of use and points of diversion for some of the remaining, valid rights. In the meantime, we are proceeding with the following steps:

Application No. *915606*
Permit No.



Fuston Reservoir

In addition to the above-described irrigation rights, the ranch holds a new water right for the Fuston Reservoir, a large off-channel pond that was approved and constructed earlier this year. (R-84331). The water right has a priority date of February 1, 2000, making it junior to all other water rights on Trout Creek and Pony Creek, including an instream water right. The reservoir is currently approved to store 250 acre-feet of water for fish and wildlife and recreation purposes. The approved storage season includes the month of January, and March 1 through April 14 each year. As you may recall, this split timing for the winter storage season was developed in cooperation with the WRD and Oregon Department of Fish and Wildlife (ODFW), to reflect water availability and fish protection requirements. The reservoir permit includes a condition that water may not be diverted to fill the reservoir unless the instream water right, and all other senior rights, are fully satisfied. The ranch is required to monitor daily stream flows and maintain diversion records to ensure water use is consistent with this requirement. As a result of these limitations on the reservoir water right, and because of drought conditions this year, the ranch was not able to take any surface water during the past storage season. However, under average stream flow conditions, there should be sufficient water for storage in most years.

In the future, the Ranch proposes to use the Fuston Reservoir as a source of water to augment instream flows in Trout Creek during the late summer months. We have been working with ODFW and environmental interests to develop this concept and prepare the enclosed applications. Under the proposed plan, the authorized storage within the reservoir would be increased from 250 to 310 acre-feet, its maximum as-built capacity. The secondary use of stored water would be exclusively for instream flow purposes. Dr. Pamplin will install the necessary diversion and piping system to deliver up to 90 acre-feet from the reservoir to an appropriate location in Trout Creek, below all irrigation diversions for the ranch. The water will be delivered voluntarily, at no cost to the state. Appropriate safeguards will be in place to protect water quality and prevent inadvertent entry of non-native fish from the reservoir into Trout Creek. We are continuing to work with ODFW on these issues, and would expect to negotiate permit conditions, as needed, to implement these commitments.

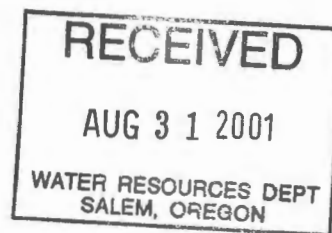
The enclosed package of applications includes a request to increase in the total amount of storage authorized for the Fuston Reservoir, as part of an instream flow restoration plan, and an application for the secondary use of up to 90 acre-feet of the stored water for instream flow purposes. We have also included an amended application to transfer irrigation water rights currently appurtenant to the lands now inundated by the reservoir.

Fuston Well

Along with the reservoir water right, the ranch obtained a ground water right for use of a new well that was constructed late last year. (G-15105). The water right has a priority date of March 16, 2000. The right authorizes use of the well for year-round maintenance of the reservoir (to replace losses due to evaporation and seepage), and for limited new irrigation: 18.6 acres of primary irrigation, and 35.8 acres of supplemental irrigation. The new application package includes a request to also use the Fuston Well as an additional, optional, source of water for re-filling the well after annual instream flow releases, as described above.

Application No. *G 15606*
Permit No. *SW*

Dwight W. French and Tom Paul
August 31, 2001
Page 3



Stock Water

Our water rights review process also included an inventory of stock water operations on the ranch. We prepared a list of all stock watering locations, including identification of the source of water for each site. Most of these sites are exempt from water rights requirements because they utilize ground water or exempt springs that do not run off of the property in a defined channel. As is typical for the area, the ranch includes a number of small springs that meet this standard for exempt water use. We also found 22 small ponds on the ranch that are filled primarily by catching surface water run-off. Although the law is not entirely clear on whether water rights are required for this type of water use, we have prepared water right applications for the 22 ponds, along with applications for three new ponds to be constructed upon approval.

Future Instream Lease Plan

In the future, the ranch plans to offer annual instream leases of any irrigation water rights that may not be needed for irrigation purposes due to crop rotation or fallowing of fields. The total amount of acres that may be made available for instream leases will vary from year to year, but we will attempt to provide an estimate as early as possible each year for your planning purposes.

Summary

The enclosed package of applications is part of Columbia Empire Farms' effort to clarify its water rights of record and offer a voluntary contribution toward instream flow restoration efforts on Trout Creek.

Before submitting the applications, we met informally with WRD staff, and representatives of ODFW to provide briefings and request input on our findings and proposals. We also met with key environmental groups, including WaterWatch of Oregon, Oregon Trout, and the Oregon Water Trust, and with the Trout Creek Watershed Council to discuss the instream flow components of the plan. Having laid this groundwork, we are hopeful this package of applications will be processed expeditiously. We look forward to working with you and would encourage you to call if you have questions or need any additional information from us.

Sincerely,

A handwritten signature in black ink, appearing to read "Martha O. Pagel".

Martha O. Pagel

MOP:njm
Enclosures

cc: Mr. Floyd Aylor
Mr. John Ekman

Application No. 815606
Permit No.

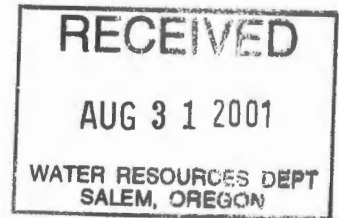


**SCHWABE
WILLIAMSON
& WYATT**
P.C.
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900
1211 SOUTHWEST FIFTH AVENUE ■ PORTLAND, OREGON 97204-3795
TELEPHONE: 503 222-9981 ■ FAX: 503 796-2900 ■ TELEX: 650-686-1360

MARTHA O. PAGEL
Direct Line: (503) 796-2872
E-Mail: mpagel@schwabe.com

August 31, 2001



Dwight W. French
Manager, Water Rights Section
Oregon Water Resources Department
158 12th St. NE
Salem, OR 97310

Re: Stock Pond Applications
Our File No. 107164-120630

Dear Dwight:

Enclosed, for filing, are 25 applications for stock ponds on the R-2 Ranch, Columbia Empire Farms. If these applications are approved, permits should be issued in the name of Columbia Empire Farms, Inc. For the application process, however, I will serve as the agent of the applicant/landowner

Also enclosed with this packet is a summary of the fees for each application, and two original land use forms signed on behalf of Wasco County and Jefferson County. In each case, we provided for the County a list of the applications for which approval was requested. For your convenience, we have attached a photocopy of the appropriate land use form to each application.

If you have any questions or need additional information, please do not hesitate to contact me at the above phone, fax, e-mail and mailing address.

Sincerely,

A handwritten signature in cursive script that reads "Martha O. Pagel".

Martha O. Pagel

MOP:njm
Enclosures

Application No. *S15606*
Permit No.

RECEIVED

AUG 31 2001

WATER RESOURCES DEPT
SALEM, OREGON

**R-2 Ranch Stock Ponds - Water Rights Applications
Under ORS 537.409
August 2001**

Pond #	T/R/Sec	Tax Lot #	County	Pond Capacity (AF)	Fees
1	9/15/14	300	Jefferson	1.0	\$ 10.00
3	9/16/32	1200	Jefferson	8.6	86.00
4	9/16/19	1200	Jefferson	1.0	10.00
5	9/15/36	300	Jefferson	7.0	70.00
8	9/15/22	300	Jefferson	1.0	10.00
9	9/15/21	300	Jefferson	0.3	3.00
11	9/15/20	300	Jefferson	0.09	.90
15	8/15/10	900	Wasco	1.5	15.00
16	8/15/16	2000	Wasco	0.6	6.00
17	8/15/21	2000	Wasco	1.2	12.00
19	8/14/36	29	Wasco	1.5	15.00
20	8/14/36	29	Wasco	1.5	15.00
21	8/15/20	2000	Wasco	1.9	19.00
22	8/15/8	1200	Wasco	5.0	50.00
23	6/15/19	1300	Wasco	2.2	22.00
24	6/15/30	1302	Wasco	0.25	2.50
26	7/15/5	700	Wasco	8.8	88.00
27	7/15/4	400	Wasco	9.0	90.00
28	7/15/19	1200	Wasco	1.4	14.00
29	7/15/28	1500	Wasco	4.3	43.00
30	7/15/27	1500	Wasco	13.0	100.00
31	7/15/26	1500	Wasco	1.1	11.00
32	8/15/14	2200	Wasco	1.7	17.00
33*	6/15/31	1300	Wasco	1.3	13.00
34*	6/15/16	1300	Wasco	9.0	90.00
35*	6/15/31	1300	Wasco	9.0	90.00
TOTAL				99.24 Acre-Feet	\$ 902.00

* Denotes proposed ponds. All others are existing ponds, most for many years.

Application No. 515606
Permit No.



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.

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: Columbia Empire Farms
 Address: 31461 NE Bell Rd.
 City: Sherwood State: OR Zip: 97140 Day Phone: (503) 852-8636

B. Land and Location

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

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
	<u>(see addendum)</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

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): stockwatering / wild life ponds

Briefly describe:

D. Source

Indicate the source for the proposed water use:
 Reservoir/Pond Ground Water Surface Water Springs/Runoff
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:
(see attached) CFS GPM Acre-Feet

Receipt for Request for Land Use Information

Application No. 815606
 Permit No. _____

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

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AUG 31 2001

WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

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

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 WATER RESOURCES DEPT
 SALEM, OREGON

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

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

B. Approval

Please provide printed name and written signature.

Name: Devin L Hearing Date: 8/9/01
 Title: Interim Comm. Dev. Administrator Phone: (541) 475-4462
 Signature: [Handwritten Signature]

C. Additional Comments

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

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: _____

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: _____ Phone: _____
 Staff contact: _____

Application No. 815606
Permit No.

**R-2 Ranch Stock Ponds - Water Rights Applications
Under ORS 537.409
August 2001**

Pond #	T/R/Sec	Tax Lot #	County	Pond Capacity (AF)
-----	-----	-----	-----	-----
1	9/15/14	300	Jefferson	1.0
3	9/16/32	1200	Jefferson	8.6
4	9/16/19	1200	Jefferson	1.0
5	9/15/36	300	Jefferson	7.0
8	9/15/22	300	Jefferson	1.0
9	9/15/21	300	Jefferson	0.3
11	9/15/20	300	Jefferson	0.09
TOTAL				18.99 Acre-Feet

RECEIVED
AUG 31 2001
WATER RESOURCES DIVISION
SALEM, OREGON

Application No. *915606*
Permit No.



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.

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: Columbia Empire Farms
Address: 31461 NE Bell Rd.
City: Sherwood State: OR Zip: 97140 Day Phone: (503) 852-8636

B. Land and Location

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

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be (check all that apply)		
	<u>(see addendum)</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used Wasco

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): stock watering (livestock) & wildlife

Briefly describe:

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water Springs / Runoff
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

(see attached) 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

Application No. 915206
Permit No.

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WATER RESOURCES DEPT
SALEM, OREGON

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): 3.210.B.1. Go to section B "Approval" below
WASCO CO. LAND USE + DEV. ORDINANCE
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

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 SALEM, OREGON

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: DAWN H. BAIRD Date: 8/7/01
 Title: ASSOCIATE PLANNER Phone: 541-298-5169
 Signature: Dawn H. Baird

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.

Approval of this application does not take legal lot status of the subject parcels into consideration.

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: _____

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: _____

Application No. 715606
Permit No.

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AUG 31 2001

WATER RESOURCES DEPT
SALEM, OREGON

**R-2 Ranch Stock Ponds - Water Rights Applications
Under ORS 537.409
August 2001**

Pond #	T/R/Sec	Tax Lot #	County	Pond Capacity (AF)
-----	-----	-----	-----	-----
15	8/15/10	900	Wasco	1.5
16	8/15/16	2000	Wasco	0.6
17	8/15/21	2000	Wasco	1.2
19	8/14/36	29	Wasco	1.5
20	8/14/36	29	Wasco	1.5
21	8/15/20	2000	Wasco	1.9
22	8/15/8	1200	Wasco	5.0
23	6/15/19	1300	Wasco	2.2
24	6/15/30	1302	Wasco	0.25
26	7/15/5	700	Wasco	8.8
27	7/15/4	400	Wasco	9.0
28	7/15/19	1200	Wasco	1.4
29	7/15/28	1500	Wasco	4.3
30	7/15/27	1500	Wasco	13.0
31	7/15/26	1500	Wasco	1.1
32	8/15/14	2200	Wasco	1.7
33*	6/15/31	1300	Wasco	1.3
34*	6/15/16	1300	Wasco	9.0
35*	6/15/31	1300	Wasco	<u>9.0</u>

TOTAL 74.25 Acre-Feet

* Denotes proposed ponds. All others are existing ponds, most for many years.

Application No. 515606
Permit No.



SCHWABE, WILLIAMSON & WYATT, P.C.
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1900 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3795
TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • www.schwabe.com

RECEIVED
AUG 31 2001
WATER RESOURCES DEPT
SALEM, OREGON

FACSIMILE TRANSMISSION
Please notify the recipient immediately.

DATE: September 5, 2001

TO:	FAX NO.	PHONE NO.
Roger Wright Water Resources Department	503-378-6203	503-378-8455

FROM:	PHONE NO.:	E-MAIL ADDRESS:
Martha O. Pagel	(503) 796-2872	mpagel@schwabe.com

MESSAGE:

Roger: Attached is the deed and "Exhibit A" showing the legal description for the Fuston Property where the reservoir and well are located. Please let me know if you need any additional information. Thanks for your help.

FILE NUMBER:	107164-120630		
NO. OF PAGES, INCLUDING COVER:	3	TRANSMITTAL TIME:	a.m. / p.m.
VIA FAX ONLY:	X	ALSO VIA:	

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE AT OUR COST. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (503) 796-2410 AS SOON AS POSSIBLE.

FAX OPERATOR:		DIRECT DIAL PHONE:	(503) 796-2410
----------------------	--	---------------------------	----------------

Application No. *g15706*
Permit No.

Exhibit A

The S ½ of the NE ¼, the N ½ of the SE ¼, the S ½ of the NW ¼ and the N ½ of the SW ¼ in Section 10, T. 9 S., R. 15 E., W.M., in Jefferson County, Oregon.

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AUG 31 2001
WATER RESOURCES DEPT
SALEM, OREGON

Application No. 915706
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **48020**

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

INVOICE # _____

RECEIVED FROM: <u>Schwabe Williamson Wyatt</u>	APPLICATION: <u>R 84889</u>
BY: _____	DEPOSITS: <u>G 15606</u>
	TRANSFER: <u>T 8885</u>

CASH: CHECK: # 24-201 OTHER: (IDENTIFY)

TOTAL REC'D: **\$2807.40**

0417 WRD MISC CASH ACCT	REF. RECEIPT#48020,48021,48022,48023,
ADJUDICATIONS	48024,48025,48026,48027,48028,48029,
PUBLICATIONS / MAPS	48030,48031,48032,48033,48034,48035,
OTHER: (IDENTIFY)	48036,48037,48038,48039,48040,48041,
OTHER: (IDENTIFY)	48042,48043,48044,48045,48046,48047

REDUCTION OF EXPENSE

CASH ACCT. \$ _____

PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT 66111

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$ _____
0410	RESEARCH FEES		\$ _____
0408	MISC REVENUE: (IDENTIFY)		\$ _____
(New) TC162	DEPOSIT LIAB. (IDENTIFY)		\$ _____
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$ <u>400.00</u>	0202 RECORD FEE \$ <u>175.00</u>
0203	GROUND WATER	EXAM FEE \$ <u>400.00</u>	0204 RECORD FEE \$ <u>175.00</u>
0205	TRANSFER	EXAM FEE \$ <u>300.00</u>	0206 RECORD FEE \$ _____
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
	LANDOWNER'S PERMIT		0220 LICENSE FEE \$ _____
	OTHER (IDENTIFY)		

- REFERENCE**
- R-84889, S-84890,
 - R-84891, R-84892, R-84893,
 - R-84894, R-84895, R-84896,
 - R-84897, R-84898, R-84899,
 - R-84900, R-84901, R-84902,
 - R-84903, R-84904, R-84905,
 - R-84906, R-84907, R-84908,
 - R-84909, R-84910, R-84911,
 - R-84912, R-84913, R-84914,
 - R-84915, R-84916

RECEIVED

ST FEE OVER THE COUNTER

\$ _____

\$ _____

CARD # _____

	LIC NUMBER	
WRD)		\$ _____
WRD)		\$ _____
		\$ _____

Application No. 915606
 Permit No.

RECEIPT # **48020**

DATED: 09/06/01 BY: C. Vance