

CANCELLED

Name
By --- NORMAN RANCHES
Address PRINCETON, OR 97721

Application No. G12499
Permit No. G12562
Certificate No. CANCELLED

Harney

Stream Index, Page No. 10

10-5940-2940-0530

V I S I T O R S O U R C E

SEE T-6591

FEES PAID

Date	Amount	Receipt No.
4-21-91	2,212.	73474
5-16-91	200 ⁰⁰	74240
1-12-95	\$1,272.	12099
	Cert. Fee	

Record

FEES REFUNDED

Date	Amount	Check No.

Date filed
Priority
Action suspended until purge 12/1/04
Return to applicant
Date of approval

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

CONSTRUCTION

Date for beginning 6-25-97
Date for completion 10-1-98
Extended to
Date for application of water 10-1-99
Extended to

REMARKS

12/1/03 CANCELLED in Special Order Ode 58 pg 215

PROSECUTION OF WORK

Form "A" filed
Form "B" filed
Form "C" filed

FINAL PROOF

Blank mailed
Proof received
Date certificate issued

11-21-005

Cancel - (FTR)

- CERTIFICATION SENT 9/11/00
- No Response - int over 1 year
- No letter received
- No EXT-HM received

5/24/2002
6-12499 M.S.

- C DATE 10-01-1999 CORU DATE 10-01-2000 - NOT RECEIVED.

- RECIP TEST NEEDED
- NO PENDING APP. FOR EXT.

- WH# 10 MITCH LEWIS

60 Day Letter 75 Day TRIGGER

APPLICATION CHECK-OFF LIST

- ~~RECEIPT POSTED~~
- ACK LETTER SENT cm 5/1/91
INT DATE
- ~~STREAM INDEXED & STREAM CODED~~
- ~~CONTENTS MARKED/STAMPED~~
- SCENIC WATERWAY NOTED
- ~~FILE FOLDER/CALENDAR CARD TYPED~~
- APPLICATION COPIED
- MAPS COPIED

UNO.

FOR 2005 215

DATE MON JAN 10 TIME 2:10 AM

FROM RON JACOBS

FIRM _____

PHONE _____

FAX _____

MOBILE out _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
WAITING TO SEE YOU	<input type="checkbox"/>	HOLDING LINE	<input type="checkbox"/>

MESSAGE 2 REQUESTS

FILE # VAID 59788

LAWYER - ARCHIVES CV/X

DROP - SALEM CV/X

RANCH - G-12499

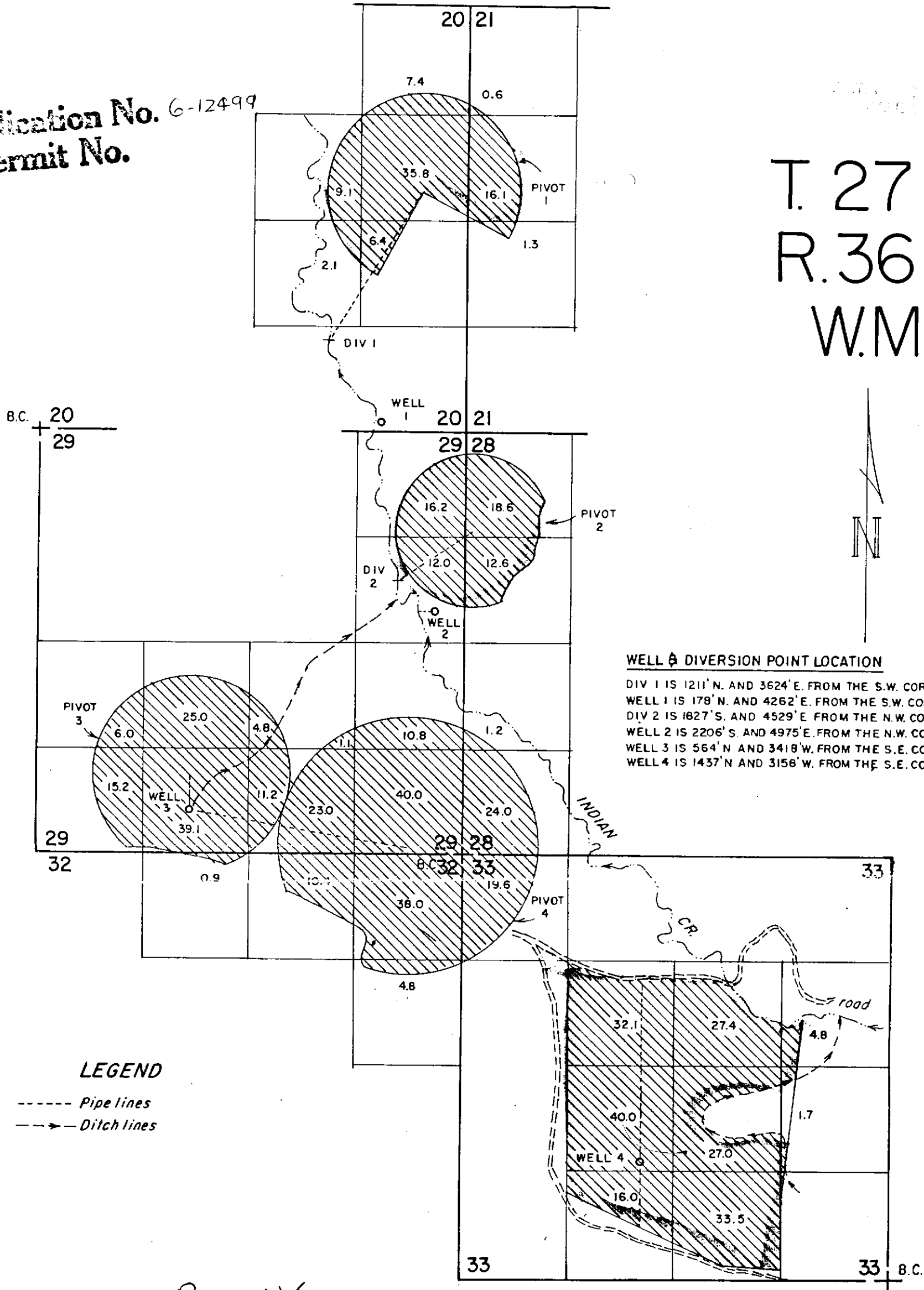
SIGNED _____

FORM 4007
MADE IN U.S.A.

MESSAGE

Application No. 6-12499
 Permit No.

T. 27 S.,
 R. 36 E.,
 W.M.



Primary
 457.6

Primary Well 4
 Primary Well 3

supplemental well ~~3~~

138 ± Acres
 x 2
 276 ±

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

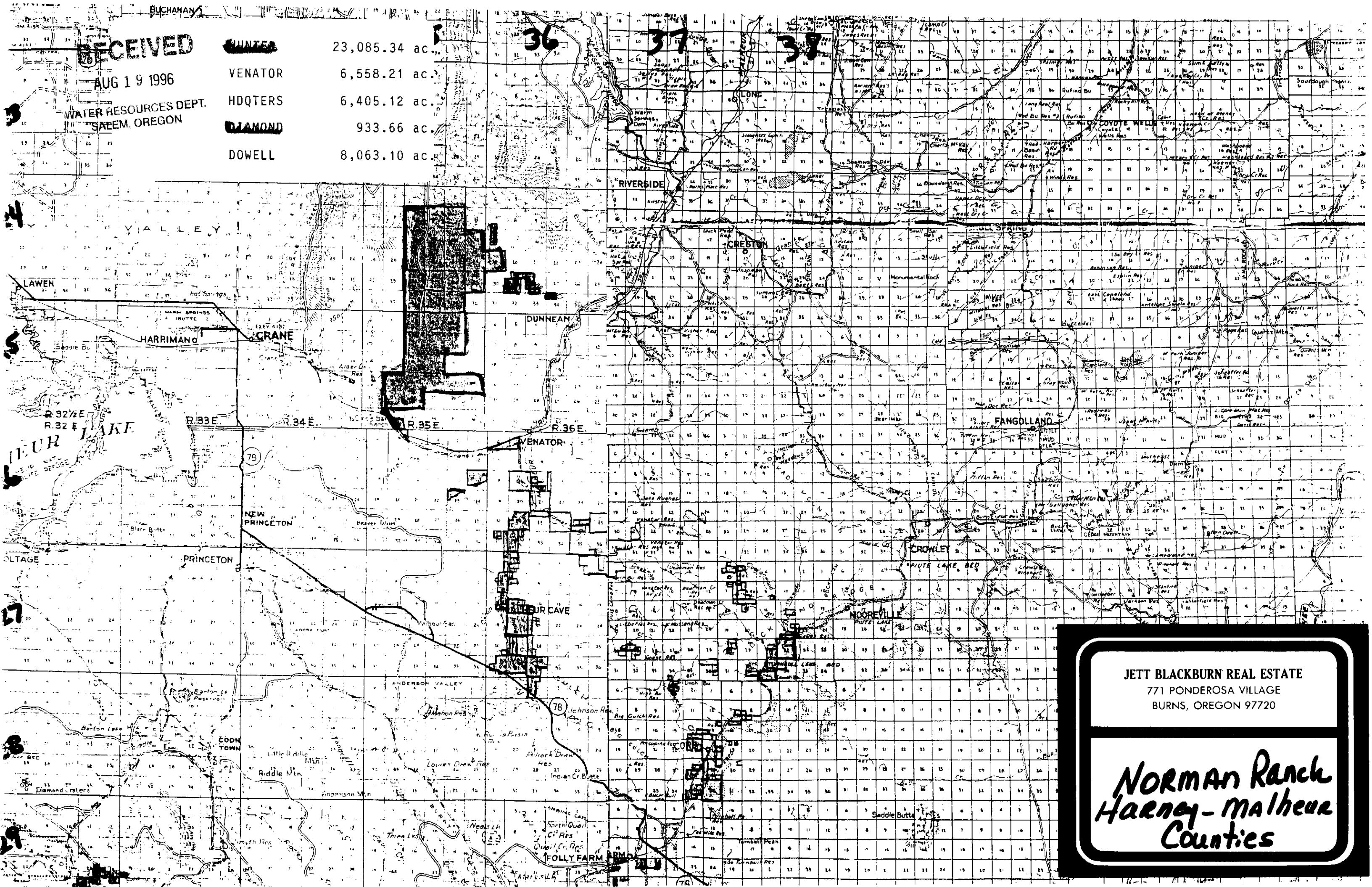
	NORMAN RANCHES		PRINCETON, OR.
	WATER RIGHT APPLICATION MAP		
	Scale: 4" = 1 mile	Date: Sept. 1990	Job: 1247
	Dsn:		M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720
Drn: CTP	Sht. No. 1		
Ckd:		of 1	

RECEIVED

AUG 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON

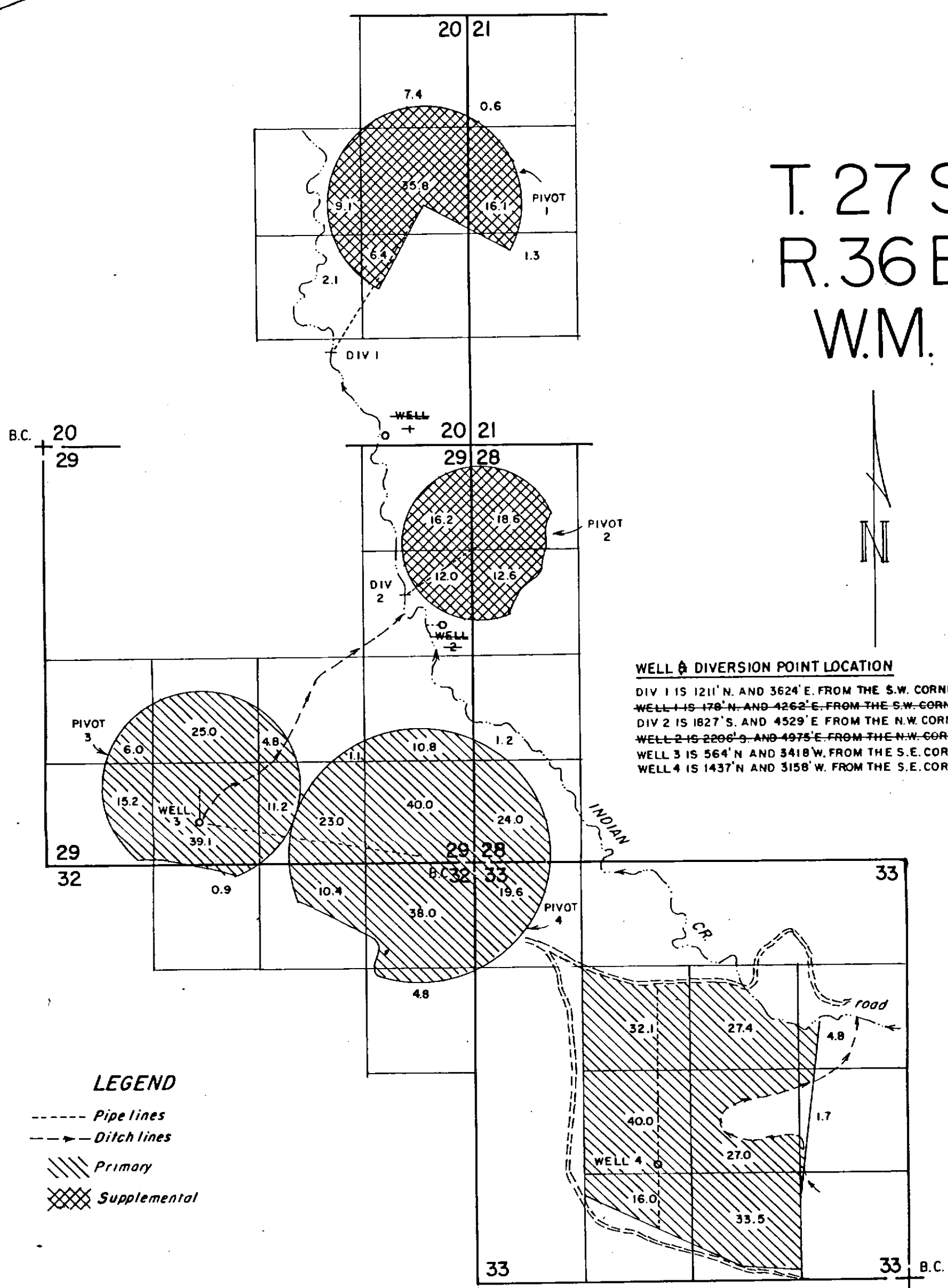
QUINCY	23,085.34 ac.
VENATOR	6,558.21 ac.
HDQTERS	6,405.12 ac.
DIAMOND	933.66 ac.
DOWELL	8,063.10 ac.



JETT BLACKBURN REAL ESTATE
 771 PONDEROSA VILLAGE
 BURNS, OREGON 97720

NORMAN Ranch
 Harney - Malheur
 Counties

T. 27 S.,
R. 36 E.,
W.M.



WELL & DIVERSION POINT LOCATION
 DIV 1 IS 1211' N. AND 3624' E. FROM THE S.W. CORNER OF SEC. 20.
 WELL 1 IS 178' N. AND 4262' E. FROM THE S.W. CORNER OF SEC. 20.
 DIV 2 IS 1827' S. AND 4529' E. FROM THE N.W. CORNER OF SEC. 29.
 WELL 2 IS 2206' S. AND 4975' E. FROM THE N.W. CORNER OF SEC. 29.
 WELL 3 IS 564' N. AND 3418' W. FROM THE S.E. CORNER OF SEC. 29.
 WELL 4 IS 1437' N. AND 3158' W. FROM THE S.E. CORNER OF SEC. 33.

LEGEND
 - - - - - Pipe lines
 - - - - - Ditch lines
 // // Primary
 X X X Supplemental

WELL 1 & 2 are to be deleted.
 WELL 3- Pivots 1-4
 WELL 4- wheel lines in Sec. 33

REVISED 4-3-92

permit G12562

RECEIVED
 1995
 RES DEPT
 OREGON

NORMAN RANCHES		PRINCETON, OR.		
WATER RIGHT APPLICATION MAP G-12499				
Scale: 4" = 1 mile	Date: Sept. 1990	Job: 1248		
Dsn:		M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 81 Burns, Oregon 97720		
Drn: CTP				Sht. No. 1
Ckd:				of 1

G-12499
4/3/02

ALTERATIONS & CORRECTIONS

JAN 13 1995

1. DEVELOPEMENT:

2 WELLS - WELLS 3 & 4. WELLS
1 & 2 ARE TO DELETED.

2. TOTAL AMOUNT OF WATER:

WELL 3	3.44 CFS - PRIMARY
	1.73 CFS - SUPPLEMENTAL
WELL 4	<u>2.28 CFS</u> - PRIMARY
T=	7.45 CFS

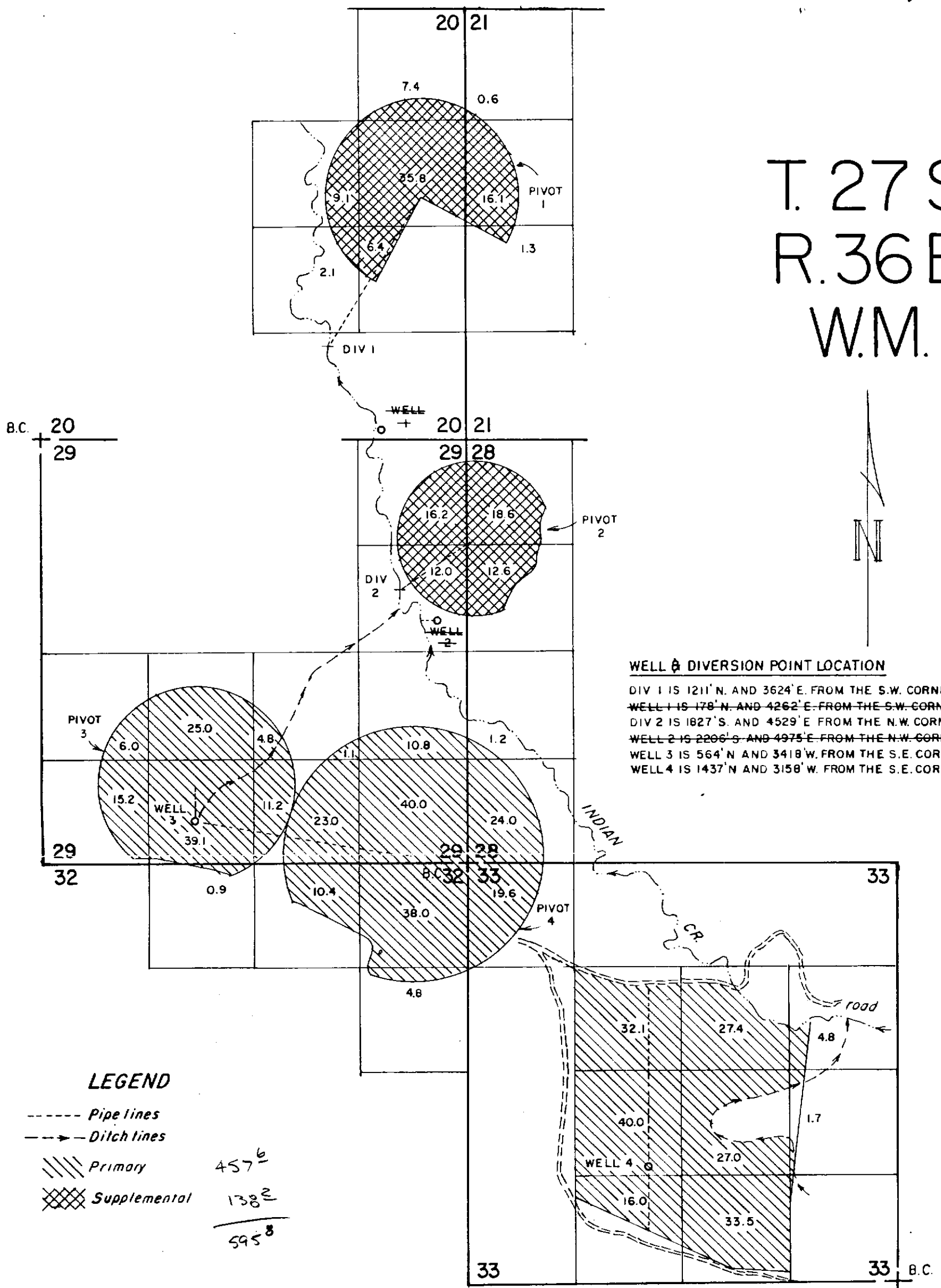
3. IRRIGATED ACRES:

WELL 3	275.1 - PRIMARY
	138.2 - SUPPLEMENTAL
WELL 4	<u>182.5</u> - PRIMARY
T=	595.8 AC.

7. REMARKS:

SUPPLEMENTAL PORTION OF THIS
APPLICATION IS TO BE SUPPLEMENTAL
TO PENDING TRANSFER T-0451.

T. 27 S.,
R. 36 E.,
W.M.



WELL & DIVERSION POINT LOCATION

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LEGEND

- Pipe lines
- - - - - Ditch lines
- \\\\\\\\ Primary
- XXXX Supplemental

457⁶
 138²

 595⁸

WELL 1 & 2 are to be deleted.
 WELL 3- Pivots 1-4
 WELL 4- wheel lines in Sec. 33

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REVISED 4-3-92

	NORMAN RANCHES		PRINCETON, OR.
	WATER RIGHT APPLICATION MAP		
	G - 12499		
	Scale: 4" = 1 mile	Date: Sept. 1990	Job: 1248
Dsn:		Sht. No. /	
Drn: CTP		of /	
Ckd:		M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Bums, Oregon 97720	

G-12499
4/3/02

ALTERATIONS & CORRECTIONS

*Superseded
1-12-95*

1. DEVELOPEMENT:

2 WELLS - WELLS 3 & 4. WELLS
1 & 2 ARE TO DELETED.

2. TOTAL AMOUNT OF WATER:

WELL 3	3.44 CFS - PRIMARY
	1.73 CFS - SUPPLEMENTAL
WELL 4	<u>2.28</u> CFS - PRIMARY
T=	7.45 CFS

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TO PENDING TRANSFER T-0451.

6-12499

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

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

Applicant's Name: NORMAN RANCHES
Address: HC 77 BOX 21
City: PRINCETON State: OR Zip: 97721 Day Phone: 493-2700

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

Table with 5 columns: Tax Lot or Local I.D.#, Plan Designation/Zoning (e.g. Rural Residential/RF-5), and three columns under 'Check All That Apply' (Water Diverted, Water Conveyed, Water Use). Row 1: MAP 27-30, EFRU-1.

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

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

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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

[X] Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Article 3; Sec. 3.010. Go to section b) on reverse side.

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

Table with 5 columns: Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.), Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and three columns under 'Please check the box that applies:' (Already Obtained, Already Denied, Being Pursued Satisfactorily).

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

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

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Carol J. Smith

Title: Planning Director

Signature: *Carol J. Smith*

Date: 4-11-91
Phone: 573-6655

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. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

Lined area for additional comments with approximately 25 horizontal lines.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE CANCELLATION)
OF CERTAIN PERMITS TO APPROPRIATE) ORDER
WATER UNDER THE PROVISIONS OF ORS)
537.260)

The time within which the appropriations under the following water right permit(s) should have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s), although the sixty-day time limits allowed in such notices has elapsed.

PERMITS TO USE GROUNDWATER:

<u>Name</u>	<u>Basin No.</u>	<u>WM Dist.</u>	<u>Application No.</u>	<u>Permit No</u>
Norman Ranches	10	10	G-12499	G-12562

Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the WATER RESOURCES DIRECTOR as required under ORS 537.260.

Dated at Salem, Oregon this 1 day of Dec., 2003.


Paul R. Cleary
Director

Special Order Volume 58 Page 215

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

Oregon Water Resources Department



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: RON JACOBS

Fax Number: DIRECT

Date: TUES JAN 11 2005

Pages: _____, including cover sheet

From: Herb

Phone: 503-986-0 _____

Comments: RON:

FURTHER REVIEW OF THE CANCELED
PERMIT SHOULD BE DISCUSSED WITH DWIGHT.

Hope this helps
Herb

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Fax: 503-986-0903 or
503-986-0904



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

January 24, 2003

TO: CHRIS PALMER, CWRE
M A PALMER & SONS INC
PO BOX 61
BURNS OR 97720

FROM: JERRY SAUTER
WATER RIGHTS PROGRAM ANALYST

RE: Application File #G12499
Permit #G12562

Attached is a copy of certified mail that was sent to the permit holder by Oregon Water Resources Department. Our records reflect that the mail was received by the permit holder, but no contact has been made with us.

We are sending this copy to you for information because your name appears in the subject file.

Copy to application file G12499



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

June 3, 2002

Certified mail number 0574 3152
Return receipt requested

NORMAN RANCHES
HC 77 BOX 21
PRINCETON OR 97721

Reference: Application G-12499, Permit G-12562

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 1999.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use, to include a final proof survey map of the development. The map and claim of beneficial use was to have been submitted to our Department within one year of October 1, 1999. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time within 60 days of the date of this letter (August 2, 2002) the Department will cancel your permit without further notice.

Please give me a call if you have questions. My phone number is 503-378-8455 extension 274.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (3)

cc: OWRD Watermaster, District 10
File G-12499



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
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Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (3)

cc: OWRD Watermaster, District 10
File G-12499

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NORMAN RANCHES
HC 77 BOX 21
PRINCETON, OREGON 97721

(541) 493-2706

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12499

SOURCE OF WATER: TWO WELLS IN THE SOUTH FORK MALHEUR RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 457.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 138.2 ACRES

RATE OF USE: 7.45 CUBIC FEET PER SECOND (CFS), BEING 3.44 CFS FROM WELL 3 AND 2.28 CFS FROM WELL 4 FOR IRRIGATION, AND 1.73 CFS FROM WELL 3 FOR SUPPLEMENTAL IRRIGATION

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 24, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 29, NE 1/4 SW 1/4, SECTION 33, T27S, R36E, W.M.; WELL 3 - 564 FEET NORTH AND 3418 FEET WEST FROM THE SE CORNER OF SECTION 29; WELL 4 - 1437 FEET NORTH AND 3158 FEET WEST FROM THE SE CORNER OF SECTION 33

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:

WELL 3 SUPPLEMENTAL		
NE 1/4 NE 1/4		7.4 ACRES
SW 1/4 NE 1/4		9.1 ACRES
SE 1/4 NE 1/4		35.8 ACRES
NE 1/4 SE 1/4		6.4 ACRES
NW 1/4 SE 1/4		2.1 ACRES
SECTION 20		
NW 1/4 NW 1/4		0.6 ACRE
SW 1/4 NW 1/4		16.1 ACRES
NW 1/4 SW 1/4		1.3 ACRES
SECTION 21		

NW 1/4 NW 1/4 18.6 ACRES
 SW 1/4 NW 1/4 12.6 ACRES
 SECTION 28
 NE 1/4 NE 1/4 16.2 ACRES
 SE 1/4 NE 1/4 12.0 ACRES
 SECTION 29

WELL 3 PRIMARY

NW 1/4 SW 1/4 1.2 ACRES
 SW 1/4 SW 1/4 24.0 ACRES
 SECTION 28
 NE 1/4 SW 1/4 25.0 ACRES
 NW 1/4 SW 1/4 6.0 ACRES
 SW 1/4 SW 1/4 15.2 ACRES
 SE 1/4 SW 1/4 39.1 ACRES
 NE 1/4 SE 1/4 10.8 ACRES
 NW 1/4 SE 1/4 5.9 ACRES
 SW 1/4 SE 1/4 34.2 ACRES
 SE 1/4 SE 1/4 40.0 ACRES
 SECTION 29
 NE 1/4 NE 1/4 38.0 ACRES
 NW 1/4 NE 1/4 10.4 ACRES
 SE 1/4 NE 1/4 4.8 ACRES
 NE 1/4 NW 1/4 0.9 ACRE
 SECTION 32
 NW 1/4 NW 1/4 19.6 ACRES
 SECTION 33

WELL 4 PRIMARY

SW 1/4 NE 1/4 27.4 ACRES
 SE 1/4 NE 1/4 4.8 ACRES
 SE 1/4 NW 1/4 32.1 ACRES
 NE 1/4 SW 1/4 40.0 ACRES
 SE 1/4 SW 1/4 16.0 ACRES
 NE 1/4 SE 1/4 1.7 ACRES
 NW 1/4 SE 1/4 27.0 ACRES
 SW 1/4 SE 1/4 33.5 ACRES
 SECTION 33

TOWNSHIP 27 SOUTH, RANGE 36 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may

require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

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

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

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

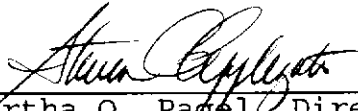
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the wells shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued June 25, 1996


for Martha O. Pagel, Director
Water Resources Department

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-12499

WATERMASTER # 10

REGIONAL MANAGER: EASTERN REGION

ODF&W - Harney County:

CWRE (if agent):

DEO

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):
Wick County,

CASEWORKER : RWK

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-12499

Final Order

Application History


On April 24, 1991, NORMAN RANCHES submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on April 9, 1996. The protest period closed May 24, 1996, and no protest was filed.

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

Order

Application G-12499 therefore is approved as proposed by the Proposed Final Order, and Permit Number G-12562 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED June 15, 1996


for Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

FO CHECKLIST

PFO TO FO CONVERSION

FILE # G-12499

REVIEW DATE: 6/14/96

WEEK # 37

INITIALS: J+6

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. Verify payment of recording fees (circle the appropriate option)
 (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees
 (2) Issue FO w/o permit if fees are lacking
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. Assign permit numbers to files with oath, fees, and no protests or other issues

200 EX
100 10M
1172 SB6
1472 NO

DENIAL FO w/o PERMIT FO & PERMIT COMMENTS

LARRY CORY JERRY DOUG

7B

Route to: (circle one)

9. N Is further processing possible? If not state reason: _____

10. Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

11. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
12. Include or exclude permit conditions and management codes
13. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

14. Save WordPerfect document in M:\T\FO\WEEK40 & delete duplicates

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

16. Y / N Team leader review completed

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of)	PROPOSED
Groundwater Application)	FINAL
G-12499 submitted by)	ORDER
NORMAN RANCHES		

FINDINGS OF FACT

Water Use Request

1. NORMAN RANCHES requested use of 7.45 CUBIC FEET PER SECOND of water from FOUR WELLS IN THE SOUTH FORK MALHEUR RIVER BASIN for IRRIGATION OF 457.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 138.2 ACRES within the Malheur basin and amended to use TWO WELLS only on January 12, 1995.
2. The area of proposed use is in Harney County within SECTION 20, SECTION 21, SECTION 28, SECTION 29, SECTION 32, SECTION 33, TOWNSHIP 27 SOUTH, RANGE 36 EAST, W.M.
3. The water delivery system is described by the applicant as follows: Water is pumped directly to center pivots and to Indian Creek.
4. The request was made in Application G-12499 which was received by the Water Resources Department on April 24, 1991.

Affected Waters

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are no senior water rights from this point of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on October 21, 1994.
4. The technical review determined:
 - a. IRRIGATION OF 457.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 138.2 ACRES is allowed under the Malheur Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water for the proposed use is available in the amounts requested whenever necessary for beneficial use.
 - d. The use would not injure existing water rights.

5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application G-12499, the following criteria were found to be relevant by the Department.
 - a. The Malheur Basin Program (OAR Chapter 690, Division 510)
 - b. The Harney County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record including transfer 6541
 - f. Comments received
 - g. The Scenic Water Way Act 390.835 (8) ground water related applications

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification as follows: The period of allowed use will be March 1 through October 31 of each year.
2. At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.
3. The period of allowed use is March 1 through October 31.
4. The Department finds that no more than 7.45 CFS, being 3.44 CFS for IRRIGATION from WELL 3, and 1.73 CFS for SUPPLEMENTAL IRRIGATION from WELL 3, and 2.28 CFS from WELL 4 for IRRIGATION would be necessary for the proposed use. The amount of water requested, 9.18 CUBIC FEET PER SECOND, is more than necessary for IRRIGATION OF 457.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 138.2 ACRES and shall be limited to 7.45 CFS.
5. Harney County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Harney County Comprehensive Land Use Plan.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.

8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-12499 in the name of NORMAN RANCHES be approved for IRRIGATION OF 457.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 138.2 ACRES as provided in the attached draft permit.

DATED April 9, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on May 24, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

NORMAN RANCHES
HC 77 BOX 21
PRINCETON, OREGON 97721

(503)493-2706

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12499

SOURCE OF WATER: TWO WELLS IN THE SOUTH FORK MALHEUR RIVER BASIN within the Malheur basin

PURPOSE OR USE: IRRIGATION OF 457.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 138.2 ACRES

Rate of use: 7.45 CFS, being 3.44 CFS for IRRIGATION from WELL 3, and 1.73 CFS for SUPPLEMENTAL IRRIGATION from WELL 3, and 2.28 CFS from WELL 4 for IRRIGATION

Period of allowed use: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: April 24, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, NE 1/4 SW 1/4, SECTION 29, SECTION 33, T27S, R36E, W.M.; WELL 3 - 564 FEET NORTH & 3418 FEET WEST FROM SE CORNER, SECTION 29; WELL 4 - 1437 FEET NORTH & 3158 FEET WEST FROM SE CORNER, SECTION 33

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:

WELL 3 SUPPLEMENTAL		
NE 1/4 NE 1/4	7.4	ACRES
SW 1/4 NE 1/4	9.1	ACRES
SE 1/4 NE 1/4	35.8	ACRES
NE 1/4 SE 1/4	6.4	ACRES
NW 1/4 SE 1/4	2.1	ACRES
SECTION 20		

NW 1/4 NW 1/4 0.6 ACRES
SW 1/4 NW 1/4 16.1 ACRES
NW 1/4 SW 1/4 1.3 ACRES

SECTION 21

NW 1/4 NW 1/4 18.6 ACRES
SW 1/4 NW 1/4 12.6 ACRES

SECTION 28

NE 1/4 NE 1/4 16.2 ACRES
SE 1/4 NE 1/4 12.0 ACRES

SECTION 29

WELL 3 PRIMARY

NW 1/4 SW 1/4 1.2 ACRES
SW 1/4 SW 1/4 24.0 ACRES

SECTION 28

NE 1/4 SW 1/4 25.0 ACRES
NW 1/4 SW 1/4 6.0 ACRES
SW 1/4 SW 1/4 15.2 ACRES
SE 1/4 SW 1/4 39.1 ACRES
NE 1/4 SE 1/4 10.8 ACRES
NW 1/4 SE 1/4 5.9 ACRES
SW 1/4 SE 1/4 34.2 ACRES
SE 1/4 SE 1/4 40.0 ACRES

SECTION 29

NE 1/4 NE 1/4 38.0 ACRES
NW 1/4 NE 1/4 10.4 ACRES
SE 1/4 NE 1/4 4.8 ACRES
NE 1/4 NW 1/4 0.9 ACRES

SECTION 32

NW 1/4 NW 1/4 19.6 ACRES

SECTION 33

WELL 4 PRIMARY

SW 1/4 NE 1/4 27.4 ACRES
SE 1/4 NE 1/4 4.8 ACRES
SE 1/4 NW 1/4 32.1 ACRES
NE 1/4 SW 1/4 40.0 ACRES
SE 1/4 SW 1/4 16.0 ACRES
NE 1/4 SE 1/4 1.7 ACRES
NW 1/4 SE 1/4 27.0 ACRES
SW 1/4 SE 1/4 33.5 ACRES

SECTION 33

TOWNSHIP 27 SOUTH, RANGE 36 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT

Water Resources Department
Director

PFO CHECKLIST

Application #: C 12499 Vol 1 Subbasin S FK MALHEUR R 1 Misc

Basin: 10

WAB: _____

Township 275 Range 36E Section 29 33 1/4 1/4 _____

- 1. Completeness checklist verified? Y/N
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, other) Y/N
- 3. Groundwater review A B C D
 - a. convert 4 series macro conditions to 7 series Y/N
 - b. Is second groundwater review necessary? Y/N reason _____
 - c. Is the well located in a groundwater limited area? Y/N
 - d. SWW Y/N
- 4. SWW restrictions Y/N _____
- 5. TMDL Basin? NONE or Tualatin, Yamhill, Pudding
- 6. Basin Program limitations? Y/N _____
- 7. Withdrawal? Y/N _____ season allowed _____
- 8. Basin Maps have been checked. The River Mile is _____
- 9. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992)
 - a. Notify Ken Stahr due to change in Q, Duty, or Season Y/N
- 10. Rate ~~9.18~~ ^{PRI 5.72} ~~SUPP 3.46~~ ^{OVER →} Duty 3 Season Mar - Oct 31
- 11. Use ~~451.6~~ ^{PRI 451.6} ~~2734.0~~ ^{SUPP 276.4} Period of Allowed Use Mar - Oct 31
- 12. Priority Date(s) 5/16/91 TR mail date 10/24/94
- 13. B.O.R. project Y/N contract # _____
- 14. Division 33 Y/N (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994)
- 15. Conflicts Y/N T6541
- 16. Objections? Y/N ww IR or TR modified? Y/N
- 17. Additional conditions _____
- 18. Land use approval OK'd needs approval county notified NA
- 19. SIZE Small (<0.1cfs, ≤9.2AF), Medium (>0.1 or <1.5cfs, >9.2 or <100AF) Large (≥1.5 cfs, ≥100 AF)?
- 20. Permit conditions from TR/IR Y/N 7B 3B
- 21. Watermaster District #: 10
- 22. Regional Office (NWR, NCR, EB, SCR, or SWR)
- 23. PFO has been saved and moved to m:\t\pfo\done\week#\app# from m:\t\pfo\work\week#\app#

Name: RWK Date: 5/28/96

RECEIVED

Application No. 6-12499

MAY 16 1991

State of Oregon WATER RESOURCES DEPT
WATER RESOURCES DEPARTMENT
Salem, Oregon

Application for a Permit to Appropriate Ground Water

Applicant(s) NORMAN RANCHES

(Please print or type - use dark ink)

Mailing Address: HC 77 Box 21

Princeton
City

OR
State

97721
Zip

493-2706
Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): 4 wells, 2 diversions, 4 pivots and wheel lines.

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: see attached sheet

Elevation difference between streambed and development: see attached sheet

NOTE: 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 driller's log with this application, and skip to Section 2 below.

Diameter of well: _____ Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

If the water well is flowing arte. 595 ⁹/₈₀ = 7 ⁴⁴/₈₀ soil and conservation works: _____

_____ P = 5 ⁷²/₈₀ _____

_____ S = 1 ⁷²/₈₀ _____

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 9.18 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: see attached sheet

3. INTENDED USE(s) OF WATER: irrigation

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; _____

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation	<u>457.6 primary</u>	457	⁶	} AS PER MAP 10-23-94 OF APR 16 1994
Other (describe)	<u>276.4 supplemental</u>	138	²	
	<u>734.0 acres - total</u>		⁸	
		595		

4. DESCRIPTION OF WATER DELIVERY SYSTEM: Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

see attached sheet.

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin in progress

Proposed date construction work will be completed April 15, 1991

Proposed date water use will be completed April 15, 1991

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant CWRE _____ Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant CWRE _____ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? _____. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: _____

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Norman Ranched
By *[Signature]*
Signature of Applicant

Date 1/10/95

Signature of Co-Applicant, if any

Date

NORMAN RANCHES GROUND WATER RIGHT APPLICATION
in T 27 S, R 36 E, WM

1. Distance from development to stream: Well 1, 20'; Well 2, 100'; Well 3, 3300'; Well 4, 2000'.
Elevation difference between streambed and development: Well 1, 8'; Well 2, 8'; Well 3, 25'; Well 4, 10'.
4. Description of water delivery system: Wells 1 and 2 are be supplemental (see transfer application). Water from the the two wells is pumped into Indian Creek, an inter-mitten stream. Well 1 is to pump 0.99 cfs to supply pivot 1 throught diversion 1. Well 2 is to pump 0.74 cfs to supple pivot 2 through diversion 2. Diversions 1 and 2 each consist of two 36" dia. cmp with 6' high concrete headwalls. The storage capacity of each is less than 5 acre-feet.

Well 3 supplies pivots 3 and 4 and is supplemental to pivots 1 and 2. Supplemental water reaches pivots 1 and 2 by open ditch to Indian creek and the two diversions described above. Well 3 is to pump 5.17 cfs.

Well 4 supplies wheel lines in Section 33. Well 4 is to pump 2.28 cfs.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant CWRE _____ Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant CWRE _____ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: _____

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Norman Ranches
Signature of Applicant
by D. A. Norman Mgr

4/11/91
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 24th day of April, 1991, at 3:0 o'clock, P M.

APPLICATION NO: _____

October 21, 1994

NORMAN RANCHES
HC 77 BOX 21
PRINCETON, OR 97721

WATER
RESOURCES
DEPARTMENT

Reference: File G 12499

Dear Applicant:

The Water Resources Department has finished the first stage of its analysis of your application for a water right. Enclosed is a copy of this first report, which is called the Report of Technical Review.

The technical review is the Department's legal and scientific analysis of the application, including a calculation of the expected availability of water for your proposed use, an analysis of whether the use would conflict with other existing water rights, and if the use is compatible with the Department's river basin programs and local land use plans. Stage two, the Public Interest Review, is the next step.

In the case of your application, the Technical Review was satisfactory, and it concluded that water would be reliably available for this use for the time period described in the attached report. The report also includes other conditions which may be placed in the water right permit to protect other water users, the public or fish and wildlife habitat.

The Report of Technical Review report is only the first stage of the review process and does not authorize construction of a water system or the use of public waters. Nor does the report represent any commitment by the Department ultimately to approve your application. Before your water right may be granted, the Department must complete a public interest review.

In this second stage of the review process, state regulations require that other water users and the general public be given an opportunity to object to your proposed water use. You also may object to any of the Department's findings or proposed permit conditions contained in the technical report. If you wish to object, you must file your objection with the Department in writing by 5 p.m. on or before **DECEMBER 30, 1994**. Interested parties must also submit their objections before the same deadline.

Please review the enclosed informational sheet which describes the appeals process and the steps that must be taken by any party objecting to your Report of Technical Review or by parties wishing to protest issuance of the permit.



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

If you have questions, please feel free to telephone me or any of the Department's Water Rights Division staff members. My telephone number is 378-3739 in Salem, or you may call toll-free from within the state to 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Knauer", with a horizontal line extending to the right.

Don Knauer
Adjudication Specialist

Enclosures

Report Date: October 21, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: DECEMBER 30, 1994

1. APPLICATION FILE NUMBER -G 12499
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

NORMAN RANCHES
HC 77 BOX 21 503-493-2706
PRINCETON, OR 97721
COUNTY OF HARNEY

Date application received for filing and/or tentative date of priority: 4/24/1991

SOURCE: TWO WELLS IN THE SOUTH FORK MALHEUR RIVER BASIN

Purpose and/or use: IRRIGATION OF 457.6 ACRES AND
SUPPLEMENTAL IRRIGATION OF 138.2
ACRES.

Flow: 7.44 CUBIC FEET PER SECOND

Point of Diversion Location:

SE 1/4 SW 1/4, SECTION 29, T 27 S, R 36 E, W.M.;
564 FEET NORTH & 3418 FEET WEST FROM SE CORNER, SECTION 29.
NE 1/4 SW 1/4, SECTION 33, T 27 S, R 36 E, W.M.;
1437 FEET NORTH & 3158 FEET WEST FROM SE CORNER, SECTION 33.

Place of use:

NE 1/4 NE 1/4	7.4	ACRES
SW 1/4 NE 1/4	9.1	ACRES
SE 1/4 NE 1/4	35.8	ACRES
NE 1/4 SE 1/4	6.4	ACRES
NW 1/4 SE 1/4	2.1	ACRES
SECTION 20		

NW 1/4 NW 1/4 0.6 ACRES
SW 1/4 NW 1/4 16.1 ACRES
NW 1/4 SW 1/4 1.3 ACRES

SECTION 21

NW 1/4 NW 1/4 18.6 ACRES
SW 1/4 NW 1/4 12.6 ACRES
NW 1/4 SW 1/4 1.2 ACRES
SW 1/4 SW 1/4 24.0 ACRES

SECTION 28

NE 1/4 NE 1/4 16.2 ACRES
SE 1/4 NE 1/4 12.0 ACRES
NE 1/4 SW 1/4 25.0 ACRES
NW 1/4 SW 1/4 6.0 ACRES
SW 1/4 SW 1/4 15.2 ACRES
SE 1/4 SW 1/4 39.1 ACRES
NE 1/4 SE 1/4 10.8 ACRES
NW 1/4 SE 1/4 5.9 ACRES
SW 1/4 SE 1/4 34.2 ACRES
SE 1/4 SE 1/4 40.0 ACRES

SECTION 29

NE 1/4 NE 1/4 38.0 ACRES
NW 1/4 NE 1/4 10.4 ACRES
SE 1/4 NE 1/4 4.8 ACRES
NE 1/4 NW 1/4 0.9 ACRES

SECTION 32

SW 1/4 NE 1/4 27.4 ACRES
SE 1/4 NE 1/4 4.8 ACRES
NW 1/4 NW 1/4 19.6 ACRES
SE 1/4 NW 1/4 32.1 ACRES
NE 1/4 SW 1/4 40.0 ACRES
SE 1/4 SW 1/4 16.0 ACRES
NE 1/4 SE 1/4 1.7 ACRES
NW 1/4 SE 1/4 27.0 ACRES
SW 1/4 SE 1/4 33.5 ACRES

SECTION 33

TOWNSHIP 27 SOUTH, RANGE 36 EAST, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

CONFLICTS WITH OTHER WATER RIGHTS: ^

There are no existing rights from these points of diversion.

There are existing water rights or the application for transfer of water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 7.44 is likely available.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: G 12499

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: IRRIGATION AND SUPPLEMENTAL IRRIGATION, WHEN NECESSARY FOR BENEFICIAL USE.
3. Rate of use: IRRIGATION, 5.72 cfs; SUPPLEMENTAL IRRIGATION, 1.72 cfs.
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. 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.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well 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 of water shall be limited when it interferes with any prior surface or ground water rights.
10. 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.
11. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
12. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE- EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year.

December 20, 1994

RECEIVED

DEC 22 1994

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

WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
FISH AND
WILDLIFE

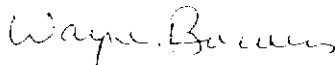
Southeast Region

Re: Response to Technical Review.

ODFW has reviewed the following water right applications and has no comment.

G 12169	G 12928	G 13649
G 12499	G 13373	G 13650
G 12559	G 13401	G 13694
G 12795	G 13420	G 13701
G 12873	G 13445	G 13702
G 12880	G 13468	G 13822
G 12926	G 13500	G 13834
G 12927	G 13596	
	G 13638	

Sincerely,



Wayne Bowers
Southeast District Fish Biologist

Distribution:

Burchfield



NUMBER 0214

Check 1272 NO _____ Cash _____

_____Surface Application

0/1272

_____Reservoir Application

_____Ground Water Application

_____Transfer Application

_____Power Claim

_____Hydroelectric Examination

_____Hydroelectric License

_____Copying

_____Assignment

Refile

_____Extension of Time

_____Other

_____P-6

_____Quadrangle

_____Basin

_____Protest

_____Constructors Examination

_____Constructors License

_____Adjudication

RECEIVED

JAN 12 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Norman Ranches
box 21
Princeton, Oregon 97721

January 5, 1995

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

Attention: Don Knauer

RE: File G-12499

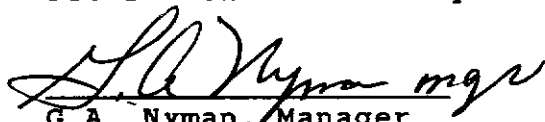
Dear Mr. Knauer;

In regards to your letter of October 21, 1994 on the subject water rights application, enclosed is the following:

1. A check in the amount of \$1272.00 for the remaining fee.
2. Legal descriptions from current deeds.
3. A signed copy of sheet 3 of the application verifying that the application is a "true and accurate" representation of the proposed water use.

In regards to the conflict with existing transfer application T-6541, we wish to make the supplemental acreage on this transfer supplemental to subject acreage in transfer application T-6541.

Please contact us if you have any questions.


G.A. Nyman, Manager
Norman Ranches

COUNTY OF HARNEY
STATE OF OREGON
LOAN NO. 4183487
FOR LEGAL DESCRIPTION

900943

REC
JAN 12 1995
WATER RES
SALE

EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 26 S., R. 35 E., W.M.:

- Sec. 13: E 1/2 SE 1/4, SW 1/4 SE 1/4, S 1/2 NW 1/4
SE 1/4, SE 1/4 SW 1/4, S 1/2 SW 1/4 SW 1/4.
- Sec. 23: S 1/2, S 1/2 NE 1/4, S 1/2 SE 1/4 NE 1/4,
S 1/2 SE 1/4 NW 1/4.
- Sec. 36: NW 1/4, N 1/2 SW 1/4, SW 1/4 SE 1/4.

In Twp. 26 S., R. 36 E., W.M.:

- Sec. 19: Lots 1, 2, 3 and 4, E 1/2 W 1/2, E 1/2.
- Sec. 29: All
- Sec. 31: Lots 1, 2, 3 and 4, E 1/2 W 1/2, E 1/2.
- Sec. 32: W 1/2 W 1/2, E 1/2 SW 1/4.

In Twp. 27 S., R. 35 E., W.M.:

- Sec. 1: Lot 1, SE 1/4 NE 1/4.

In Twp. 27 S., R. 36 E., W.M.:

- Sec. 5: Lot 4, SW 1/4 NW 1/4, W 1/2 SW 1/4.
- Sec. 6: Lots 1, 2, 3, 4, 5, 6 and 7, S 1/2 NE 1/4, SE 1/4
NW 1/4, E 1/2 SW 1/4, SE 1/4.
- Sec. 7: Lot 4, E 1/2, NE 1/4 NW 1/4, SE 1/4 SW 1/4.
- Sec. 8: NW 1/4 NW 1/4.
- Sec. 16: W 1/2 SW 1/4.
- Sec. 17: SE 1/4 SW 1/4, E 1/2 SW 1/4, SW 1/4 SE 1/4.
- Sec. 18: Lots 1, 3 and 4, E 1/2 NE 1/4, NE 1/4 NW 1/4,
NW 1/4 SE 1/4, N3/4NE 1/4 SE 1/4.
- Sec. 19: Lots 1 and 2.
- Sec. 20: NE 1/4.
- Sec. 28: W 1/2 W 1/2, SE 1/4 SW 1/4.
- Sec. 29: E 1/2 NE 1/4, NE 1/4 SE 1/4.
- Sec. 33: S 1/2 NE 1/4, E 1/2 W 1/2, W 1/2 SE 1/4.
- Sec. 36: W 1/2 NE 1/4.

STATE OF OREGON 920148
BARGAIN AND SALE DEED

The STATE OF OREGON (GRANTOR), acting by and through its Division of State Lands, does hereby convey to Charles R. Norman (GRANTEE), the following described real property.

That certain real property located in Harney County, Oregon, more particularly described as follows:

In Twp. 26 S., R. 36 E., W.M.:
Sec. 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

In Twp. 27 S., R. 36 E., W.M.:

- Sec. 5: Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 8: SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- Sec. 17: SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
- Sec. 20: SE $\frac{1}{4}$, W $\frac{1}{2}$.
- Sec. 21: W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 29: W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$.
- Sec. 30: SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 31: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING THEREFROM highway right-of-way, as said right-of-way is disclosed by Oregon State Transportation Commission Resolution No. 263, recorded December 2, 1975, in Book 99, Page 602, Deed Records.
- Sec. 32: N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.
- Sec. 33: N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$.

In Twp. 28 S., R. 36 E., W.M.
Sec. 4: W $\frac{1}{2}$ of Lot 4.

Excepting mineral rights as reserved by the Bureau of Land Management under Patent No. 36-84-0063.

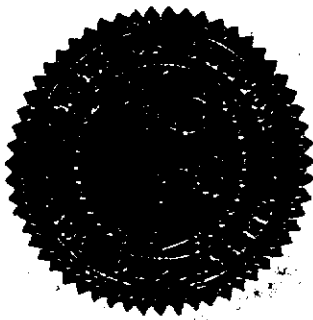
Subject to and excepting: any and all existing easements, existence of roads, railroads, irrigation ditches and canals, telegraph and power transmission facilities.

The true and actual consideration for this conveyance is an equal value exchange.

This deed is issued pursuant to instructions given by the State Land Board at its meeting of June 19, 1990.

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.

Witness the seal of the Division of State Lands affixed this 6th day of March, 1991.



STATE OF OREGON acting by and through the Division of State Lands

Janet C. Neuman
Janet C. Neuman, Director

WaterWatch

By Regular Mail

RECEIVED

DEC - 6 1994

December 2, 1994

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

WATER RESOURCES DEPT.
SALEM, OREGON

Re: Objection to Technical Report for:
G13638, Winebarger, Irrigation, Malheur River Basin
G12169, Neuman, Irrigation, Rattlesnake Creek Basin, Malheur River Basin
G12499, Norman Ranches, 7.44 cfs, Two Wells in Malheur River Basin
Malheur River Basin

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective.**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's objection to G-11923 and are hereby incorporated by reference.

◆ **The Uses Proposed are Not in the Public Interest.**

The proposed uses fail to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f).

The Malheur River system supports a variety of fish life, including the state sensitive red band trout. Low flows during summer months impair fish survival by, among other things, raising water temperatures, decreasing aquatic habitat and trout rearing areas, and promoting excessive growth of algae. Low flows in the winter adversely affect fish habitat by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river and increasing fish deaths due to severe ice conditions on the river.

Moreover, the Malheur River has been designated by the DEQ as water quality limited for several pollution assessment parameters such that the River is incapable of supporting the listed beneficial use of water contact. When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c).

The groundwater pumping proposed by these applications could exasperate all of these concerns.

1. Measurement and reporting.

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

2. The proposed use is likely to impair the public interest because it will interfere with surface waters in the Basin.

The Department's Division 9 rules require the Department to determine whether the proposed wells produce water from a confined or unconfined aquifer. OAR 690-09-040(1). The rules also require the Department to determine the distance of the proposed wells to surface water sources and whether the aquifer is hydraulically connected to surface waters. OAR 690-09-040. The rules then allow certain assumptions to be made depending upon the outcome of these determinations and require further analysis of the applications if the proposed uses do not fit within these assumptions. Id. A review of the application files reveal no determination of the distance of the wells to surface waters, whether the aquifers to be tapped are confined or extent of hydraulic connect to surface waters.

Despite the lack of analysis, the Department has determined that there is no potential for substantial interference. However, while the technical report and the groundwater staff memo on these applications concluded that the proposed uses would not interfere with streamflows, the technical reports contain proposed conditions allowing regulation of use if it interferes with surface water rights. Thus, it appears that there is potential for interference.

3. Conditions are not adequate to adequately protect surface waters

As noted, the Department proposed conditions geared at protecting surface waters. However, these conditions do little to protect surface waters:

- The applications do not contain conditions that will allow regulation of use if instream values interfered with.
- Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and it is determined that casing and sealing to that depth will in fact prevent interference, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the

Director's ability to require pump tests. We suggest language that would require pump tests annually or more frequently as determined by the Director.

- The proposed conditions do not take into account whether there is water available from the surface water sources because there was no analysis of water availability for the effected surface waters.

4. The proposed uses violate Oregon's statewide policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses...be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-01(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

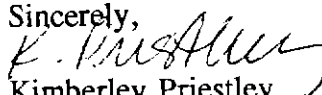
5. Conservation conditions inadequate

Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. This applicant should be required to show, prior to issuance of any permit, that their proposed use is efficient.

6. Approval of application 12499 is not in the public interest because the proposed conditions fail to specify the months of proposed use.

The proposed conditions for this application lists the period of allowed use as "...when necessary for beneficial use". Not only does this proposed condition lack the specificity necessary to evaluate the effect of the proposed use on the resource, it is ambiguous and difficult to enforce. In addition, the condition is contrary to the statewide allocation policy which calls for the allocation of water on the basis of months or half-months in order to avoid further over-allocation of the resource. OAR 690-410-070(2). The months of use should be specified in the proposed condition.

Sincerely,


Kimberley Priestley
Legal/Policy Analyst

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G-12499

WATERWATCH

ODF&W - County: HARNEY

WATERMASTER #: 10

REGIONAL MANAGER: EASTERN REGION

CWRE: CHRIS T. PALMER #100

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES: JIM GOSSON

580 SOUTH STATE STREET

SUTHAZLIN OR 97479

CASEWORKER (initials/date) 10-20-90

DE [Signature]

ORIGINAL TO APPLICANT 6/28/94

October 21, 1994

NORMAN RANCHES
HC 77 BOX 21
PRINCETON, OR 97721

Reference: File G 12499

Dear Applicant:

Your application file was recently reviewed. Under separate cover I have enclosed our report of technical review. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$ 1472.00; being an examination fee of 200.00, permit recording fee for the irrigation of 595.8 acres of \$ 1272.00. Since you have previously submitted \$ 200.00, an additional amount of \$ 1272.00 is required.

In addition, please send the following:

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

You have a conflicting water right situation on the property involved in the application. This problem must be resolved before a permit could be issued. This has to do with a transfer application, T-6541.

Before we can process your application further, you will need to submit an oath:

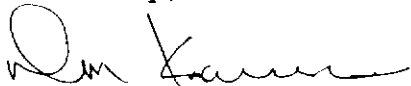
"I certify that the information provided in application G-12499 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge".



After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Knauer". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Don Knauer
Adjudication Specialist

cc: Chris T. Palmer, CWRE

TOWNSHIP <u>27S</u> RANGE <u>36E</u> W. M.														SECTION <u>20</u>				
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
						<u>2'</u>	<u>30'</u>									<u>76-99</u>	<u>76-67</u>	<u>CANCELLED</u>
<u>2"</u>		<u>9'</u>	<u>35'</u>										<u>6'</u>	<u>2'</u>		<u>6-12499</u>		
<u>7'</u>		<u>9'</u>	<u>35'</u>										<u>6'</u>	<u>2'</u>		<u>T-6541</u>	<u>C-9532</u>	

NOT COMPLETE
10-21-94
DWL

TOWNSHIP <u>27S</u> RANGE <u>36E</u> W. M.														SECTION <u>21</u>				
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
																<u>R-36902</u>	<u>R-3839</u>	<u>58627</u>
																<u>6-12499</u>		
																<u>T-6541</u>	<u>C-9532</u>	

NOT COMPLETE
10-21-94
DWL

TOWNSHIP 275 RANGE 36E W. M. DUPLICATE SECTION 28

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
				18 ⁶	12 ⁶					13	24 ⁶					T-6541	C-9532	
				18 ⁶	12 ⁶											G-12499		

Supplemental

NOT COMPLETE 10-21-94 see

SP 35821-090

TOWNSHIP 275 RANGE 36E W. M. DUPLICATE SECTION 29

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
				16 ³			12 ³									T-6541	C-9532	
				16 ³			12 ³	25 ³	6 ³	15 ³	39 ³	10 ³	5 ³	30 ³	40 ³	G-12499		

Supplemental

NOT COMPLETE 10-21-94 see

SP 35821-090

TOWNSHIP 27S RANGE 36E W. M.

SECTION 32

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
38 ⁴	10 ⁴			48 ⁸	0 ⁸											6-12499		

SP*28621-090

TOWNSHIP 27S RANGE 36E W. M. DUPLICATE

SECTION 33

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
				30 ⁴	27 ⁵					9	22					T-6541		6868
				22	30 ⁴			36 ⁴	28							5170	5270	4912
				27 ⁵	30 ⁴			38 ⁵	38							13210	9520	7532
				27 ⁵	48 ⁸			19 ⁸	12	40						6-12499		
								30 ⁴								6-12499		
				27 ⁵	7 ⁵			0 ¹				9	22			T-6541	C-6868	
				30 ⁴				30 ⁴								T-6541	C-9912	
				30 ⁴				36 ⁴								T-6541	C-9532	

SP*28621-090

NOT
COMPLETED
10-21-94
JLC

TECHNICAL REVIEW CHECKLIST

9/26/94

1. Application: G-12499
2. Review Date: 10-20-94 *John*

S indicates information was completed or adequately addressed.
 U indicates information is needed, or incomplete, or inadequately addressed
 N/A indicates Not Applicable

SUMMARY	
<u>S</u>	Land Use
NA/yes <u>no</u>	Substantial SW interference w/GW (if yes, see results of surface water availability analysis)
<u>U</u>	<u>Conflicts</u>
<u>N/A</u>	Water Availability (_____) <small>(Water Availability Sub-basin#)</small>
<u>U</u>	The application, map and supporting data are complete and free of defects.
yes <u>NA</u>	A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

Agency Co
Malheur River

3. U The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge. An oath is required before a permit is issued regardless of the application's priority date.

5. U Application fees:
- | | |
|----------------------------------------|-------------|
| Examination fee: | \$ 200- |
| Recording fee: | \$ 1272- |
| TOTAL REQUIRED | \$ 1472- |
| TOTAL SUBMITTED | \$ 200- |
| AMOUNT DUE prior to issuance of permit | \$ 1472- |
| AMOUNT OVERPAID | |
| refund due applicant | \$ <u>2</u> |

595⁰⁰
- 100 @ \$100

586 * 2 = 1172-

1272-

6. S Proposed dates of beginning and completion of construction, and complete application of water.

7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)

8. U A written copy of the legal description of the property on which the water is to be used.
9. N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
10. S No statement of ownership was required for applications filed before August, 1990.
11. S The proposed use is not restricted or prohibited by statute.
12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
13. S IRRIGATION use(s) is/are classified uses(s) under the MALHEUR - Basin Program, OAR 690 - 510-1.

Land Use Compatibility: OWYHEE

14. As expressed by the Planning Department of HARNEY Co.
15. S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section Art. 3 Sec 3.010).
16. N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For reservoir applications:

18. N/A Plans, specifications and supporting information for the dam and impoundment area must be approved by dam safety before a technical review is issued. Plans and specifications are not required for dams less than 10 feet in height and store less than 9.2 acre-feet. (OAR 690, Div 20)

TO: Water Rights Section

8/21, 1991

FROM: Groundwater/Hydrology Section

Sarah Meyer

Reviewer's Name

SUBJECT: Application G- 12499

1. **PER THE Malheur Lake Basin rules**, one or more of the proposed POA's is within _____ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.

N/A

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 surface water
b. X will not } source, namely Indian Creek; or
c. ___ will, if properly conditioned, adequately protect the surface water from interference:
i. ___ The permit should contain condition #(s) _____;
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 water from substantial interference.

3. **BASED UPON** available data, I have determined that groundwater for the proposed use
a. ___ will, or }
b. ___ will not } likely be available in the amounts requested without injury to prior rights; or
c. ___ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
i. ___ The permit should contain condition #(s) _____;
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.

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 (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.
_____, 1991.

(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: _____

_____, 1991.

(Signature)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G-12499 #2
FROM: SARAH C MEYER
SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

DATE: 8-2-91

The applicant seeks from two wells for

Per Division 9

FACTS

The well locations and aquifer display the following:

- ✓ 1) Well #3 is located > from and well #4 is located > from
- ✓ 2) Well #3 is 116' and well #4 is 400' developing water in *BROKEN BLACK ROCK*. The well logs are in the file.
- ✓ 3) The static water level for well #3 was 71 on 6/16/88 and for well #4 it was 35' on 2-9-80 from the log reports.
- ✓ 4) The approximate elevations of the wells are 4030' for well #3 and 3995' for well #4.
- ✓ 5) The nearby stream reach elevation is 3990' feet.
- 6) describes groundwater conditions in the area of the application.
- ✓ *WGW!* 7) A pump test on the well #3 produced 3400 gpm with 6 ^{in.} feet drawdown in 30 hours. Well #4 produced 1070 gpm w/ 60 feet d.d in 3 hours.

CONCLUSIONS

- 1) The head at well #1 is 3959' and at well #2 (3960'), indicating lower standing with the nearby stream reach. *LOWER* *Stream is draining into gw. system.*
- 2) The well develops water from the
- 3) Based on requested rate, heads, distances, general geologic environment and logged materials, I conclude that the alluvial aquifer is **confined with no hydraulic connection to the nearby stream and w/out the potential to cause substantial interference.**

#3 unconfined

#4 confined

primary wells

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G-12499 #1

DATE: 8-21-91

FROM: SARAH C MEYER

SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS T27S/R36E S4C 33, 29, 20

The applicant seeks 7.18 cfs from two wells for irrigation of 457.6 acres and supplemental irrigation of 138.2 acres in the SOUTH

Per Division 9

?
South Fork Malheur
River Basin

FACTS

The well locations and aquifer display the following:

- ✓ 1) Well #1 is located 3200' from Indian Creek and well #2 is located > 1 mi from Indian Creek
- ✓ 2) Well #1 is 485' and well #2 is 4000' developing water in broken shale/rock. The well logs are in the file.
- ✓ 3) The static water level for well #1 was 22' on 8/29/86 and for well #2 it was _____ on _____ from the log reports.
- ✓ 4) The approximate elevations of the wells are 3990' for well #1 and 3990' for well #2.
- ✓ 5) The nearby stream reach elevation is 3980' feet.
- 6) _____ describes groundwater conditions in the area of the application.
- ✓ 7) A pump test on the well #1 produced 385 gpm with 200 feet drawdown in _____ hours. Well #2 produced _____ gpm w/ _____ feet d.d in _____ hours.

CONCLUSIONS

- ✓ 1) The head at well #1 is 3970' and at well #2, _____, indicating lower standing with the nearby stream reach. *draining stream*
- 2) The well develops water from the _____
- 3) Based on requested rate, heads, distances, general geologic environment and logged materials, I conclude that the alluvial aquifer is ~~confined~~ with ~~NO~~ hydraulic connection to the nearby stream and w/out the potential to cause substantial interference.

either/or
1/2 well
(?)

only 3 well logs (one is a duplicate)

secondary wells



M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING

Chris Palmer, P.E., P.L.S.
Cork Palmer, P.E., P.L.S.

254 N. Alder
P.O. Box 61
Burns, Oregon 97720

Phone 573-6451

February 17, 1992

Larry Nunn
Water Resources Dept
3850 Portland Rd NE
Salem, Or 97310

RE: T-6541 & G-12499 - In Sec's 20,21,28,29,32,33; T 27 S; R 36 E

Dear Larry,

Please review the above applications at your earliest convenience.

The transfer involves irrigated lands under three existing certificates, permitted certificates 4912 & 9532 and decreed certificate 6868. It appears that there is a double filing under these certificates.

The owner, Norman Ranches, expect to irrigate these lands this season. Please let me know what is needed to take care of this.

Thank you,

CHRIS

Chris Palmer, CWRE
M.A. PALMER & SONS, Inc

cc: Norman

*2/19/92
Norm,
This come in -
If looks like I need to get the
transfer done, so you can do the GW filing -*

*Original
in T-6541*

September 12, 1991

Mr. James F. Gosson
Consulting Engineer
580 South State Street
Sutherlin, OR 97479

REFERENCES: T-6541, ~~12400~~, 70220

Dear Mr. Gosson,

I am writing in regards to your letters dated May 20 and July 25, 1991, inquiring about the status of Application 70220 (Norman Ranches).

It appears a Water Resources letter from staff member Tom Shook, dated May 21, 1991, may have been the information you needed. The letter (copy enclosed) was sent to M.A. Palmer and Sons in Burns, OR.

There has been no response to our letter thus far. A draft of the permit for #70220 will be sent once ownership documentation is submitted (we have the legal description, but we need a warranty or deed, please).

If you have questions, please contact Mr. Shook or myself. Thank you for your help.

Sincerely,



Carol S. Lewis
Senior Water Rights Specialist

cc: files



May 21, 1991

M.A. PALMER AND SONS
PO BOX 61
BURNS, OR 97720

REFERENCE FILES: T-6541, ~~G-12499~~, AND 70220
NORMAN RANCHES

We have received a check for \$320. This money has been applied to transfer application 6541 and application G-12499.

I have enclosed T-6541 so the changes discussed on May 21, 1991, can be made.

1. The type of change should be for an additional point of diversion.
2. item 1 A - get names from certificates 6868, 4912, and 9532; item 1 B - Malheur River decree and certificate 6868; item 1 - C permit 5270, certificate 4912; item 1 D - 1902 and February 17, 1921.
3. item 2 A - Indian, Big Gulch, and Dry Creeks and Brown Reservoir; item 2 B - use map information; item 2 C - Brown Ditch; item 2 E - list place of use here or on a separate sheet.
4. item 3 A - change to "1124 feet north and 3624 feet east from SW corner of section 20", SW corner of section 29, complete item 3 B and C; list new place of use in item 3 E.
5. submit a deed for item 4 B and a statement of use for item 4 D.
6. the application must be signed in the presence of a notary public.

We talked about the differences between the acreage listed on application G-12499 and that shown on the map. If the map is correct, send us authorization to change the application accordingly. The map should show the primary and supplemental irrigated lands by different hatchuring.



The application for use of water from Crane Creek and Hunter Reservoir has received some public interests concerns. Perhaps changing the application to list only stored water from Hunter Reservoir would reduce some of the proposed restrictions for the permit.

A detailed description of the water system from the reservoir to the place of use should also be given. Measuring devices might be required. Show the reservoir diversion on your map.

A statement of ownership of the lands inundated by Hunter Reservoir is needed.

Sincerely,

THOMAS E. SHOOK
Water Right Specialist

cc: Norman Ranches

JAMES F. GOSSON Consulting Engineer

580 South State Street
Sutherlin, Oregon 97479

CIVIL ENGINEER
LAND SURVEYOR
WATER RIGHTS EXAMINER

(503) 459-2243

May 20, 1991

RECEIVED

MAY 21 1991

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

WATER RESOURCES DEPT.
SALEM, OREGON

Attention: Stephen C. Brown

Re: Application 70220 (~~Norman Ranches~~)

Dear Mr. Brown,

As agent for Norman Ranches, I am inquiring as to the status of the application.

A telephone report at your convenience would be appreciated.

Very truly yours,


James F. Gosson, CWRE

Enclosures

cc: Norman Ranches

JFG/p

INFO JWG
5/22/91

CIVIL ENGINEER
LAND SURVEYOR
WATER RIGHTS EXAMINER

(503) 459-2243

RECEIVED

JUL 29 1991

July 25, 1991

**WATER RESOURCES DEPT.
SALEM, OREGON**

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Attention: Stephen C. Brown

Re: Application 70220 (Norman Ranches)

Dear Mr. Brown,

Regarding my letter to you of May 20, 1991, as agent for Norman Ranches, I am inquiring as to the status of the application.

A telephone report at your convenience would be appreciated.

Very truly yours,


James F. Gosson, CWRE

Enclosures

cc: Norman Ranches

JFG/p

N
3

NORMAN RANCHES

Box 21
Princeton, Oregon 97721
(503) 493-2706

5/13/91

Mr Tom Shuck
Oregon Water Resources Dept.

Dear Mr. Shuck:

My phone is not working today, so I hope this check is correct as my husband's note stated we owed \$200⁰⁰ for File C-12499 and \$170⁰⁰ for File T-6541, on a total of \$370⁰⁰.

These papers have been sitting for some time as I did not have well reports from Bill Doty. After receiving them I mailed the entire package including our company check from the Tokai Bank. In the meantime, the company office changed to 1st Interstate Bank in CA, I apparently did not catch the outstanding \$2212⁰⁰ balance from Sept, 1990.

We apologize for any inconvenience. Please advise if you need further monies or documents.

Sincerely,
Marlene Nymen
Ranch Secretary

April 30, 1991

Norman Ranches
HC 77, Box 21
Princeton, OR 97721

REFERENCE: File T-6541

We have received your transfer application requesting approval of A CHANGE IN POINT OF DIVERSION AND PLACE OF USE for use of water from DRY CREEK AND RESERVOIR, for IRRIGATION of 78.8 ACRES. The application was received with supporting data, map and fees of \$50. A copy of our receipt 73474 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to other water rights by approval of your application.

Due to personnel changes, we are unable to complete the examination of your application at this time. We will endeavor to complete the examination as soon as possible.

If additional information is needed or corrections to your map or application are required, we will notify you.

Contact the Water Rights Section, if you have any questions.

TES:tcb

enclosure

cc: William Beal, Watermaster District 10



STATE OF OREGON
WATER RESOURCES DEPARTMENT
 3850 PORTLAND ROAD NE
 SALEM, OR 97310
 378-3739/378-8130 (FAX)

RECEIPT # **73474**

RECEIVED FROM: <u>Norman's Nursery Inc</u>	APPLICATION	12499
BY: _____	PERMIT	
	TRANSFER	
CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> 16-3426	OTHER: (IDENTIFY) <input type="checkbox"/>
		TOTAL REC'D \$2212.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month _____	\$
_____	OTHER: (IDENTIFY) _____	\$

02-00-0 FEDERAL FUNDS

_____	OTHER: (IDENTIFY) _____	\$
-------	-------------------------	----

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:			
840.001	COPY FEES		\$
880.109	MISC REVENUE: (IDENTIFY) _____		\$
520.000	OTHER (P-6): (IDENTIFY) _____		\$
WATER RIGHTS:			
842.001	SURFACE WATER	EXAM FEE	RECORD FEE
842.003	GROUND WATER	\$ 200.~	842.002 \$
842.005	TRANSFER	\$	842.004 \$ 2,012.~
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
842.016	WELL DRILL OPERATOR	\$	842.023 \$
	LANDOWNER'S PERMIT	\$	842.019 \$
			842.024 \$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	
	MONITORING WELLS	\$	CARD # _____
			CARD # _____

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

69001 SUSPENSE ACTIVITY

842.115	POWER LICENSE FEE(FW)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW)	\$	\$
832.009	HYDRO EXAM FEE(GF)	\$	\$

RECEIPT # **73474**

DATED: 4-24-91 BY: DBushnell



038939

Date 5-7-91

HEAD OFFICE Branch

CODE & REASON

- A. Insufficient Funds
- B. Endorsement Missing
- C. Endorsement Not As Drawn
- D. Cannot Locate Account
- E. Signature Missing
- F. Uncollected Funds
- G. Refer To Maker
- H. Account Closed
- I. Stop Payment

Payment of the following described check(s) negotiated by you HAS BEEN REFUSED for one of the reasons as indicated by letter shown in the CODE Column:

CODE	YOUR DATE	DRAWN BY	DRAWN ON	AMOUNT
J	4-26-91	Norman's Nursery, Inc.	16-3426	2212.00

J. ACCOUNT NO. 650293

\$ 2212.00

TOTAL

Agency Number 6900003-00-0

Water Resources Department
 Mill Creek Office Park
 3850 Portland Rd NE
 Salem, Or 97310

First Interstate Bank of Oregon, N.A.

DUPLICATE
 MISC-24 S OF O 6-1-81

AUTHORIZED SIGNATURE

TELLER R. King



NORMAN'S NURSERY, INC.
 8665 EAST DUARTE RD.
 SAN GABRIEL, CA 91775
 (818) 795-7895

REMITTANCE ADVICE					

16-3426
1220

23033

PAY

NORMAN'S NURSERY 2212 DOLLARS

DOLLAR

TO THE ORDER OF	DATE	ENDORSEMENTS	DISC	CHECK NO.	CHECK AMOUNT
Water Resources Dept	4-14-90	ENDORSEMENT CANCELLED 1230 00123		23033	2212

MAY 2 91

NORMAN'S NURSERY, INC.

TOKAI BANK of California
 333 SOUTH GARFIELD AVENUE ALHAMBRA, CALIFORNIA 91801

STALE DATED

⑈023033⑈ ⑆122034268⑆ 47⑈ 60745⑈ ⑆0000221200⑆
 123000013 000271 250000011 00001 12300012

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **120991**

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

INVOICE # _____

G

RECEIVED FROM: <u>Norman Ranches</u>	APPLICATION	<u>12499</u>
BY: _____	PERMIT	_____
	TRANSFER	_____

CASH: CHECK: # 24-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,272.

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month _____	\$
	OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT. _____	\$
COST CENTER AND OBJECT CLASS _____	VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS			
840.001	COPY FEES		\$
850.200	RESEARCH FEES		\$
880.109	MISC REVENUE: (IDENTIFY) _____		\$
520.000	OTHER (P-6) (IDENTIFY) _____		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
842.001	SURFACE WATER	\$	842.002 \$
842.003	GROUND WATER	\$	842.004 \$ <u>1,272.</u>
842.005	TRANSFER	\$	842-006 \$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023 \$
	LANDOWNER'S PERMIT		842.024 \$
	OTHER (IDENTIFY) _____		

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD # _____
	MONITORING WELLS	\$	CARD # _____
	OTHER (IDENTIFY) _____		

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FWWRD)		\$
842.115	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **120991**

DATED: 1-12-95 BY: W. Bunknell

14240

OF OREGON
RESOURCES DEPARTMENT
3850 PORTLAND ROAD NE
SALEM, OR 97310
378-3739/378-8130 (FAX)

RECEIVED FROM: Norman Ranches
BY: _____

APPLICATION	G-12499
PERMIT	
TRANSFER	

CASH:
CHECK # 2412 OTHER: (IDENTIFY)

TOTAL REC'D \$ 370.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
-----	OTHER: (IDENTIFY)	\$

02-00-0 FEDERAL FUNDS

-----	OTHER: (IDENTIFY)	\$
-------	-------------------	----

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:		
840.001	COPY FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$
WATER RIGHTS:		
842.001	SURFACE WATER	EXAM FEE
842.003	GROUND WATER	\$ 842.002
842.005	TRANSFER	\$ <u>200.00</u> 842.004
WELL CONSTRUCTION		\$ 842.006
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE
842.016	WELL DRILL OPERATOR	\$ 842.023
	LANDOWNER'S PERMIT	\$ 842.019
		\$ 842.024
		RECORD FEE
		\$
		\$ <u>200.00</u>
		\$
		LICENSE FEE
		\$
		\$
		\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

69001 SUSPENSE ACTIVITY

842.115	POWER LICENSE FEE(FW)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE(FW)		\$
832.009	HYDRO EXAM FEE(GF)		\$

RECEIPT # 74240 DATED: 5-16-91 BY: P. Smith

WaterWatch

O F O R E G O N

RECEIVED

MAY 23 1991

WATER RESOURCES DEPT.
SALEM, OREGON

May 20, 1991

Mike Mattick
Applications & Permits Section
Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

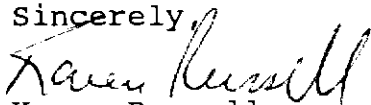
Re: Ground Water Application #G 12499, Norman Ranches, Four
Wells, South Fork Malheur River, 9.18 cfs, Irrigation.

Dear Mr. Mattick:

We are concerned about the possible adverse effects of this proposed withdrawal of ground water on the South Fork of the Malheur River. Where within the basin is this proposed withdrawal located? Is the ground water source hydrologically connected to flows in the South Fork or any of its tributaries?

The South Fork of the Malheur has water withdrawal problems which are causing stream quality problems. If the proposed use of ground water further depletes the South Fork's flows, it will also exacerbate water quality problems in the South Fork. If this is the case, this application will probably not be in the public interest.

Thank you. Call if you have any questions.

Sincerely,

Karen Russell
Executive Assistant

c. Jim Myron

APPLICATION PROCESSING OUTLINE

Basin: _____
 Sub-basin: _____
 Fees paid: Examination fee: _____
 Recording fees: _____
 Total: _____

Application No. 612100
 Permit No. _____

RATE AND DUTY _____ for irrigation

1. Check for minimum information (OAR 690-11-020)

yes	no	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name and mailing address of the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Source of the water.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Quantity of water to be appropriated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Location of point of diversion to 1/4 1/4 Section.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nature and place of use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name and mailing address of all legal owners of the properties involved.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Signature of the applicant
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Examination fees.

If minimum information not supplied, excepting legal owner information, then return to applicant with letter explaining deficiencies.

yes	no	
<input type="checkbox"/>	<input type="checkbox"/>	Water Resources Commission classification limits or restrictions -- If yes, note: _____
<input type="checkbox"/>	<input type="checkbox"/>	State Engineer's withdrawals -- If yes, note: _____
<input type="checkbox"/>	<input type="checkbox"/>	Legislative withdrawals -- If yes, note: _____
<input type="checkbox"/>	<input type="checkbox"/>	If policy statement is unclear check with Resources Management Division.
<input type="checkbox"/>	<input type="checkbox"/>	Scenic Waterway: _____ on _____ up-stream _____ v/in 1/4 mile
<input type="checkbox"/>	<input type="checkbox"/>	Notify Parks and Recreation Department
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Out-of-basin diversion
<input type="checkbox"/>	<input type="checkbox"/>	Need to route to Geology Section due to:
<input type="checkbox"/>	<input type="checkbox"/>	well within one mile of a stream
<input type="checkbox"/>	<input type="checkbox"/>	well within restricted surface water area
<input type="checkbox"/>	<input type="checkbox"/>	wells with request for greater than 5 cfs
<input type="checkbox"/>	<input type="checkbox"/>	well is for heating &/or cooling
<input type="checkbox"/>	<input type="checkbox"/>	well constructed by land owner
<input type="checkbox"/>	<input type="checkbox"/>	well is artesian
<input type="checkbox"/>	<input type="checkbox"/>	artificial ground water recharge project
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ground water area under study
<input type="checkbox"/>	<input type="checkbox"/>	Within Irrigation District: _____
<input type="checkbox"/>	<input type="checkbox"/>	Notify _____ Need excerpt from District
<input type="checkbox"/>	<input type="checkbox"/>	Legal description of property
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ownership statement
<input type="checkbox"/>	<input type="checkbox"/>	Other parties to Notify: _____
<input type="checkbox"/>	<input type="checkbox"/>	Water Resources Commission review if:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Request for greater than 5 cfs
<input type="checkbox"/>	<input type="checkbox"/>	Dam height greater than 10 feet
<input type="checkbox"/>	<input type="checkbox"/>	Storage of more than 9.2 acre-feet
<input type="checkbox"/>	<input type="checkbox"/>	Out-of-basin diversion
<input type="checkbox"/>	<input type="checkbox"/>	within or above a scenic waterway
<input type="checkbox"/>	<input type="checkbox"/>	conditional uses under basin program
<input type="checkbox"/>	<input type="checkbox"/>	requests for larger rate or duty than allowed
<input type="checkbox"/>	<input type="checkbox"/>	ground water recharge project
<input type="checkbox"/>	<input type="checkbox"/>	other substantial public interest issues
<input type="checkbox"/>	<input type="checkbox"/>	requests for review by an agency or person
<input type="checkbox"/>	<input type="checkbox"/>	Watermaster consent form sent with copy of draft permit application and map _____
<input type="checkbox"/>	<input type="checkbox"/>	Watermaster comments received _____
<input type="checkbox"/>	<input type="checkbox"/>	Hydrographic section comments requested _____
<input type="checkbox"/>	<input type="checkbox"/>	Hydrographic section comments received _____
<input type="checkbox"/>	<input type="checkbox"/>	O.D.F.W. sent copy of application and map (except groundwater) requesting comment _____
<input type="checkbox"/>	<input type="checkbox"/>	O.D.F.W. comments received _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Report from D.E.G. received _____
<input type="checkbox"/>	<input type="checkbox"/>	Publish application information in weekly public notice.
<input type="checkbox"/>	<input type="checkbox"/>	Notify other owners of development
<input type="checkbox"/>	<input type="checkbox"/>	PROTESTED
<input type="checkbox"/>	<input type="checkbox"/>	filed _____
<input type="checkbox"/>	<input type="checkbox"/>	resolved _____

Lands used for

6-12499

WELL 3

WELL 3

SEP - 7 1988 27S/36E/29 CC

STATE OF OREGON WATER WELL REPORT (as required by ORS 537.765)

Start Card #1617

(1) OWNER: Well Number: Name Norman Ranches Address HC 77 Box 21 City Princeton State Or Zip 97721

(2) TYPE OF WORK: [X] New Well [] Deepen [] Recondition [] Abandon

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

(4) PROPOSED USE: [] Domestic [] Community [] Industrial [X] Irrigation [] Thermal [] Injection [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval Yes No [] [X] Depth of Completed Well 116 ft. Explosives used [] [X] Type Amount

Table with columns: HOLE meter From To, SEAL Material From To, Amount sacks or pounds. Row 1: 20" 0 18 Cement 0 18 15 sacks

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

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Casing: 16" +1 20' 250 [X] [] [X] []

Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Table with columns: Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Includes checkboxes for Perforations and Screens.

(8) WELL TESTS: Minimum testing time is 1 hour. [X] Pump [] Bailer [] Air [] Flowing Artesian. Yield gal/min 3400 Drawdown 6 in Drill stem at 30 hr Time 1 hr.

Temperature of water 60 Depth Artesian Flow Found Was a water analysis done? No [] Yes By whom Did any strata contain water not suitable for intended use? No [] Too little [] Salty [] Muddy [] Odor [] Colored [] Other Depth of strata:

(9) LOCATION OF WELL by legal description: County Harney Latitude Longitude Township 27S Nor S, Range 36E E or W, WM. Section 29 SW, 1/4 SW 1/4 Tax Lot 900 Lot Block Subdivision Street Address of Well (or nearest address)

(10) STATIC WATER LEVEL: 71 ft. below land surface. Date 6/16/88 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL. Row 1: 77' 116' 3400 gpm 71'

(12) WELL LOG: Ground elevation 4100 MST. Table with columns: Material, From, To, SWL. Rows: Clay loam topsoil (0-1), Clay, brown (1-4), Clay, sand coarse (4-12), Clay, gravel (12-25), Rock, black hard, clay (25-77), Rock Black, broken (77-116)

Date started 5/21/88 Completed 6/15/88

(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 well construction standards. WWC Number Signed Date

(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. WWC Number 426 Signed Date 6/29/88

6-12499

PLEASE TYPE OR PRINT IN INK

State Permit No.

(1) OWNER:

Name CHARLES NORMAN (NORMAN NURSERY)
Address 8665 E. DURTE RD.
City SAN GABRIEL State CAL. 91775

(2) TYPE OF WORK (check):

New Well [X] Deepening [] Reconditioning [] Abandon []

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air [X] Driven []
Rotary Mud [] Dug []
Cable [] Bored []

(4) PROPOSED USE (check):

Domestic [] Industrial [] Municipal []
Irrigation [X] Test Well [] Other []
Thermal: Withdrawal [] ReInjection []

(5) CASING INSTALLED:

Steel [X] Plastic []
Threaded [] Welded [X]
16" Diam. from +2 ft. to 84 ft. Gauge .250

LINER INSTALLED:

14" Diam. from +2.6 ft. to 415 ft. Gauge .250

(6) PERFORATIONS:

Perforated? [X] Yes [] No
Type of perforator used factory cut
Size of perforations 1/4 in. by 3 in.
1596 perforations from 375 ft. to 415 ft.
8" liner 1600 perforations from 375 ft. to 475 ft.

(7) SCREENS:

Well screen installed? [] Yes [X] No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level HARNEY COUNTY
Was a pump test made? [X] Yes [] No If yes, by whom FARM SUPPLY
Yield: 385 gal./min. with 200 ft. drawdown after 1 hrs.

(9) CONSTRUCTION:

Special standards: Yes [] No [X]
Well seal—Material used BENTONITE
Well sealed from land surface to 84 ft.
Diameter of well bore to bottom of seal 22 in.
Diameter of well bore below seal 14 3/4 in.
Number of sacks of cement used in well seal poured down dry sacks
How was cement grout placed?
Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? [X] Yes [] No Plugs Size: location ft.
Did any strata contain unusable water? [] Yes [X] No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? [] Yes [X] No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County HARNEY Driller's well number 41
SW 1/4 NE 1/4 Section 29 T. 27 S R. 36 E W.M.
Tax Lot # 0 Lot 0 Blk 0 Subdivision 0
Address at well location: PRINCETON, OREGON

(11) WATER LEVEL: Completed well.

Depth at which water was first found 80 ft.
Static level 22 ft. below land surface. Date 8-20-86
Artesian pressure 0 lbs. per square inch. Date 0

(12) WELL LOG:

Diameter of well below casing 14 3/4
Depth drilled 485 ft. Depth of completed well 495 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

Table with 4 columns: MATERIAL, From, To, SWL. Rows include top soil, brown clay w/ sand seams, dark gray clay w/sand seams, sand seams & small gravel, cemented together, broken basalt, basalt, basalt w/some frac., blue shale, brown shale badly broken, brown shale broken solid until drilled will fill in hole, shale, broken shale, shale, broken.

Work started AUGUST 11 19 86 Completed DEC. 1 19 86
Date well drilling machine moved off of well DEC. 1 19 86

(unbonded) Water Well Constructor Certification (if applicable):
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
(Signed) Date, 19

Bonded Water Well Constructor Certification:
Bond 3D7900512644 Issued by: ALLIED GROUP INSURANCE
(number) Surety Company Name

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name BILL DOY NEW DRILLING
Address ROUTE #7 BOX 311 CALEVELL, ID. 83605

(Signed) Water Well Constructor
Date 1-15 19 87

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

WATER WELL REPORT
STATE OF OREGON

State Well No.
State Permit No.

PLEASE TYPE or PRINT IN INK

(1) OWNER:

Name CHARLES NORMAN (NORMAN NURSERY)
Address 8655 E. Duarte Rd.
City SAN GABRIEL State CA. 91775

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air Driven
Rotary Mud Dug
Cable Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other XX
Thermal: Withdrawal ReInjection

(5) CASING INSTALLED:

Steel Plastic
Threaded Welded XX
8" Diam. from + 2 ft. to 59 ft. Gauge .250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? Yes No

Type of perforator used

Size of perforations in. by in.
..... perforations from ft. to ft.
..... perforations from ft. to ft.
..... perforations from ft. to ft.

(7) SCREENS:

Well screen installed? Yes No

Manufacturer's Name

Type Model No.

Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? Yes No If yes, by whom?
Yield: gal/min. with ft. drawdown after hrs
Air test 30 gal/min. with drill stem at 150 ft. 1 hrs.
Bailer test gal/min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes No

Well seal—Material used QUIK JEL
Well sealed from land surface to 58 ft.
Diameter of well bore to bottom of seal 10 in.
Diameter of well bore below seal 8 in.
Number of sacks of cement used in well seal 4 sacks
How was cement grout placed? poured down

Was pump installed? Type HP Depth ft.
Was a drive shoe used? Yes No Plugs Size: location ft.
Did any strata contain unusable water? Yes No
Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? Yes No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County HARNEY Driller's well number # 2
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 T. 27N R. 36E W.M.
Tax Lot # Lot Blk Subdivision

Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 50 ft.
Static level 30 ft. below land surface. Date 8-21-86
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8"

Depth drilled 150 ft. Depth of completed well 150 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
top soil	0	2	Ø
clay w/ some rock	2	50	Ø
sand w/ clay	50	52	30
brown shal:3	52	58	Ø
brown shale (hard & fractured)	58	150	44

Work started 8-21-86 1986 Completed 8-21 1986
Date well drilling machine moved off of well 8-22 1986

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Date....., 19.....

Bonded Water Well Constructor Certification:
Bond 307900512644 Issued by: ALLIED GROUP INS.
(number) Surety Company Name

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name BILL DODY WELL DRILLING

Address ROUTE 47 BOX 30 JLL CALDWELL, ID. 83605

[Signed] BILL DODY
Water Well Constructor
Date AUG. 27, 1986

NOTICE TO WATER WELL CONSTRUCTOR

The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310

SP*45292-690

G-12499

PLEASE TYPE or PRINT IN INK

State Permit No. 127

(1) OWNER:

Name CHARLES NORMAN (NORMAN NURSERY)
Address 8665 E. DURTE RD.
City SAN GABRIEL State OR, 91775

(2) TYPE OF WORK (check):

New Well [X] Deepening [] Reconditioning [] Abandon []
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air [X] Driven []
Rotary Mud [] Dug []
Cable [] Bored []

(4) PROPOSED USE (check):

Domestic [] Industrial [] Municipal []
Irrigation [X] Test Well [] Other []
Thermal: Withdrawal [] ReInjection []

(5) CASING INSTALLED:

Steel [X] Plastic []
Threaded [] Welded [X]
16" Diam. from +2 ft. to 84 ft. Gauge .250

LINER INSTALLED:

14" Diam. from + 2.6 ft. to 415 ft. Gauge .250

(6) PERFORATIONS:

Perforated? [X] Yes [] No
Type of perforator used factory cut
Size of perforations 1/4 in. by 3 in.
1596 perforations from 375 ft. to 415 ft.
8" liner 1600 perforations from 375 ft. to 475 ft.

(7) SCREENS:

Well screen installed? [] Yes [X] No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level HARNEY COUNTY
Was a pump test made? [X] Yes [] No If yes, by whom FARM SUPPLY
Yield: 385 gal./min. with 200 ft. drawdown after 1 hrs.
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes [] No [X]
Well seal—Material used BENTONITE
Well sealed from land surface to 84 ft.
Diameter of well bore to bottom of seal 22 in.
Diameter of well bore below seal 14 3/4 in.
Number of sacks of bentonite poured down dry
How was cement grout placed?
Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? [X] Yes [] No Plugs Size: location ft.
Did any strata contain unusable water? [] Yes [X] No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? [] Yes [X] No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County HARNEY Driller's well number 41
SW 1/4 NE 1/4 Section 23 T. 27 S R. 36 E W.M.
Tax Lot # 0 Lot 0 Blk 0 Subdivision 0
Address at well location: PRINCETON, OREGON

(11) WATER LEVEL: Completed well.

Depth at which water was first found *) 80 ft.
Static level 22 ft. below land surface. Date 8-20-86
Artesian pressure 0 lbs. per square inch. Date 0

(12) WELL LOG:

Diameter of well below casing 14 3/4
Depth drilled 485 ft. Depth of completed well 495 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

Table with columns: MATERIAL, From, To, SWL. Rows include: top soil, brown clay w/ sand seams, dark gray clay w/sand seams, sand seams & small gravel, cemented together, broken basalt, basalt, basalt w/some frac., blue shale, brown shale badly broken, brown shale broken solid until drilled will fill in hole, shale, broken shale, shale, broken.

Work started AUGUST 11 19 86 Completed DEC. 1 19 86
Date well drilling machine moved off of well DEC. 1 19 86

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
(Signed) Date, 19__

Bonded Water Well Constructor Certification:
Bond 3D7900512644 Issued by: ALLIED GROUP INSURANCE
(number) Surety Company Name

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name BILL DOW WELL DRILLING
(Person, firm or corporation) (Type or print)

Address ROUTE #7 BOX 311 CALDWELL, ID. 83605

(Signed) Date 1-13 19 87
Water Well Constructor Date 1-13 19 87

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

WATER WELL REPORT
STATE OF OREGON

State Well No.
State Permit No.

PLEASE TYPE or PRINT IN INK

(1) OWNER:

Name CHARLES NORMAN (NORMAN NURSERY)
Address 8665 E. Duarte Rd.
City SAN GABRIEL State CA, 91775

(2) TYPE OF WORK (check):

New Well [] Deepening [] Reconditioning [] Abandon []
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air [X] Driven []
Rotary Mud [] Dug []
Cable [] Bored []

(4) PROPOSED USE (check):

Domestic [] Industrial [] Municipal []
Irrigation [] Test Well [] Other [X]
Thermal: Withdrawal [] ReInjection []

(5) CASING INSTALLED:

Steel [X] Plastic []
Threaded [] Welded [X]
8" Diam. from + 2 ft. to 58 ft. Gauge .250

LINER INSTALLED:

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? [] Yes [X] No

Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? [] Yes [X] No

Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? [X] Yes [] No If yes, by whom?
Yield: gal/min. with ft. drawdown after hrs.
Air test 30 gal/min. with drill stem at 150 ft. 1 hrs.
Bailer test gal/min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes [] No [X]

Well seal—Material used QUIK JEL
Well sealed from land surface to 58 ft.
Diameter of well bore to bottom of seal 10 in.
Diameter of well bore below seal 8 in.
Number of sacks of cement used in well seal 4 sacks
How was cement grout placed? poured down
Was pump installed? Type HP Depth ft.
Was a drive shoe used? [] Yes [] No Plugs Size: location ft.
Did any strata contain unusable water? [] Yes [] No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? [] Yes [] No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County HARNEY Driller's well number # 2
SW 1/4 NE 1/4 Section 17 T. 27N R. 36E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 50 ft.
Static level 30 ft. below land surface. Date 8-21-86
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8"
Depth drilled 150 ft. Depth of completed well 150 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

Table with 4 columns: MATERIAL, From, To, SWL. Rows include top soil, clay w/ some rock, sand w/ clay, brown shale, brown shale (hard & fractured).

Work started 3-21-86 1986 Completed 8-21 19 86
Date well drilling machine moved off of well 8-22 19 86

(unbonded) Water Well Constructor Certification (if applicable):
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
(Signed) Date, 19

Bonded Water Well Constructor Certification:
Bond 307900512644 Issued by: ALLIED GROUP INS.
(number) Surety Company Name

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name: BILL DOTY WELL DRILLING
Address: ROUTE 17 BOX 311 CALDWELL, ID. 83605
(Signed) [Signature] Water Well Constructor
Date: AUG. 27, 19 86

COMPLETENESS DETERMINATION CHECKLIST

EXAM _____
 RECORDED _____
 OTHER _____
 TOTAL _____
 DUE: _____

COMPLETED

Application #	Review Date	Reviewer
G - 12499	11 128195	JERRY

A checkmark (✓) indicates that the item is incomplete or defective.

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used.

WaterWatch

By Regular Mail

RECEIVED

DEC - 6 1994

December 2, 1994

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

WATER RESOURCES DEPT.
SALEM, OREGON

Re: Objection to Technical Report for:
G13638, Winebarger, Irrigation, Malheur River Basin
G12169, Neuman, Irrigation, Rattlesnake Creek Basin, Malheur River Basin
G12499, Norman Ranches, 7.44 cfs, Two Wells in Malheur River Basin
Malheur River Basin

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective.**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's objection to G-11923 and are hereby incorporated by reference.

◆ **The Uses Proposed are Not in the Public Interest.**

The proposed uses fail to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f).

The Malheur River system supports a variety of fish life, including the state sensitive red band trout. Low flows during summer months impair fish survival by, among other things, raising water temperatures, decreasing aquatic habitat and trout rearing areas, and promoting excessive growth of algae. Low flows in the winter adversely affect fish habitat by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river and increasing fish deaths due to severe ice conditions on the river.

Moreover, the Malheur River has been designated by the DEQ as water quality limited for several pollution assessment parameters such that the River is incapable of supporting the listed beneficial use of water contact. When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c).

The groundwater pumping proposed by these applications could exasperate all of these concerns.

1. Measurement and reporting.

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

2. The proposed use is likely to impair the public interest because it will interfere with surface waters in the Basin.

The Department's Division 9 rules require the Department to determine whether the proposed wells produce water from a confined or unconfined aquifer. OAR 690-09-040(1). The rules also require the Department to determine the distance of the proposed wells to surface water sources and whether the aquifer is hydraulically connected to surface waters. OAR 690-09-040. The rules then allow certain assumptions to be made depending upon the outcome of these determinations and require further analysis of the applications if the proposed uses do not fit within these assumptions. Id. A review of the application files reveal no determination of the distance of the wells to surface waters, whether the aquifers to be tapped are confined or extent of hydraulic connect to surface waters.

Despite the lack of analysis, the Department has determined that there is no potential for substantial interference. However, while the technical report and the groundwater staff memo on these applications concluded that the proposed uses would not interfere with streamflows, the technical reports contain proposed conditions allowing regulation of use if it interferes with surface water rights. Thus, it appears that there is potential for interference.

3. Conditions are not adequate to adequately protect surface waters

As noted, the Department proposed conditions geared at protecting surface waters. However, these conditions do little to protect surface waters:

- The applications do not contain conditions that will allow regulation of use if instream values interfered with.
- Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and it is determined that casing and sealing to that depth will in fact prevent interference, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the

Application G13524

Director's ability to require pump tests. We suggest language that would require pump tests annually or more frequently as determined by the Director.

- The proposed conditions do not take into account whether there is water available from the surface water sources because there was no analysis of water availability for the effected surface waters.

4. The proposed uses violate Oregon's statewide policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses...be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-01(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).


5. Conservation conditions inadequate

Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. This applicant should be required to show, prior to issuance of any permit, that their proposed use is efficient.

6. Approval of application 12499 is not in the public interest because the proposed conditions fail to specify the months of proposed use.

The proposed conditions for this application lists the period of allowed use as "...when necessary for beneficial use". Not only does this proposed condition lack the specificity necessary to evaluate the effect of the proposed use on the resource, it is ambiguous and difficult to enforce. In addition, the condition is contrary to the statewide allocation policy which calls for the allocation of water on the basis of months or half-months in order to avoid further over-allocation of the resource. OAR 690-410-070(2). The months of use should be specified in the proposed condition.

Sincerely,


Kimberley Priestley
Legal/Policy Analyst

PW 197-111-11

Application No. 012100
Permit No. 412562

Name NORMAN RANCHES
Address HC 77 BOX 21
..... PRINCETON, OR 97721
Assigned
Address
Beginning construction 6-25-97
Completion of construction 10-1-98
Extended to
Complete application of water 10-1-99
Extended to

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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G-12499,JS,0574 3152

Street, Apt. No.
or PO Box No.
City, State, ZIP

NORMAN RANCHES
HC 77 BOX 21
PRINCETON OR 97721

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- 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.

1. Article Addressed to:

G-12499 JS,0574 3152

NORMAN RANCHES
HC 77 BOX 21
PRINCETON OR 97721

2. Article Number
(Transfer from service label)

7002 0510 0002 0574 3152

PS Form 3811, August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Norman Kobertson* Agent Addressee

B. Received by (Printed Name)

Norman Kobertson

C. Date of Delivery

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

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3. Service Type

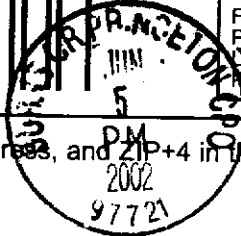
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WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
ATTN: J. SAUTER
158 - 12TH STREET NE
SALEM OR 97301-4172



**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # G-12499
ROUTED TO: Water Rights
TOWNSHIP/
RANGE-SECTION: T27S/R36E-29,33

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Recommend condition 7B

Reviewer: Michael Zwart

purge 12/1/04

Application No. G12499

Permit No. G12562

Name NORMAN RANCHES

Address HC 77 BOX 21

Address PRINCETON, OR

97721

Assigned

Address

Beginning construction

6-25-97

Completion of construction

10-1-98

Extended to

Complete application of water

10-1-99

Extended to