

FILE#: G 12746

DONALD J HORSLEY  
HORSLEY, HELEN E  
PO BOX 8  
BONANZA, OR

97623

Application No.

G12746

Permit No.

G12445

Certificate No.

87823

Klanath

Stream Index, Page No.

13

14-0010

V 2 Lost R v Misc

FEEES PAID

Date	Amount	Receipt No.
12-31-91	946. <sup>00</sup>	82224
Ext. 7-31-01	100. <sup>00</sup>	47191
1-7-05	250.00	72165

Cert. Fee

FEEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

Date filed

Priority

Action suspended until

"on ext do"

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning

JUL 31 1997

Date for completion

OCT 01 1997

Extended to

Date for application of water

OCT 01 2000

Extended to

10-1-2006

PROSECUTION OF WORK

Form "A" filed

11-4-96

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

DEC 14 2012

Date certificate issued

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
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REMARKS

118 sent 11/20/96

PUMP TEST  
 6-27-2012  
 APPROVED





# Oregon

John A. Kitzhaber, MD, Governor

*for file G-12746*

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

January 29, 2014

DONALD AND HELEN HORSLEY  
PO BOX 8  
BONANZA, OR 97623

Re: Water Use Reporting under Permit G-12445 (User ID 17818)

I received your letter dated January 14, 2014 in which you state that you will read the meter at the end of each month. It is important that you do so, and keep a record of your readings, so that you can determine the amount of water that you use each month (current reading minus the previous month's reading = quantity of water for the month just ended).

The water right developed under Permit G-12445 is now evidenced by Certificate 87823, which authorizes Well 1 and Well 2, and contains the following condition:

Measurement, recording and reporting conditions:

- A. The water user 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 by April 15, or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under this water right.
- B. The water user 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.

Note that this condition is separate from the ones that pertain to the groundwater level measurements that Jerry Grondin makes, and it requires a report that is separate from the water-level reports.

You are responsible for measuring and recording monthly water use and submitting a report each year between October 1<sup>st</sup> and December 31<sup>st</sup> for the previous twelve months of water use. Since you have two wells, you will need to separately report use from each well, using the following Reporting ID numbers: 62732 for Well 1 (KLAM 13326) and 37290 for Well 2 (KLAM 10440).

I have enclosed a 2014 water use report form for your convenience in reporting the amount of water used each month. Put zeroes for any months you did not use water from a well. You may call me at 503-986-0824 if you have questions.

Sincerely,

Dorothy I. Pedersen  
Water Measurement Analyst



# 2013

## Oregon Water Resources Department October through September Water Use Recording and Reporting Form

# 2014

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Don and Helen Horsley

17818

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

P.O. Box 8, Bonanza, OR 97623

541-545-6641

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	Well 1 (KLAM 13326) 62732 Application: G - 12746 Permit: G - 12445 Other: Cert 87823	Well 2 (KLAM 10440) 37290 Application: G - 12746 Permit: G - 12445 Other: Cert 87823	Application: - Permit: - Other:	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2013				
November - 2013				
December - 2013				
January - 2014				
February - 2014				
March - 2014				
April - 2014				
May - 2014				
June - 2014				
July - 2014				
August - 2014				
September - 2014				
TOTAL *				
Unit of Measurement	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF

Describe the method of measurement used: \_\_\_\_\_ If used for irrigation, total number of acres irrigated: \_\_\_\_\_

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

Date \_\_\_\_\_ Signature \_\_\_\_\_ Name and Title (print) \_\_\_\_\_ Company \_\_\_\_\_ Phone Number \_\_\_\_\_

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



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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

## Memo

To: File G-12746

From: Dorothy Pedersen

Date: 1/23/14

Re: 1998 Water Use Report for User ID 17818

I calculated the gallons use per month during 1998 as follows, from the figures given in the letter received January 7, 2002.

### Conversion from meter readings to Monthly Use

Water User ID	17818	Water Year	1998
Name	Don & Helen Horsley		
POD	Well 2		
Report ID	37290		
Application	G-12746		
Permit	G-12445		
Certificate	87823		
	Meter Reading	Use	Meter Reading
Previous Reading	75424000		
Apr-13	116845000	41421000	
May-13	136751000	19906000	
Jun-13	146390000	9639000	
Jul-13	156026000	9636000	
Aug-13	164326000	8300000	
Sep-13	166680000	2354000	
Total Use		91,256,000	
Units		Gallons	



January 14, 2014

User ID 17818

Department of Water Resources  
Dorothy Pedersen, Water Measurement Analyst  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Re: Certificate  
Under Permit #G12445  
Don/Helen Horsley

Dear Ms. Pedersen:

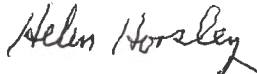
We are no longer required to submit monthly meter readings. However, per your request we will read the meter at the end of each month. As of 12/31/13, our meter was 356048.

Horsefly Irrigation District has been reporting water levels per forms attached. This type of reporting works well for the department and also for the farmer.

Mr. Jerry Grondin, who is with the Department of Water Resources, makes several visits to our well site per year to conduct testing and to record necessary data. Mr. Grondin was at our well site the week of October 22, 2013. He was also in our area January 16, 2014.

This information should answer any questions you may have had. Thank you for your service.

Sincerely,



Helen Horsley

PO Box 8

Bonanza, OR 97623

541-545-6641

Enclosures (5)

RECEIVED BY OWRD

JAN 15 2014

SALEM, OR



**Oregon Water Resources Department**  
**PERMIT CONDITION WATER-LEVEL REPORTING FORM**

... requires periodic static water-level measurements in your wells. Consult your permit or ... to determine when measurements should be made, when reports are due, and who is ... to make the measurements. Keep a copy of all measurement reports for your records. All wells ... have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 12746  
 Permit: G 12445  
 Certificate: 87823  
 Transfer:  
 POD: 2  
 Userid: 17818

RECEIVED BY OWRD

DONALD J HORSLEY  
 HELEN E HORSLEY  
 PO BOX 8  
 BONANZA OR 97623

JAN 15 2014

SALEM, OR

Well History, if available:

Logid	Type Work	Date	Depth

**Identification of Measured Well** (Provide as much information as possible. Correct any errors.)

Water Resources Well Log ID:  Owner's well name:   
 Well ID (Well Tag) on Well: L-  Well name on water right: **WELL 2**  
 Well ID (Well Tag) on Well Log: L-  Well drilled by:   
 Start Card # on Well Log:  Total depth:  Casing diameter (inches):   
 Date drilled:  Owner on well log:   
 Well location on water right: In the SE quarter of the SE quarter of Section 2, Township 39.00S, Range 11.00E, 964 FEET NORTH AND 1341.12 FEET EAST FROM N1/4 CORNER, SECTION 11

**Water-Level Measurement**

Date of measurement: 4-10-13 Measurements should be made to at least the nearest tenth of a foot (10.2"), the nearest inch (10' 3") or the nearest pound, if using a gage.  
 Depth to water below measuring point:  Airline length or transducer depth:  feet  
 Measuring point height above / below land surface:  Airline pressure:  psi x 2.31 =  feet  
 Depth to water below land surface: 25.0 Shut-in pressure:  psi x 2.31 =  feet  
 Measurement status: Static  Pumping  Rising  Flowing  Other   
 Measurement method: E-tape  Airline  Other   
 Length of time well was idle prior to measurement:   
 Measuring point description:   
 The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.  
 Comments: MR 285329

When did water use begin for this well under this permit? Month  Year

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.  
 Person making measurement (print):  
 Signature of measurer: Earl W Wiersma Earl & Pam Wiersma  
 Company: Bonanza, OR 97623  
 License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer):  
 Daytime phone number: 892-8107 Email address:  

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.  
 Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD GW/KCW 2/7/2013

Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top):

Date	MP Height	WL BLS	Pump Idle Time	Status	Method	Measured By	Measuring Point Description



PERMIT CONDITION WATER-LEVEL REPORTING FORM

... requires periodic static water-level measurements in your wells. Consult your permit or ... to determine when measurements should be made, when reports are due, and who is ... to make the measurements. Keep a copy of all measurement reports for your records. All wells ... we been constructed must be measured regardless of whether they are being used. Please ... the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 12746
Permit: G 12445
Certificate: 87823
Transfer:
POD: 1
Userid: 17818

DONALD J HORSLEY
HELEN E HORSLEY
PO BOX 8
BONANZA OR 97623

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JAN 15 2014

SALEM, OR

Well History, if available:

Table with 4 columns: Logid, Type Work, Date, Depth. Multiple empty rows for data entry.

Classification of Measured Well (Provide as much information as possible. Correct any errors.)

Resources Well Log ID: [ ] Owner's well name: [ ]
D (Well Tag) on Well: L- [ ] Well name on water right: WELL 1
D (Well Tag) on Well Log: L- [ ] Well drilled by: [ ]
Card # on Well Log: [ ] Total depth: [ ] Casing diameter (inches): [ ]
Drilled: [ ] Owner on well log: [ ]

Location on water right: In the SE quarter of the NW quarter of Section 11, Township 39.00S, Range 11.00E, 2117.93 FEET SOUTH AND 308.76 FEET WEST FROM N1/4 CORNER, SECTION 11

Water-Level Measurement

Time of measurement: 4-16-13 Measurements should be made to at least the nearest tenth of a foot (10.2'), the nearest inch (10' 3") or the nearest pound, if using a gage.

Depth to water below measuring point: [ ] Airline length or transducer depth: [ ] feet
Measuring point height above / below land surface: [ ] Airline pressure: [ ] psi x 2.31 = [ ] feet
Depth to water below land surface: 67.2" Shut-in pressure: [ ] psi x 2.31 = [ ] feet
Measurement status: Static [ ] Pumping [ ] Rising [ ] Flowing [ ] Other [ ]
Measurement method: E-tape [ ] Airline [ ] Other [ ]

Length of time well was idle prior to measurement: [ ]

Measuring point description: [ ]

Measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.

Comments: no meter

When did water use begin for this well under this permit? Month [ ] Year [ ]

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.

Person making measurement (print): [ ]

Signature of measurer: Earl W. Wiersma

Company: Earl & Pam Wiersma

License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer): PO Box 177

Daytime phone number: 892-8107 Email address: Bonanza, OR 97623

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.

Additional forms can be obtained from our web site at: http://www.wrd.state.or.us OWRD GW/KCW 2/7/2013

Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top):

Table with 6 columns: MP Height, WL BLS, Pump Idle Time, Status, Method, Measured By, Measuring Point Description. One row of data is present.



**Oregon Water Resources Department**  
**PERMIT CONDITION WATER-LEVEL REPORTING FORM**

This right requires periodic static water-level measurements in your wells. Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is required to make the measurements. Keep a copy of all measurement reports for your records. All wells that have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 12746  
 Permit: G 12445  
 Certificate:  
 Transfer:  
 POD: 2  
 Userid: 17818

**DONALD J HORSLEY**  
**HELEN E HORSLEY**  
**PO BOX 8**  
**BONANZA OR 97623**

RECEIVED BY OWRD

JAN 15 2014

SALEM, OR

**Well History, if available:**

Logid	Type Work	Date	Depth
KLAM 10440	NEW WELL	04/17/1992	373

**Identification of Measured Well** (Provide as much information as possible. Correct any errors.)

Water Resources Well-Log ID: **KLAM 10440** Owner's well name: **WELL #2**  
 Well ID (Well Tag) on Well: L-  Well name on water right: **WELL 2**  
 Well ID (Well Tag) on Well Log: L-  Well drilled by:   
 Start Card # on Well Log: **29193** Total depth: **373** Casing diameter (inches):   
 Date drilled: **4/17/1992** Owner on well log: **DON HORSLEY**  
 Well location on water right: **In the SE quarter of the SW quarter of Section 2, Township 39.00S, Range 11.00E, 660 FEET NORTH & 2450 FEET EAST FROM SW CORNER, SECTION 2**

**Water-Level Measurement**

Time of measurement: **4-20-19** Measurements should be made to at least the nearest tenth of a foot (10.2'), the nearest inch (10' 3") or the nearest pound, if using a gage.  
 Depth to water below measuring point:  Airline length or transducer depth:  feet  
 Measuring point height above / below land surface:  Airline pressure:  psi x 2.31 =  feet  
 Depth to water below land surface: **25' 1"** Shut-in pressure:  psi x 2.31 =  feet  
 Measurement status: Static  Pumping  Rising  Flowing  Other   
 Measurement method: E-tape  Airline  Other   
 Length of time well was idle prior to measurement:

Measuring point description:   
 The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.

Comments: **MR 241599**

When did water use begin for this well under this permit? Month  Year

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.  
 Person making measurement (print): **Earl Wiersma**  
 Signature of measurer: **Earl Wiersma**  
 Company: **Earl & Pam Wiersma**  
 License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer):  **PO Box 177**  
 Daytime phone number: **899-8107** Email address: **Bonanza, OR 97623**

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.  
 Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD GW/KCW 2/10/2012

**Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top) :**

Date	MP Height	WL BLS	Pump Idle Time	Status	Method	Measured By	Measuring Point Description
03/08/2010		34.08		STATIC	ETAPE	EARL WIERSMA	
03/01/2009	3.00	23.00	30 DAYS	STATIC	ETAPE	DONALD HORSLEY	1 1/2" PORT PIPE SW OF WELL



### Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

2

right requires periodic static water-level measurements in your wells. Consult your permit or to determine when measurements should be made, when reports are due, and who is to make the measurements. Keep a copy of all measurement reports for your records. All wells have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Application: G 12746  
Permit: G 12445  
Certificate:  
Transfer:  
POD: 2  
Userid: 17818

DONALD J HORSLEY  
HELEN E HORSLEY  
PO BOX 8  
BONANZA OR 97623

RECEIVED BY OWRD

JAN 15 2014

SALEM, OR

Well History, if available:

Logid	Type Work	Date	Depth
KLAM 10440	ORIGINAL HOLE	04/17/1992	373

#### Identification of Measured Well (Provide as much information as possible. Correct any errors.)

Water Resources Well Log ID: KLAM 10440 Owner's well name: WELL #2  
 Well ID (Well Tag) on Well: L-   Well name on water right: WELL 2  
 Well ID (Well Tag) on Well Log: L-   Well drilled by:    
 Start Card # on Well Log: 29193 Total depth: 373 Casing diameter (inches):    
 Date drilled: 4/17/1992 Owner on well log: DON HORSLEY  
 Well location on water right: In the SE quarter of the SW quarter of Section 2, Township 39.00S, Range 11.00E, 660 FEET NORTH & 2450 FEET EAST FROM SW CORNER, SECTION 2

#### Water-Level Measurement

Date of measurement: 3-8-10 Measurements should be made to at least the nearest tenth of a foot (10.2), the nearest inch (10' 3") or the nearest pound, if using a gage.  
 Depth to water below measuring point:   Airline length or transducer depth:   feet  
 Measuring point height above / below land surface:   Airline pressure:   psi x 2.31 =   feet  
 Depth to water below land surface: 34' 1" Shut-in pressure:   psi x 2.31 =   feet  
 Measurement status: Static  Pumping  Rising  Flowing  Other    
 Measurement method: E-tape  Airline  Other    
 Length of time well was idle prior to measurement:    
 Measuring point description:    
 The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.  
 Comments: Flow meter 146,502

When did water use begin for this well under this permit? Month   Year  

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.  
 Person making measurement (print): EARL WIERSMA  
 Signature of measurer: Earl Wiersma  
 Company:    
 License number (Circle license type: CWRE, RG, PE, WWC, Pump Installer):    
 Daytime phone number: 892-8107 Email address:  

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.  
 Additional forms can be obtained from our web sit at: <http://wyw.wrd.state.or.us> OWRD GW/KCW 3/1/2010

Water Level Data on File at OWRD for this well (last 2 measurements only, most recent date on top):

Date	MP Height	WL BLS	Pump Idle Time	Status	Method	Measured By	Comments
09/30/2007	5.00	25.00		STATIC	ETAPE	DONALD HORSLEY	
04/10/2007		26.00	Since Oct 2006	STATIC	ETAPE	DONALD HORSLEY	

# Mailing List for Certificate

Scheduled Mailing Date:

**Application:** G-12746

**Permit:** G-12445

**Certificate:** 87823

**Permit/Certificate Holder:**

DONALD J AND HELEN E HORSLEY  
DONALD J AND HELEN E HORSLEY  
PO BOX 8  
BONANZA OR 97623 ✓

<p><b>Copies Mailed</b></p> <p>by: <u>Connie Vance</u> (STAFF)</p> <p>on: <u>DEC 14 2012</u> (DATE)</p>
-----------------------------------------------------------------------------------------------------------------

**Copies of Final Certificate to be sent to:**

1. Watermaster District 17, Scott White (include copy of map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

**Other persons to receive copies: (include map):**

1. Darryl Anderson, CWRE ✓



STATE OF OREGON  
 COUNTY OF KLAMATH  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DONALD J AND HELEN E HORSLEY  
 PO BOX 8  
 BONANZA OR 97623

confirms the right to use the waters of TWO WELLS in the Lost River Basin for PRIMARY IRRIGATION of 48.1 ACRES AND SUPPLEMENTAL IRRIGATION of 191.5 ACRES.

This right was perfected under Permit G-12445. The date of priority is DECEMBER 31, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.99 CUBIC FEET PER SECOND (CFS), BEING NOT MORE THAN 2.72 CFS FROM WELL 1 AND 0.27 CFS FROM WELL 2, or its equivalent in case of rotation, measured at the wells.

The period of allowed use is from April 15 through October 15 of each year.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
39 S	11 E	WM	2	SE SE	WELL 2 - 964.00 FEET NORTH & 1341.12 FEET EAST FROM N ¼ CORNER, SECTION 11
39 S	11 E	WM	11	SE NW	WELL 1 - 2117.93 FEET SOUTH & 308.76 FEET WEST FROM N ¼ CORNER, SECTION 11

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.50 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

IRRIGATION						
Well	Twp	Rng	Mer	Sec	Q-Q	Acres
1	39 S	11 E	WM	2	NE SW	0.9
2	39 S	11 E	WM	2	NE SW	18.9
1	39 S	11 E	WM	2	SE SW	13.0
2	39 S	11 E	WM	2	SE SW	2.8

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

IRRIGATION						
Well	Twp	Rng	Mer	Sec	Q-Q	Acres
1	39 S	11 E	WM	11	NW NE	2.1
1	39 S	11 E	WM	11	SW NE	10.4

SUPPLEMENTAL IRRIGATION FROM WELL 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	11 E	WM	2	NE SW	5.1
39 S	11 E	WM	2	NW SW	35.7
39 S	11 E	WM	2	SE SW	9.6
39 S	11 E	WM	2	SW SE	0.6
39 S	11 E	WM	11	NE NE	13.3
39 S	11 E	WM	11	NW NE	20.5
39 S	11 E	WM	11	SW NE	23.5
39 S	11 E	WM	11	SE NE	38.7
39 S	11 E	WM	11	NE NW	11.8
39 S	11 E	WM	11	SE NW	32.7

Ground water use under this right can occur only when:

- A. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
- B. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
- C. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.

Any use of water under the terms and conditions of this right shall continue to be subject to regulation in favor of senior surface or ground water rights.

Measurement, recording and reporting conditions:

- A. The water user 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 by April 15, or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under this water right.
- B. The water user 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.

The wells shall be maintained 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.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate the interference.



The water user shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the water user/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

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

This right is for the beneficial use of water without waste.

The Director may require water level or pump test results every ten years.

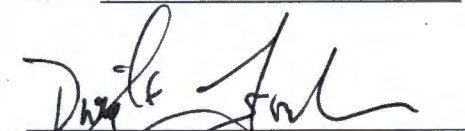
This right is limited to any deficiency in the available supply of any prior right existing for the same lands.

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

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

Issued DEC 14 2012



Dwight V. French  
Water Right Services Administrator, for  
Phillip O. Ward, Director  
Water Resources Department





# Oregon

John A. Kitzhaber, MD, Governor

**Water Resources Department**

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Date Mailed: December 14, 2012**

## **NOTICE OF CERTIFICATE ISSUANCE**

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.



# Mailing List for Certificate

Scheduled Mailing Date:

**Application:** G-12746

**Permit:** G-12445

**Certificate:** \*\*\*\*\*

**Permit/Certificate Holder:**

DONALD J AND HELEN E HORSLEY  
DONALD J AND HELEN E HORSLEY  
PO BOX 8  
BONANZA OR 97623 ✓

<b>Copies Mailed</b>	
by:	<u>Connie Vance</u> (STAFF)
on:	<u>AUG 16 2012</u> (DATE)

**Copies of Final Certificate to be sent to:**

1. Watermaster District 17, Scott White (include copy of map) ✓
2. Data Center
3. Water Availability
4. Vault
5. File ✓

**Other persons to receive copies: (include map):**

1. Darryl Anderson, CWRE ✓



# Oregon

John A. Kitzhaber, MD, Governor

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

**DATE MAILED:** AUG 16 2012

## NOTICE

Reference: Application G-2746 Permit G-12445

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French  
Water Right Services Administrator



STATE OF OREGON

COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DONALD J AND HELEN E HORSLEY  
 PO BOX 8  
 BONANZA OR 97623

confirms the right to use the waters of TWO WELLS in the Lost River Basin for PRIMARY IRRIGATION of 48.1 ACRES AND SUPPLEMENTAL IRRIGATION of 191.5 ACRES.

This right was perfected under Permit G-12445. The date of priority is DECEMBER 31, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.99 CUBIC FEET PER SECOND (CFS), BEING NOT MORE THAN 2.72 CFS FROM WELL 1 AND 0.27 CFS FROM WELL 2, or its equivalent in case of rotation, measured at the wells.

The period of allowed use is from April 15 through October 15 of each year.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
39 S	11 E	WM	2	SE SE	WELL 2 - 964.00 FEET NORTH & 1341.12 FEET EAST FROM N ¼ CORNER, SECTION 11
39 S	11 E	WM	11	SE NW	WELL 1 - 2117.93 FEET SOUTH & 308.76 FEET WEST FROM N ¼ CORNER, SECTION 11

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.50 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

IRRIGATION						
Well	Twp	Rng	Mer	Sec	Q-Q	Acres
1	39 S	11 E	WM	2	NE SW	0.9
2	39 S	11 E	WM	2	NE SW	18.9
1	39 S	11 E	WM	2	SE SW	13.0
2	39 S	11 E	WM	2	SE SW	2.8

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

IRRIGATION						
Well	Twp	Rng	Mer	Sec	Q-Q	Acres
1	39 S	11 E	WM	11	NW NE	2.1
1	39 S	11 E	WM	11	SW NE	10.4

SUPPLEMENTAL IRRIGATION FROM WELL 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	11 E	WM	2	NE SW	5.1
39 S	11 E	WM	2	NW SW	35.7
39 S	11 E	WM	2	SE SW	9.6
39 S	11 E	WM	2	SW SE	0.6
39 S	11 E	WM	11	NE NE	13.3
39 S	11 E	WM	11	NW NE	20.5
39 S	11 E	WM	11	SW NE	23.5
39 S	11 E	WM	11	SE NE	38.7
39 S	11 E	WM	11	NE NW	11.8
39 S	11 E	WM	11	SE NW	32.7

**PROPOSED**

Ground water use under this right can occur only when:

- A. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
- B. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
- C. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.

Any use of water under the terms and conditions of this right shall continue to be subject to regulation in favor of senior surface or ground water rights.

Measurement, recording and reporting conditions:

- A. The water user 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 by April 15, or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under this water right.
- B. The water user 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.

The wells shall be maintained 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.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate the interference.



The water user shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the water user/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

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

This right is for the beneficial use of water without waste.

The Director may require water level or pump test results every ten years.

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

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

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

Issued \_\_\_\_\_.

**PROPOSED**

Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director  
Water Resources Department

July 14, 2012

Jerry Clark  
Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, OR 97301-4172

Dear Jerry Clark,

There has been a power meter at our existing well #2, Klam #13326, since 1967. The permit number is 12445 and the Pacific Power service ID number is 183848635-001. Thank you.

Respectfully,



Helen Horsley

RECEIVED BY OWRD

JUL 18 2012

SALEM, OR





# Oregon

John A. Kitzhaber, MD, Governor

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

July 10, 2012

DONALD J HORSLEY  
HELEN E HORSLEY  
PO BOX 8  
BONANZA OR 97623

GW

The Department has accepted the pump test results for the following permitted well(s):

Application	Permit	Permitted Well	Tested Well	Test Date	Test Status	Exemption	Owner's Well Name
G	12746 G	12445 KLAM 10440	KLAM 10440	05/13/2008	Rejected		WELL #2
G	12746 G	12445 KLAM 10440	KLAM 10440	04/26/2012	Approved		WELL #2
G	3819 G	3602 KLAM 13326	KLAM 13326		Exempted	Multiple Well	WELL #1
G	12746 G	12445 KLAM 13326	KLAM 13326		Exempted	Multiple Well	WELL #1

Please contact me if you have any questions.

Sincerely,

Jerry Grondin  
Ground Water/Hydrology Section

cc: GW Pump Test File

### Water Right Information Query Results

<b>Contact Information</b>	<b>Documents</b> <small>View all scanned documents</small>																																																
▼ <b>Current contact information</b> OWNER: DONALD J HORSLEY PO BOX 8 BONANZA, OR 97623	▶ <b>Application: G 12746</b> ▼ <b>Permit: G 12445 document , paper_map</b> ▶ Signature: 7/31/1996																																																
<b>Water Right Information</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: center;">Permit Workflow</th> </tr> <tr> <th>Action</th> <th>Date</th> <th>Result</th> <th>Completed By</th> </tr> </thead> <tbody> <tr> <td>Permit Issued</td> <td>7/31/1996</td> <td></td> <td></td> </tr> <tr> <td>Completion Date [C Date]</td> <td>10/1/2000</td> <td></td> <td></td> </tr> <tr> <td>Extension Received</td> <td>7/31/2001</td> <td></td> <td>ANN REECE</td> </tr> <tr> <td>Extension Comment Period</td> <td>9/18/2001</td> <td></td> <td>ANN REECE</td> </tr> <tr> <td>▶ Extension PFO 315 Issued</td> <td>11/30/2004</td> <td></td> <td>ANN REECE</td> </tr> <tr> <td>Extension FO Issued</td> <td>5/30/2006</td> <td>Extended</td> <td>MIKE REYNOLDS</td> </tr> <tr> <td>Extended Completion Date</td> <td>10/1/2006</td> <td></td> <td>MIKE REYNOLDS</td> </tr> <tr> <td>CBU Received</td> <td>3/26/2007</td> <td></td> <td>DARRYL ANDERSON</td> </tr> <tr> <td>Pump Test Received</td> <td>2/27/2012</td> <td></td> <td>CONNIE VANCE</td> </tr> <tr> <td>Pump Test Reviewed</td> <td>6/27/2012</td> <td>Approved</td> <td>GERALD GRONDIN</td> </tr> </tbody> </table> ▶ <a href="#">View right with Web Mapping</a> ▶ <a href="#">View Places of Use from Water Rights in the Same Area</a>	Permit Workflow				Action	Date	Result	Completed By	Permit Issued	7/31/1996			Completion Date [C Date]	10/1/2000			Extension Received	7/31/2001		ANN REECE	Extension Comment Period	9/18/2001		ANN REECE	▶ Extension PFO 315 Issued	11/30/2004		ANN REECE	Extension FO Issued	5/30/2006	Extended	MIKE REYNOLDS	Extended Completion Date	10/1/2006		MIKE REYNOLDS	CBU Received	3/26/2007		DARRYL ANDERSON	Pump Test Received	2/27/2012		CONNIE VANCE	Pump Test Reviewed	6/27/2012	Approved	GERALD GRONDIN
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<b>Point(s) of Diversion</b>																																																	
▶ <b>POD 1 - WELL 1 &gt; LOST RIVER</b>																																																	
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<b>Place(s) of Use</b> <small>Add TRS grouping</small>																																																	
▶ <b>Use - IRRIGATION (Primary) - 139.0 acres; Priority Date: 12/31/1991</b>																																																	
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⊖ Permit: G 12222_CN   Permit: G 12445 *																																																	

[View Water Rights in same Family](#)

[Help understanding and working with the Water Rights Information System](#)

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)



**Jerry Gainey**

---

**From:** Jerry Grondin  
**Sent:** Wednesday, June 27, 2012 3:39 PM  
**To:** Jerry Gainey; Gerry Clark  
**Cc:** Jerry Grondin; Connie Vance  
**Subject:** Pump Test Approved: Permit G-12445 (file G-12746)

Hi Jerry & Gerry,

The pump test for Don & Helen Horsley in Bonanza (permit G-12445, file G-12746, well KLAM 10440) has been approved

I mailed the approval letter to Helen. Don died the day of the pump test, very early morning.

Watermaster Scott White and I did the test.

Jerry

\*\*\*\*\*

Jerry Grondin, Hydrogeologist  
Ground Water Hydrology Section  
Technical Services Division  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

Phone: 503-986-0848

E-Mail: [Gerald.H.Grondin@wrdd.state.or.us](mailto:Gerald.H.Grondin@wrdd.state.or.us)

\*\*\*\*\*

Please Note: under Oregon law, messages to and from this e-mail address may be available to the public

\*\*\*\*\*

96



# Oregon

John A. Kitzhaber, MD, Governor

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

June 27, 2012

DONALD J HORSLEY  
HELEN E HORSLEY  
PO BOX 8  
BONANZA OR 97623

GW

The Department has accepted the pump test results for the following permitted well(s):

Application	Permit	Permitted Well	Tested Well	Test Date	Test Status	Exemption	Owner's Well Name
G	12746 G	12445 KLAM 10440	KLAM 10440	05/13/2008	Rejected		WELL #2
G	12746 G	12445 KLAM 10440	KLAM 10440	04/26/2012	Approved		WELL #2

Please contact me if you have any questions.

Sincerely,

Jerry Grondin  
Ground Water/Hydrology Section

cc: GW Pump Test File



April 12, 2012

Jerry Grondin  
Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, OR 97301-4172

Dear Jerry Grondin,

We are requesting a multiple well exemption for Don and Helen Horsley for Klam # 10440, in addition to Klam # 13326. The old permit number is G-3602 and the new one is G-12445.

Respectfully,

Don and Helen Horsley  
*Helen Horsley*



# Oregon

John A. Kitzhaber, MD, Governor

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

March 22, 2012

DONALD J HORSLEY  
HELEN E HORSLEY  
PO BOX 8  
BONANZA OR 97623 GW

The Department has rejected the pump tests for the following permitted well(s):

Application Permit	Permitted Well	Tested Well	Test Date	Test Status	Owner's Well Name
G 12746	G 12445	KLAM 10440	KLAM 10440	05/13/2008 Rejected	WELL #2

The test was rejected for the following reasons:

- The discharge rate was not held constant.
- The pump was turned off for a portion of the pumping phase.
- The discharge was not measured at the specified time intervals during the pumping phase of the test.
- \*\* \*\*** Water levels were not measured to an accuracy of 0.1 feet.
- Pre-test static water levels were not measured at the specified intervals.
- Water levels were not measured at the specified time intervals during the test.
- \* \*\*** Water levels were not measured during the recovery phase of the test.
- Airline measurements are not allowed if the depth to water is less than or equal to 300 feet.
- Airline measurements were not verified by an electric tape measurement.
- Test data and the supporting documentation were not reported on the Department's forms.
- A graph indicates that the data is probably corrupt.
- Rising water levels during some or all of the pumping phase of the test indicate that the pumping rate was not held constant or that water-level measurements are inaccurate.

The following pump test related materials can be found on our web site at:

- Pump test administrative rules: [http://arcweb.sos.state.or.us/rules/OARS\\_600/OAR\\_690/690\\_217.html](http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_217.html)
- A booklet explaining pump tests: [http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/pump\\_test.pdf](http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/pump_test.pdf)
- Pump Test Cover Sheet: [http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/pump\\_test\\_cover\\_.pdf](http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/pump_test_cover_.pdf)
- Pump Test Data Sheet: [http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/pump\\_test\\_data.pdf](http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/pump_test_data.pdf)

Please contact me if you have any questions about the status of your test. Please call Gerry Clark at 503-986-0811 if you have any questions about how this action may affect the status of your water right.

Sincerely,

Jerry Grondin  
Ground Water/Hydrology Section

I am sorry this test does not meet the pump test requirements. The data submitted can not be analyzed. I have some thoughts that may help.

Jerry

cc: GW Pump Test File



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**MEMORANDUM**

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TO: GROUND WATER SECTION  
FROM: CERTIFICATE SECTION - CONNIE VANCE  
SUBJECT: PUMP TEST FOR PERMIT G-12445 APPLICATION G-12746                      DATE: 2/27/2012

The attached pump test was recently received. We have retained the original for the application file.

S:\groups\wr\certs\Resource Center\pump test memo normal.doc

MEMORANDUM

TO: GROUND WATER SECTION  
FROM: CERTIFICATE SECTION - CONNIE VANCE  
SUBJECT: PUMP TEST FOR PERMIT G-12445 APPLICATION G-12746 DATE: 2/27/2012

The attached pump test was recently received. We have retained the original for the application file.

S:\groups\wr\certs\Resource Center\pump test memo normal.doc



RECEIVED

FEB 24 2012

WATER RESOURCES DEPT  
SALEM, OREGON

Oregon Water Resources Department  
PUMP TEST FORM COVER SHEET

Well Owner: Name: Don  
Address: \_\_\_\_\_  
County: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Original owner (from well log): \_\_\_\_\_  
Well Location: Township: 37.005 (N/S) Range: 12.005 (E/W)  
Section: 2 1/4: SE 1/16: \_\_\_\_\_ 1/64: \_\_\_\_\_  
Well depth: 375 Date drilled: 4/92  
Owners well no. (if any): \_\_\_\_\_  
POD ID: \_\_\_\_\_

Water Right Information:  
Application: G12746 Permit: G12445 Certificate: \_\_\_\_\_  
Is this well listed on more than one water right?  Yes If yes, list additional water rights below:  
Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_  
Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_

Pump Test:  
Test Conducted by: Don Howley Well Owner?  Yes  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_ Date of Test: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Daytime phone: 541 545-6641

Method of discharge measurement (see our brochure for acceptable methods): \_\_\_\_\_  
Method of water-level measurement (pick one or enter other method used): 5 tape  
Length of air line (if used): \_\_\_\_\_  
Pump type (pick one or enter other method used): Turbine  
Was the pump test conducted during normal use of the well?  Yes Note: NO  
Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test?  Yes Note: NO  
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: \_\_\_\_\_

Is there a lake, stream or other surface water body within 1/4 mile of the tested well?  Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: \_\_\_\_\_ ft Approx. elevation difference: \_\_\_\_\_ ft

Well elevation is 4100 ft surface water body.  
Description of measuring point (e.g. top port of 1 inch port pipe, west side) 1 1/2" port pipe SW side of well  
Measuring point distance from land surface 35 feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
<u>9:00 AM</u>	<u>29' 34"</u>	<u>29'</u>
<u>9:30 AM</u>	<u>34'</u>	<u>29'</u>
<u>10:00 AM</u>	<u>34'</u>	<u>29'</u>

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>10:00 AM</u>	<u>2200</u>	<u>gpm</u>
<u>11:00 AM</u>	<u>2200</u>	<u>gpm</u>
<u>12:00 PM</u>	<u>2200</u>	<u>gpm</u>
<u>1:00 PM</u>	<u>2300</u>	<u>gpm</u>
<u>2:00 PM</u>	<u>2200</u>	<u>gpm</u>

Time pump turned on: \_\_\_\_\_ Date: 5/13/08 Time: 10:00 AM  
Time pump turned off: \_\_\_\_\_ Date: 5/13/08 Time: 2:00 PM  
Total pumping time: 4 hours \_\_\_\_\_ minutes

Note: Well must be idle for at least 16 hours prior to the test.  
Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us> OWRD 2/9/2000

Required Signature: Don Howley



Oregon Water Resources Department  
**PUMP TEST DATA SHEET**

FEB 24 2012  
 WATER RESOURCES DEPT  
 SALEM, OREGON  
 Page \_\_\_\_\_ of \_\_\_\_\_

Application: G 12746 Permit: G 12445 Certificate: \_\_\_\_\_ Pod Id: \_\_\_\_\_

All water-level measurements must either be in feet and inches, or feet and decimal fractions.

**Drawdown Data**

**Recovery Data**

Drawdown Data					Recovery Data						
Date	Time	Time Since Pump Started (minutes)	Depth to Water Below Measuring Pt	Depth to Water Below Land Surface	Comments	Date	Time	Time Since Pump Stopped (minutes)	Depth to Water Below Measuring Pt	Depth to Water Below Land Surface	Comments
5/12/08	10:02	2	79'	74'							
	10:04	4	79'	74'							
	10:06	6	79'	74'							
	10:08	8	79'	74'							
	10:10	10	79'	74'							
5/13/09	10:15	5	79	74							
	10:30	15	79	74							
	10:45	30	79	74							
	11:00	45	79	74							
	11:15	75	79	74							
	11:30	90	79	74							
	11:45	105	79	74							
	12:00	120	79	74							
	12:15	135	79	74							
	12:30	150	79	74							
	12:45	165	79	74							
	1:00	180	79	74							
	1:15	195	79	74							
	1:30	210	79	74							
	1:45	225	79	74							
	2:00	240	79	74							
	2:15	255	79	74							
	2:30	270	79	74							
	2:45	285	79	74							
	3:00	300	79	74							
	3:15	315	79	74							
	3:30	330	79	74							
	3:45	345	79	74							
	4:00	360	79	74							
	4:15	375	79	74							
	4:30	390	79	74							
	4:45	405	79	74							



**RECEIVED**

FEB 24 2012

Gerry Clark

WATER RESOURCES DEPT  
SALEM, OREGON

Per our recent telephone conversation, attached is the Pump test that you requested.

I will call soon to make sure that all is in order.

Thank you.

Helen Harsley

P.O. Box # 8

Bonanza, Or 97623

Phone 541-545-6641

Application # 12746

Permit # 12445

~~\*~~ Request forms for Multiple Well Exemption

Oregon Water Resources Department  
**PUMP TEST FORM COVER SHEET**

**RECEIVED**

**FEB 24 2012**

**WATER RESOURCES DEPT  
 SALEM, OREGON**

**Well Owner:**

Name: Don  
 Address: \_\_\_\_\_  
 County: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Original owner (from well log): \_\_\_\_\_

**Well Location:**

Township: 37.393 (N/S) Range: 12.095 (E/W)  
 Section: 2 1/4: SE 1/16: \_\_\_\_\_ 1/64: \_\_\_\_\_  
 Well depth: 375 Date drilled: 4/92  
 Owners well no. (if any): \_\_\_\_\_  
 POD ID: \_\_\_\_\_

**Water Right Information:**

Application: G12746 Permit: G12445 Certificate: \_\_\_\_\_  
 Is this well listed on more than one water right?  Yes If yes, list additional water rights below:  
 Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_  
 Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_

**Pump Test:**

Test Conducted by: Don Hoveler Well Owner?  Yes  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_ Date of Test: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Daytime phone: 541 545-6641

Method of discharge measurement (see our brochure for acceptable methods): \_\_\_\_\_  
 Method of water-level measurement (pick one or enter other method used): 5 tape  
 Length of air line (if used): \_\_\_\_\_

Pump type (pick one or enter other method used): Turbine  
 Was the pump test conducted during normal use of the well?  Yes Note: NO

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test?  Yes Note: NO  
 If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: \_\_\_\_\_

Is there a lake, stream or other surface water body within 1/4 mile of the tested well?  Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: \_\_\_\_\_ ft Approx. elevation difference: \_\_\_\_\_ ft

Well elevation is 4100 ft surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) \_\_\_\_\_  
1 1/2" port pipe s/w side of well  
 Measuring point distance from land surface 3 ft feet.

**Static water level measurements:** (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
<u>9:AM</u>	<u>29' 34"</u>	<u>29'</u>
<u>9:30AM</u>	<u>34'</u>	<u>29'</u>
<u>10:AM</u>	<u>34'</u>	<u>29'</u>

**Discharge measurements:** (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>10:AM</u>	<u>2200</u>	<u>gpm</u>
<u>11:AM</u>	<u>2200</u>	<u>gpm</u>
<u>12:PM</u>	<u>3200</u>	<u>gpm</u>
<u>1:PM</u>	<u>2300</u>	<u>gpm</u>
<u>2:PM</u>	<u>2300</u>	<u>gpm</u>

Time pump turned on: \_\_\_\_\_ Date 10:AM 5/13/08 Time 10:AM  
 Time pump turned off: \_\_\_\_\_ Date 5/13/08 Time 2:PM  
 Total pumping time: 4 hours \_\_\_\_\_ minutes

**Note:** Well must be idle for at least 16 hours prior to the test.

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: Don Hoveler



Oregon Water Resources Department  
**PUMP TEST DATA SHEET**

Application: G 12746 Permit: C 12445 Certificate: \_\_\_\_\_ Pod Id: \_\_\_\_\_

All water-level measurements must either be in feet and inches, or feet and decimal fractions.

**Drawdown Data**

**Recovery Data**

Drawdown Data					Recovery Data						
Date	Time	Time Since Pump Started (minutes)	Depth to Water Below Measuring Pt	Depth to Water Below Land Surface	Comments	Date	Time	Time Since Pump Stopped (minutes)	Depth to Water Below Measuring Pt	Depth to Water Below Land Surface	Comments
5/12/08	10:02	2	79'	74'							
	10:04	4	79'	74'							
	10:06	6	79'	74'							
	10:08	8	79'	74'							
	10:10	10	79'	74'							
5/13/08	10:15	5	79	74							
	10:20	10	79	74							
	10:25	15	79	74							
	10:30	20	79	74							
	10:35	25	79	74							
	10:40	30	79	74							
5/13/08	11 AM	15	79	74							
		30	79	74							
		45	79	74							
	12 PM	1:15	79	74							
		2:15	79	74							
		3:15	79	74							
1 PM	12:45	45	79	74							
	1:30	60	79	74							
	2:00	75	79	74							
	2:15	90	79	74							
	2:30	105	79	74							
	2:45	120	79	74							
2/12/30	2:45	30	79	74							
	3:00	45	79	74							
	3:15	60	79	74							
	3:30	75	79	74							
	3:45	90	79	74							
	4:00	105	79	74							
	4:15	120	79	74							
	4:30	135	79	74							
	4:45	150	79	74							



# Oregon

John A. Kitzhaber, MD, Governor

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

February 22, 2012

Donald J and Helen E Horsley  
PO Box 8  
Bonanza, Oregon 97623

Re: Application G-12746, Permit G-12445

Dear Mr. and Mrs. Horsley,

In the 2006 Settlement Agreement, the Department agreed to expedite review of complete and timely-filed Claims of Beneficial Use (COBU).

The permit required that prior to issuing a certificate, the water user was required to submit the results of a pump test meeting the Department's standards. A review of our records indicates that we have not yet received a pump test as required under the permit.

The permit allowed two wells. The COBU indicates that two wells were developed. Each well under the permit is subject to the pump test requirement. However, only one of the wells may need to be tested if you can demonstrate that the other wells are producing water from the same aquifer. In order to test only one of the wells, you must request an exemption for the other wells from the Department. The request must be in writing and include documentation, such as well logs, which verify that the wells are producing water from the same aquifer. Please submit the results of a pump test for each of the wells used, or alternatively, submit the results of a pump test for one well if you can also provide the necessary documentation to the Department to demonstrate that the other wells are producing water from the same aquifer. If you have any questions related to the pump test or the process for requesting a multiple well exemption, please contact Mike Zwart at 503-986-0844.

We will not be able to complete our review until we receive and approve a pump test.

If you have any questions, please do not hesitate to contact me at 503-986-0812 or Gerry Clark at 503-986-0811.

Sincerely,

Jerry Gainey  
Water Rights Specialist  
Water Right Services Division



31290

app 6-12740 (permits - 12445)

USER-ID 17818

# 2007

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

# 2008

Facility →					
Report ID →					
October - 2007	948500				
November - 2007	948500				
December - 2007	948500				
January - 2008	948500				
February - 2008	948500				
March - 2008	948500				
April - 2008	948500				
May - 2008	952860				
June - 2008	961060				
July - 2008	972520				<b>RECEIVED</b> OCT 27 2008 WATER RESOURCES DEPT SALEM, OREGON
August - 2008	986908				
September - 2008	993286				
Total * MG.	44786				

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

Describe the method of measurement used: meter If used for irrigation, total number of acres irrigated: 90

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

Donald J. Kersley  
Signature

owner  
Title

Reporting Entity

10/21/08  
Date

Donald J. Kersley  
Name

P.O. Box 9 Boxville OR 97623  
Mailing Address

5215456641  
Phone Number

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



2006-2007. Annual Water Use Report  
 Monthly quantities - Oct 2006 - Sept 2007  
 Well Permit # 12445 - User ID: 17818

Initials	Date
Prepared By	
Approved By	

APP 11746

Month + Year	1	2	3	4	5	6
Oct 2006	897520					
Nov 2006	897520					
Dec 2006	897520					
Jan 2007	897520					
Feb. 2007	897520					
March 2007	897520					
April 2007	897520					
May 2007	901920					
June 2007	910120					
July 2007	921580					
August 2007	935968					
Sept 2007	948500					
total gallons used - 50,940,000						
Static water level of water in well						
Oct 2006	26'					Sept 2007
Method of measuring water used - meters						
I certify this information is true and accurate to the best of my knowledge -						
Donald J. Horsley				owner		12/3/07
Donald J. Horsley.						

**RECEIVED**  
 DEC 06 2007  
 WATER RESOURCES DEPT  
 SALEM, OREGON



6.12746

*Interstate*  
**RECEIVED**

**PUMP COMPANY, INC.**

503/882-3464 — 7209 SOUTH SIXTH STREET  
KLAMATH FALLS, OREGON 97603

**WELL TEST REPORT**

For: Don Horsley

NOV 05 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Date Tested April 21, 1992

Bonanza, OR 97623

Location of Well Back of Don's house

Inside Diameter 16" - 175'

Depth 375'

175 Feet of 16 Inch Casing.

Driller Dave Storey Well Drilling

170 Feet of 10 Inch Column and

3 Stage 12 Inch Bowls.

Test Done By Lee Campbell

Static Water Level at Start of Test 23' (air line) 25 ft tape

CAPACITY GPM	PUMPING LEVEL	DRAWDOWN	TIME	CONDITION OF WATER (SANDY, MUDDY, CLEAR, ETC.)
1400	54'		10:00 am	Clear
1500	58'		10:30	Clear
1600	63'		11:00	"
1800	68'		11:30	"
1900	72'		12:00 pm	"
2000	75'		12:30	"
2400	90'		1:00	"
2400	82'		1:30	"
2000	71'		2:00	"
2000	71'		2:30	"
2000	71'		3:00	Clear. Off
Total Pumping			5 hrs.	
				TEMPERATURE <u>68° F</u>

Static Water Level After Pump Test 23' (air line)

REMARKS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed by Lee Campbell  
DK



From the desk of . . .  
Don & Helen Horsley

G. 12742

11/1/07

Dwight French -

Attached is the requested  
"Well Pump test".

Hope that this will complete  
our file and move on to the  
Permit.

Thank you.

Don Horsley

**RECEIVED**

**NOV 05 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

# Completion Checklist for CWRE Claims of Beneficial Use

Application # G-12746  
 Permit # G-12445  
 Transfer # \_\_\_\_\_  
 Date 3/27/07  
 Reviewer [Signature]



Date Received	<u>3/26/07</u>
CWRE Name	<u>Danip Anderson</u>
Claim Logged	_____
File Marked	_____
Oversized Map #	_____
Read the file and attach a copy of the permit or transfer final order. _____	

BONANZA Settlement

## Map Review:

- Map on polyester film
- Application & permit #; or transfer #
- Disclaimer
- North arrow
- CWRE stamp and signature
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- Township, range, section, and tax lot numbers
- NA Source illustrated if surface water
- Point(s) of diversion or appropriation (illustrated)
- Point(s) of diversion or appropriation (coordinates)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required ONLY FOR Well 1
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)

## Report Review:

- On form or format provided by the Department
- Application & permit #; or transfer #
- County
- Tax lot information
- Date of survey
- Person interviewed
- Ownership information
- Source(s) of water
- Point of diversion/appropriation location
- Use, period of use, and rate for use
- Place of use location
- Type of use
- Extent of use
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
  - Calculated capacity of system (required)
  - Measured amount of use (optional)
- Permit/Transfer Final Order Conditions
  - Time limits
  - Initial water level measurements
  - Annual static water level measurements
  - Measurement, recording, and reporting
    - Meter/measuring device - only one Well 1 - Both wells
    - Water use reporting
  - Fish screening and/or by-pass
  - Pump test (ground water)
  - Other conditions
    - STATIC H2O
- CWRE stamp and signature
- Signature(s) of permittee of transfer holder

OK 7-18-2012



# Certificate Issuance Processing Checklist

Map and COBU reviewed  
 Conflict check (include copy of plat card printout)

Any Conflicts? NO

## Staff Recommendations:

\_\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

\_\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Proposed Actions:

Send letter requesting the following items/information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Send letter recommending extension to cure deficiencies: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_ Yes

If "Yes":

\_\_\_\_\_ Proposed  
\_\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:



G-12746 ACREAGE						
PERMIT				FP MAP	(WELL 2)	
EXIST WELL	PRI		SUP	PRI		SUP
NE SW	18.9		0	18.9		0
SE SW	2.8		0	2.8		0
SW SE	0		0	0		0
SEC 2						
PROP WELL					(WELL 1)	
NE SW	16		5.1	0.9		5.1
NW SW	0		35.7	0		35.7
SE SW	27.6		9.6	13		9.6
SW SE	1.2		0.6	0		0.6
SEC 2						
NE NE	0		13.3	0		13.3
NW NE	20.5		17.9	2.1		20.5
SW NE	16.5		23.5	10.4		23.5
SE NE	0		38.7	0		38.7
NE NW	28.2		11.8	0		11.8
SE NW	7.3		32.7	0		32.7
SEC 11						
	139		188.9	327.9	48.1	191.5
						239.6

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

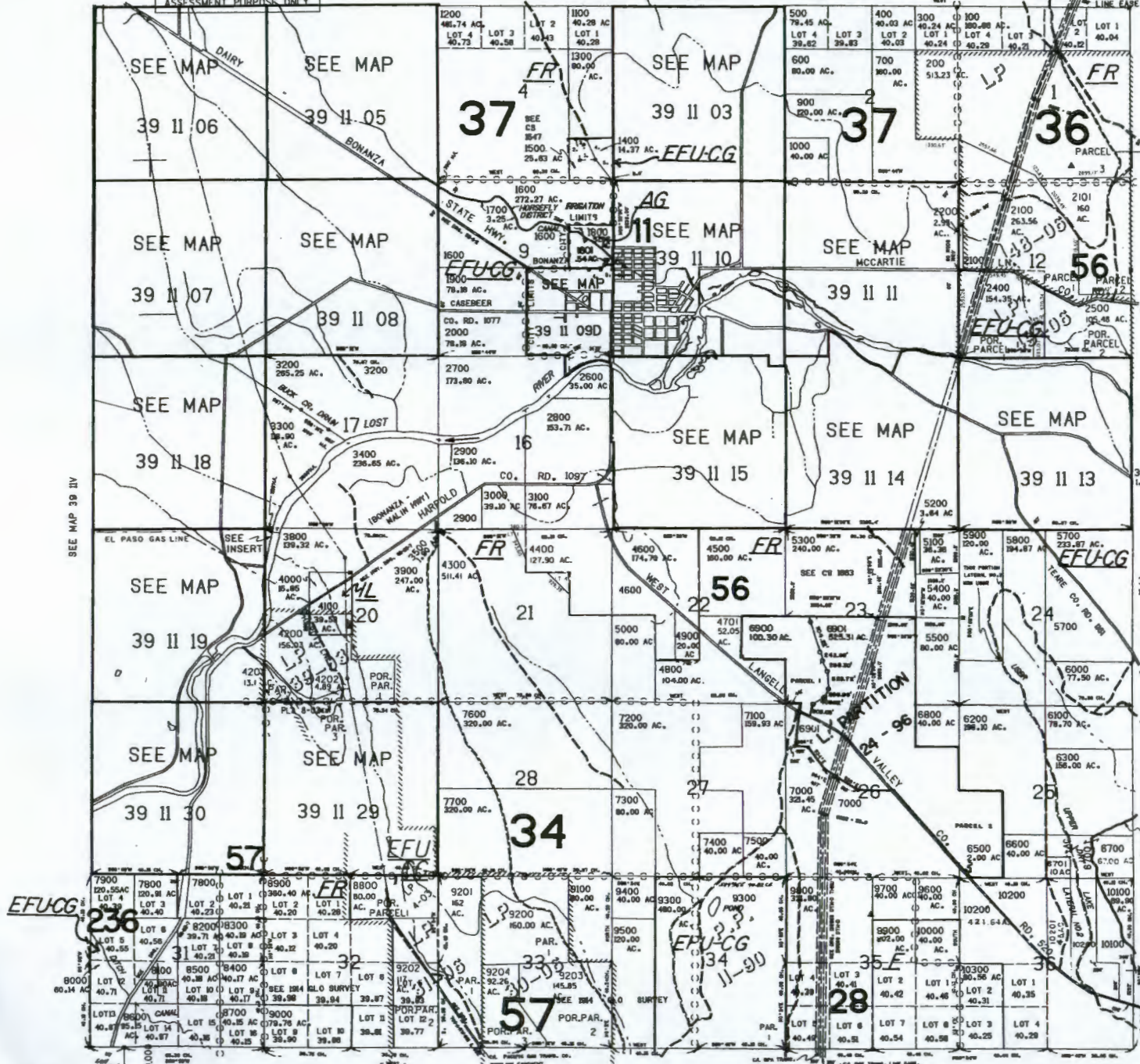
ALAMOGON COUNTY

1"=2000'

SEE MAP 38 II

CA. BPA TRANS LINE EARE. GRIZZLY-MALIN NO.1 CA. PSE TRANS. LINE EARE.

39 II & INDEX BONANZA



- PARCEL 1500  
 PARCEL 1800  
 CANCELLED NO.  
 4700  
 4801  
 5600  
 6400  
 800  
 2300



175,000  
39 II & INDEX BONANZA

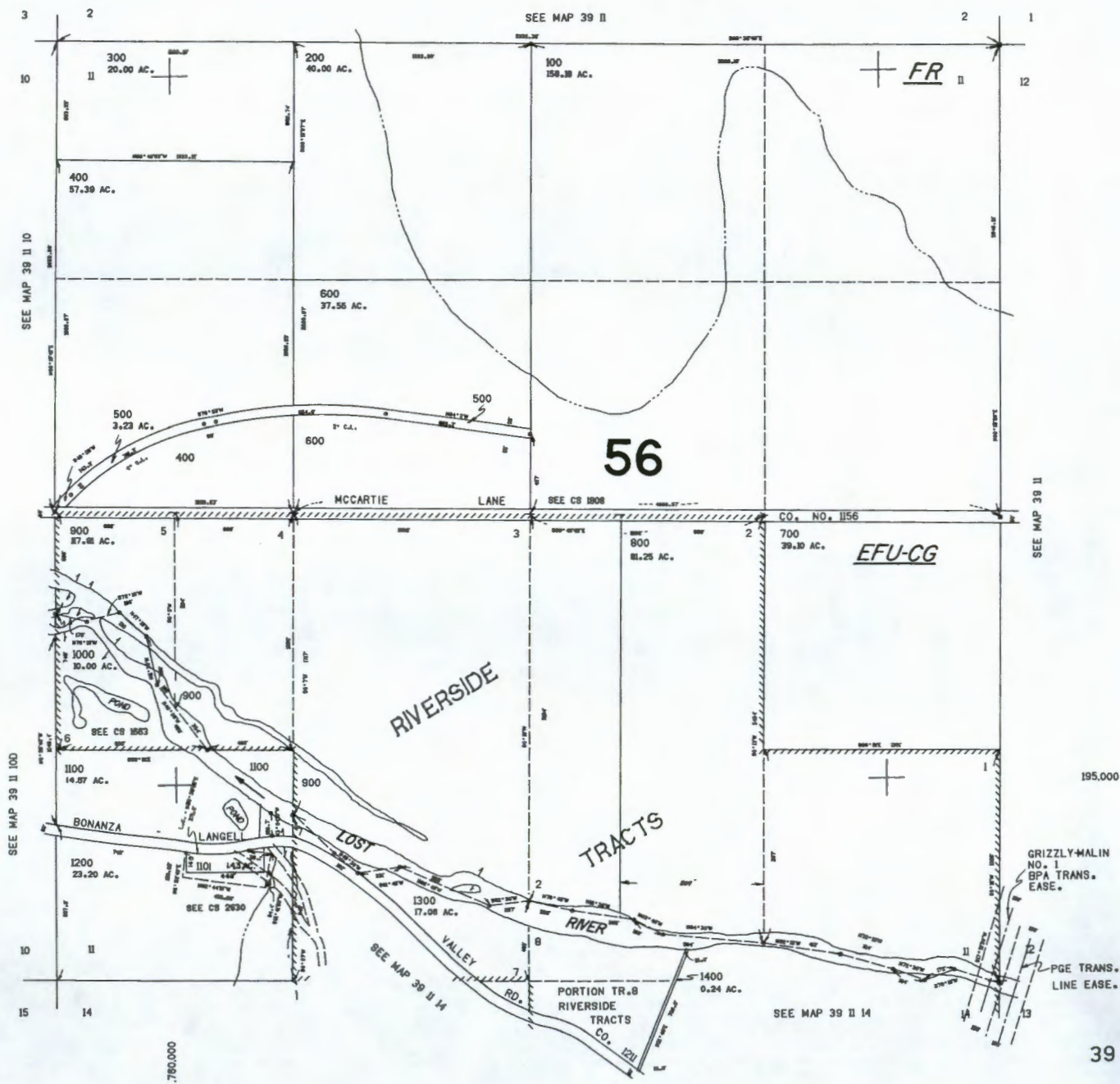


SECTION 11 T.39S. R.11E. W.M.  
KLAMATH COUNTY

39 11 11

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.

1"=400'



39 11 11

*No Conflict*

# Platcard Report

Township 39S Range 11E Section 2 of ( 2, 11 )

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
<b>i</b>	G3819 02/24/1967	G3602 38087					4.2 IR											1.5 IR	34.9 IR	13.6 IR	32.2 IR		
	02/24/1967																		1.8 IS (s)	25.2 IS (s)	6.4 IS (s)		
<b>i</b>	G12746 12/31/1991	G12222 -		CN										34.9 IR CN				30.4 IR CN		1.2 IR CN			
	12/31/1991			CN										5.1 IS (s) CN	35.7 IS (s) CN			9.6 IS (s) CN		0.6 IS (s) CN			
<b>i</b>	G12746 12/31/1991	G12445 -												34.9 IR				30.4 IR		1.2 IR			
	12/31/1991													5.1 IS (s)	35.7 IS (s)			9.6 IS (s)		0.6 IS (s)			
<b>i</b>	G12876 04/15/1992	G12231 -		CN													40.2 IS (s) CN						
<b>i</b>	G12876 04/15/1992	G12453 -															40.2 IS (s)						
<b>i</b>	G12903 05/04/1992	G11499 -		EX										5.1 IS (s) EX	35.7 IS (s) EX			9.6 IS (s) EX		0.6 IS (s) EX			
<b>i</b>	G12947 06/02/1992	G11519 -		EX													40.2 IS (s) EX						



*No conflict*

# Platcard Report

Township 39S Range 11E Section 11 of (2, 11)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
<b>i</b>	G3819 02/24/1967	G3602 38087			5.8 IR																	
	02/24/1967				14.9 IS (s)																	
<b>i</b>	G12733 12/13/1991	G11431 80435											39.2 IR	26.1 IR		18.4 IR	38.0 IR	38.9 IR	31.3 IR	33.1 IR		
<b>i</b>	G12746 12/31/1991	G12222 -		CN		20.5 IR CN	16.5 IR CN		28.8 IR CN													
	12/31/1991			CN	13.3 IS (s) CN	17.9 IS (s) CN	23.5 IS (s) CN	38.7 IS (s) CN	11.8 IS (s) CN				32.7 IS (s) CN									
<b>i</b>	G12746 12/31/1991	G12445 -				20.5 IR	16.5 IR		28.2 IR													
	12/31/1991				13.3 IS (s)	17.9 IS (s)	23.5 IS (s)	38.7 IS (s)	11.8 IS (s)				32.7 IS (s)									
<b>i</b>	G12766 01/24/1992	G12223 -		CN																	2.0 IR CN	
<b>i</b>	G12766 01/24/1992	G12446 -																			2.0 IR	
<b>i</b>	G12814 03/09/1992	G12227 -		CN						19.4 IR CN	39.1 IR CN											

Page:1 2 Next Last

[Return to Platcard Query Screen](#)

## CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "NA." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. **A separate form shall be completed for each permit or transfer final order.**

### I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
<b>G-12746</b>	<b>G-12445</b>

2. Property owner (current owner information)

a. Individuals

Name	<b>Donald J. &amp; Helen E. Horsley</b>	
Mailing Address	<b>P.O. Box 8</b>	
City/State/Zip	<b>Bonanza, Or. 97623</b>	
Phone #	<b>(541) 545-6641</b>	
Fax #	<b>NA</b>	
e-mail address	<b>NA</b>	

b. Businesses/Organizations

Name	<b>NA</b>	
Contact Person and Title		
Mailing Address		
City/State/Zip		
Phone		
Fax		
e-mail		

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	<b>NA</b>	
Mailing Address		
City/State/Zip		

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d. Businesses/Organizations

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: **11/29/2006**

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
<b>Donald J. Horsley</b>	<b>11/29/2006</b>	<b>Owner</b>

6. County: **Klamath**

7. Tax Lot Information:

Tax map number	Tax lot number
<b>39 11</b>	<b>900, 700</b>
<b>39 11 11</b>	<b>100, 200, 500, 600</b>

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

\*\*Mark "NA" if there are no owners of property not included in this claim

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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**II. Points of Diversion/Appropriation and Place of Use**

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/Appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

**Water is pumped from 2 wells. Well #1 water is pumped through a series of underground mainlines where it is delivered to wheel lines, flooded out of the mainline, and a discharge location in the canal. Water is pumped out of the canal in two locations. The canal is capable of delivering more water than**

**the system can deliver. The first location is for flooding out of the mainline. The second pump location runs two wheel lines and a pivot. Well #2 water is delivered to a series of wheel lines covering part of this permit and another permit. See Map and Photographs.**

**2. Point of diversion/Appropriation name or number (correspond to map):**

Point of diversion/Appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
<b>Well #1</b>	<b>KLAM 10440</b>	
<b>Well #2</b>	<b>KLAM 13326</b>	

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

**3. Point of diversion/Appropriation source and, if from surface water, the tributary:**

Source	Tributary to
<b>groundwater</b>	<b>Lost River</b>

**4. Point of diversion/Appropriation location:**

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
<b>Well #1</b>	<b>2117.93' South and 308.76' West of the North 1/4 Section 11</b>
<b>Well #2</b>	<b>964.00' North and 1341.12' East of the North 1/4 Section 11</b>

**5. Actual use(s), period of use, and rate for each use:**

Uses	If irrigation, list crop type	When water is used	Rate for use
<b>Irrigation</b>	<b>Alfalfa, grass</b>	<b>Irrigation season</b>	<b>4.16 cfs</b>

**Total Quantity of Water      4.16 cfs**

**6. Place of use for the point of diversion or appropriation:**

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
	<b>900</b>	<b>NE SW</b>	<b>2</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>	<b>19.8</b>	<b>5.1</b>
	<b>900</b>	<b>NW SW</b>	<b>2</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>		<b>35.7</b>
	<b>900</b>	<b>SE SW</b>	<b>2</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>	<b>16.0</b>	<b>9.6</b>
	<b>700</b>	<b>SW SE</b>	<b>2</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>		<b>0.6</b>
	<b>100</b>	<b>NE NE</b>	<b>11</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>		<b>13.3</b>
	<b>100</b>	<b>NW NE</b>	<b>11</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>	<b>2.1</b>	<b>20.5</b>
	<b>100</b>	<b>SW NE</b>	<b>11</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>	<b>10.4</b>	<b>23.5</b>
	<b>100</b>	<b>SE NE</b>	<b>11</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>		<b>38.7</b>
	<b>200</b>	<b>NE NW</b>	<b>11</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>		<b>11.8</b>
	<b>500, 600</b>	<b>SE NW</b>	<b>11</b>	<b>39S</b>	<b>11E</b>	<b>Irrigation</b>		<b>32.7</b>

**Total Acres Irrigated      239.8**

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## Groundwater Source Information (Well and Sump)

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

**Well #1 – 1” access port on east side of well**  
**Well #2 – 1” access port on north side of well**

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
16	174	373	4-17-1992	NA	Don Horsley	David M Storey
16	145	296	1-11-1967	NA	Don Horsley	Robert F Hartley

In addition to the information requested in item “2” above, provide any other information which may help the Department locate any well logs associated with this appropriation.

**Well logs are attached.**

## Gravity flow canal or ditch (The Department typically uses Manning’s formula for canals and ditches)

1. If the system involves a gravity canal or ditch, complete the table below.

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	“N” factor	Amount of fall	Length of canal/ditch	Slope	Computed volume
See Attached								

2. Provide calculations in the box below:

**See Attached**

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water
NA			

Attach measurements notes

## System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/Appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
NA	NA	NA	turbine	NA	14”
NA	NA	NA	turbine	NA	NA
NA	DITP03130	10-40953-040000-1891	centrifugal	6”	4”
Cornell	5WBH-15-4	105530 8.5DEG13 TC00134	centrifugal	6”	4”

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2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
<b>U.S. Electric Motors</b>	<b>NA</b>	<b>75</b>	<b>1774</b>	<b>230/460</b>
<b>Newman</b>	<b>No-x448010</b>	<b>100</b>	<b>1780</b>	<b>440</b>
<b>Century</b>	<b>6-323053-01</b>	<b>40</b>	<b>3520</b>	<b>230/460</b>
<b>Super E</b>	<b>A15090C-55</b>	<b>15</b>	<b>NA</b>	<b>230/460</b>

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
<b>McCrometer</b>	<b>96-2583-12</b>	<b>Working</b>	<b>892 523</b>	<b>Gallons x 1000</b>

4. Measurement device description

Device description	Condition (working or not)	Notes
<b>NA</b>		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
<b>NA</b>			

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
<b>75</b>		<b>See attached</b>		
<b>100</b>		<b>See attached</b>		

7. Provide pump calculations in the box below:

**See Attached**

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
<b>6"</b>	<b>3000'</b>	<b>Aluminum</b>	<b>Buried and above ground</b>
<b>8"</b>	<b>7720'</b>	<b>Aluminum and plastic</b>	<b>Buried and above ground</b>

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
<b>Wheel lines (13)</b>	<b>11635'</b>	<b>Aluminum</b>	<b>Above ground</b>

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10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
<b>Rainbird</b>						



Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

**See Attached**

**11. Additional notes or comments related to the system:**

**III. CONDITIONS**

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	<b>Jan. 1, 1997</b>	<b>Apr. 1, 1992</b>	
Complete construction	<b>Oct. 1, 1997</b>	<b>Apr. 17, 1992</b>	
Complete application of water	<b>October 1, 2000</b>	<b>Apr. 17, 1992</b>	

**2. Initial Water Level Measurements:**

- a. Was the water user required to submit an initial static water level measurement? **YES**
- b. What month was the initial measurement to be taken in? **April**
- c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required?  
**YES**
- d. If "YES", was the measurement submitted to the Department? **YES**

e. If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	Measurement
<b>NA</b>			

**3. Annual Static Water Level Measurements:**

- a. Was the water user required to submit annual static water level measurements? **YES**
- b. In the box below, provide the month in which the static water level was to be made:

**March, October**

c. Were the static water level measurements taken in the month required? **YES**

d. If "YES", were those measurements submitted to the Department? **YES**

e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement
NA			

**4. Measurement, recording, and reporting conditions:**

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?  
**YES**

If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? **YES**

c. Provide the date the meter was installed:

**April 1992**

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **NO**

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
NA		

f. Is the water user required to report the water use to the Department? **YES**

g. Have the reports been submitted? **YES**

If the reports have not been submitted, attach a copy of the reports if available.

**5. Fish Screening and/or By-pass Devices**

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? **NA**

**6. Pump Test** (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

a. Did the permit require the submittal of a pump test? **YES**

b. Has the pump test been previously submitted to the Department? **YES**



c. Has the pump test been approved by the Department? **YES**

d. If no, is the pump test attached to this Claim? **NO**

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

**IV. Variations, Attachments, Conclusions, Map and Signatures**

**Variations**

Include a description of variations from the permit or transfer final order

**92.4 acres of primary irrigation on this permit are not developed and are not being irrigated.**

**Attachments**

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
<b>Map</b>	
<b>Well Logs</b>	
<b>Wheel Line Flows, Well #1</b>	
<b>Worksheet for pressure pipe, Well #1</b>	
<b>Theoretical pump capacity, Well #1</b>	
<b>Wheel Line flows, Well #2</b>	
<b>Worksheet for pressure pipe, Well #2</b>	
<b>Theoretical pump capacity, Well #2</b>	
<b>Pivot flows, pivot pump</b>	
<b>Wheel line flows, pivot pump</b>	
<b>Worksheet for pressure pipe, pivot pump</b>	
<b>Theoretical pump capacity, pivot pump</b>	
<b>Worksheet for pressure pipe, flooding pump</b>	
<b>Theoretical pump capacity, flooding pump</b>	
<b>Worksheet for trapezoidal channel, canal photographs</b>	

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**Permit and Transfer Final Order Rates and System Rates Comparisons:**

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
<b>Well #1 &amp; Well #2</b>	<b>4.16</b>	<b>5.4 full operation (system cannot run all sprinklers at once)</b>	<b>NA</b>	<b>irrigation</b>	<b>327.9</b>	<b>235.5</b>





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39/11-2R

NOTICE TO WATER WELL CONTRACTOR  
The original and first copy  
of this report are to be  
filed with the  
STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

WATER WELL REPORT  
STATE ENGINEER  
SALEM OREGON  
(Please type or print)  
G-3819 State Permit No.

(1) OWNER:

Name Donald J. Horsley  
Address P.O. Box 5, Bonanza Ore

(2) LOCATION OF WELL:

County Klamath Driller's well number \_\_\_\_\_  
1/4 Section \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_ W.M. \_\_\_\_\_  
Bearing and distance from section or subdivision corner \_\_\_\_\_

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level  
Was a pump test made?  Yes  No If yes, by whom?  
Yield: 1600 gal./min. with 145 ft. drawdown after 4 hrs.  
" 1450 " 38 " 4 "  
" 1350 " 27 " 4 "  
Ballor test gal./min. with ft. drawdown after hrs.  
Artesian flow g.p.m. Date \_\_\_\_\_  
Temperature of water 60 Was a chemical analysis made?  Yes  No

(12) WELL LOG:

Diameter of well below casing 16  
Depth drilled 296 ft. Depth of completed well 296 ft.  
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
<u>top soil</u>	<u>0</u>	<u>6</u>
<u>chalk</u>	<u>6</u>	<u>130</u>
<u>rock</u>	<u>130</u>	<u>296</u>

(3) TYPE OF WORK (check):

Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in item 13.

(4) PROPOSED USE (check):

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

(5) TYPE OF WELL:

Rotary  Driven   
Cable  Jetted   
Dug  Bored

(6) CASING INSTALLED:

Threaded  Welded   
16" Diam. from 0 ft. to 145 ft. Gage 250  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

(7) 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.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(8) SCREENS:

Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Portland cement  
Depth of seal 145 ft. Was a packer used? no  
Diameter of well bore to bottom of seal \_\_\_\_\_ in.  
Were any loose strata cemented off?  Yes  No Depth \_\_\_\_\_  
Was a drive shoe used?  Yes  No  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Did any strata contain unusuable water?  Yes  No  
Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_

(10) WATER LEVELS:

Static level 74 ft. below land surface Date Jan 4-67  
Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_

Application No. G-3819  
Permit No. \_\_\_\_\_

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Work started Mar 1966 Completed Jan 1967  
Date well drilling machine moved off of well Jan 4 1967

(13) PUMP:

Manufacturer's Name \_\_\_\_\_  
Type: \_\_\_\_\_ H.P. \_\_\_\_\_

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME W.L. Hartley  
(Person, firm or corporation) (Type or print)

Address Bonanza Ore

Drilling Machine Operator's License No. 119

[Signed] W.S. Hartley  
(Water Well Contractor)

Contractor's License No. 114 Date Jan 4, 1967



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

**KLAMATH**  
**10440**

APR 29 1992

(START CARD) # **29193**

(1) OWNER: Well Number # **2**  
 Name **DON HOUSLEY**  
 Address **PO BOX 2**  
 City **BOWMAN** State **ORE** Zip **97623**

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

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

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

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well **373** ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
<b>22</b>	<b>0</b>	<b>174</b>	<b>CEMENT</b>	<b>0</b>	<b>174</b>	<b>230 SKS</b>
<b>12 1/4</b>	<b>174</b>	<b>300</b>				
<b>8</b>	<b>300</b>	<b>373</b>				

How was seal placed: Method  A  B  C  D  E  
 Other

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: <b>16</b>	<b>+1</b>	<b>174</b>	<b>.250</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) **174 FEET**

(7) PERFORATIONS/SCREENS:  
 Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
<b>2000</b>	<b>71 FT.</b>		<b>5 HRS</b>

Temperature of Water **68°F** Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: **148 FT.**

(9) LOCATION OF WELL by legal description:  
 County **KLAMATH** Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township **39S** N or S. Range **11E** E or W. WM. \_\_\_\_\_  
 Section **11** SE **1/4** NW **1/4**  
 Tax Lot **R-3911-01100** Block **00600** Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) **33833 McCLINTOCK**  
**BOWMAN, OREGON**

(10) STATIC WATER LEVEL:  
**25** ft. below land surface. Date **4/17/92**  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found **148 FT**

From	To	Estimated Flow Rate	SWL
<b>148</b>		<b>INDETERMINATE</b>	

(12) WELL LOG:  
 Ground elevation \_\_\_\_\_

Material	From	To	SWL
SANDY BROWN CLAY	0	21	
BROWN SANDSTONE	21	22	
GRAY CLAY	22	43	
BLACK SANDSTONE	43	44	
GRAY CLAY	44	74	
BLACK SANDSTONE	74	75	
GRAY CLAY	75	88	
HARD BLUE SHALE WITH SANDSTONE	88	120	
BLUE CLAY	120	148	
BLACK SAND	148	149	
BLACK SANDSTONE	149	160	
POURCE & GRAY SHALE	160	170	
BLACK LAVA	170	185	
BLACK MESAULT	185	201	
DECOMPOSED BROWN LAVA	201	213	
HARD BLACK BASALT	213	230	
DECOMPOSED BROWN LAVA & RED CLAY	230	274	
BROWN BASALT	274	293	
HARD BROKEN BROWN BASALT	293	300	
HARD BROKEN GRAY MESAULT	300	312	
HARD GRAY BASALT	312	373	

Date started **4/1/92** Completed **4/17/92**

(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. Materials used and information reported above are true to my best knowledge and belief.  
 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. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.  
 WWC Number **601**  
 Signed **Don Housley** Date **4/26/92**



## WHEEL LINE FLOWS - WELL #1

### SUMMARY OF NOZZLE FLOWS

Donald J and Helen E. Horsley Permit G-12445 FINAL PROOF SURVEY

(8) wheel lines

#	NOZZLE SIZE	DIAMETER	PSI	FLOW (FT <sup>3</sup> /S)	TOTAL (FT <sup>3</sup> /SEC)	FLOW (GPM)	TOTAL FLOW (GPM)
232	3/16	0.1875	40	0.012	2.744	5.31	1231.47

**Total Flow**

**2.744**

**1231.47**

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# Well #1

## Worksheet for Pressure Pipe

---

### Project Description

Worksheet	Pressure Pipe - 3
Flow Element Method	Pressure Pipe Hazen-Williams Formula
Solve For	Pressure at 1

---

### Input Data

Pressure at 2	40.00 psi
Elevation at 1	0.00 ft
Elevation at 2	-22.89 ft
Length	3,336. ft 00
C Coefficient	130.0
Diameter	8 in
Discharge	2.74 cfs

---

### Results

Pressure at 1	68.84 psi
Headloss	89.42 ft
Energy Grade at 1	159.7 ft 5
Energy Grade at 2	70.33 ft
Hydraulic Grade at 1	158.7 ft 9
Hydraulic Grade at 2	69.37 ft
Flow Area	0.3 ft <sup>2</sup>
Wetted Perimeter	2.09 ft
Velocity	7.85 ft/s
Velocity Head	0.96 ft
Friction Slope	0.026 ft/ft 803

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Theoretical Pump Capacity (Well #1)

Donald J and Helen E. Horsley Permit G-12445 FINAL PROOF SURVEY

Flow            2.74 CFS  
Head            68.84 PSI see calculations on loss  
LIFT             71 Feet  
Efficiency       75% Turbine Pump

**HP**                    **95.4** 75 HP pump at well, unable to run all wheel lines at once

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## WHEEL LINE FLOWS - WELL #2

### SUMMARY OF NOZZLE FLOWS

Donald J and Helen E. Horsley Permit G-12445 FINAL PROOF SURVEY

(4) partial wheel lines

#	NOZZLE SIZE	DIAMETER	PSI	FLOW (FT <sup>3</sup> /S)	TOTAL (FT <sup>3</sup> /SEC)	FLOW (GPM)	TOTAL FLOW (GPM)
30	3/16	0.1875	40	0.012	0.355	5.31	159.24

**Total Flow**

**0.355**

**159.24**

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# Well #2

## Worksheet for Pressure Pipe

---

### Project Description

Worksheet	Pressure Pipe - 2
Flow Element Method	Pressure Pipe Hazen-Williams Formula
Solve For	Pressure at 1

---

### Input Data

Pressure at 2	40.00 psi
Elevation at 1	0.00 ft
Elevation at 2	5.00 ft
Length	1,591. ft 00
C Coefficient	130.0
Diameter	8 in
Discharge	0.35 cfs

---

### Results

Pressure at 1	42.58 psi
Headloss	0.94 ft
Energy Grade at 1	98.22 ft
Energy Grade at 2	97.28 ft
Hydraulic Grade at 1	98.21 ft
Hydraulic Grade at 2	97.26 ft
Flow Area	0.3 ft <sup>2</sup>
Wetted Perimeter	2.09 ft
Velocity	1.00 ft/s
Velocity Head	0.02 ft
Friction Slope	0.000 ft/ft 593

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Theoretical Pump Capacity (Well #2)

Donald J and Helen E. Horsley Permit G-12445 FINAL PROOF SURVEY

Flow            0.35 CFS  
Head            42.58 PSI see calculations on loss  
LIFT             38 Feet  
Efficiency       70% Turbine Pump

**HP**                    **7.8** OK 100 HP pump at well

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# SUMMARY OF NOZZLE FLOWS

Pivot Flows

Donald J and Helen E. Horsley Permit G-12445 FINAL PROOF SURVEY

#	NOZZLE SIZE	DIAMETER	PSI	FLOW (FT^3/S)	TOTAL (FT^3/SEC)	FLOW (GPM)	TOTAL FLOW (GPM)
0	4	0.0310	20	0.000	0.000	0.10	0.00
0	5	0.0390	20	0.000	0.000	0.16	0.00
0	6	0.0470	20	0.001	0.000	0.24	0.00
0	7	0.0550	20	0.001	0.000	0.32	0.00
0	8	0.0620	20	0.001	0.000	0.41	0.00
0	9	0.0700	20	0.001	0.000	0.52	0.00
0	10	0.0780	20	0.001	0.000	0.65	0.00
0	11	0.0860	20	0.002	0.000	0.79	0.00
0	12	0.0940	20	0.002	0.000	0.94	0.00
0	13	0.1020	20	0.002	0.000	1.11	0.00
4	14	0.1090	20	0.003	0.011	1.27	5.07
1	15	0.1170	20	0.003	0.003	1.46	1.46
1	16	0.1250	20	0.004	0.004	1.67	1.67
0	17	0.1330	20	0.004	0.000	1.89	0.00
1	18	0.1410	20	0.005	0.005	2.12	2.12
1	19	0.1480	20	0.005	0.005	2.34	2.34
1	20	0.1560	20	0.006	0.006	2.60	2.60
0	21	0.1640	20	0.006	0.000	2.87	0.00
2	22	0.1720	20	0.007	0.014	3.16	6.32
1	23	0.1800	20	0.008	0.008	3.46	3.46
1	24	0.1875	20	0.008	0.008	3.75	3.75
1	25	0.19531	20	0.009	0.009	4.07	4.07
1	26	0.20313	20	0.010	0.010	4.40	4.40
2	27	0.21094	20	0.011	0.021	4.75	9.50
1	28	0.21875	20	0.011	0.011	5.11	5.11
1	29	0.22656	20	0.012	0.012	5.48	5.48
2	30	0.23438	20	0.013	0.026	5.86	11.73
1	31	0.24219	20	0.014	0.014	6.26	6.26
2	32	0.25000	20	0.015	0.030	6.67	13.35
1	33	0.25781	20	0.016	0.016	7.10	7.10
2	34	0.26563	20	0.017	0.034	7.53	15.07
2	35	0.27344	20	0.018	0.036	7.98	15.96
2	36	0.28125	20	0.019	0.038	8.45	16.89
1	37	0.28900	20	0.020	0.020	8.92	8.92
2	38	0.29688	20	0.021	0.042	9.41	18.82
0	50	0.39100	20	0.036	0.000	16.32	0.00
0	Spray I	0.15000	20	0.005	0.000	2.40	0.00
<b>TOTAL FLOW NOZZLES</b>					0.382		171.45
#	END GUN (IN)	DIAMETER	PSI	FLOW (FT^3/S)		FLOW (GAL/MIN)	TOTAL FLOW
0	0	1	44	0.353		158.35	0.000
1	0.19	0.1875	44	0.012		5.57	5.567
1	0.5	0.5	44	0.088		39.59	39.589
0				<b>FT^3/S</b>			<b>GAL/MIN</b>
<b>FLOW TOTAL</b>					0.48		216.60



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# WHEEL LINE FLOWS - PIVOT PUMP

## SUMMARY OF NOZZLE FLOWS

Donald J and Helen E. Horsley Permit G-12445 FINAL PROOF SURVEY

Wheel line 1

#	NOZZLE SIZE	DIAMETER	PSI	FLOW (FT <sup>3</sup> /S)	TOTAL (FT <sup>3</sup> /SEC)	FLOW (GPM)	TOTAL FLOW (GPM)
13	3/16	0.1875	40	0.012	0.154	5.31	69.00

Wheel line 2

#	NOZZLE SIZE	DIAMETER	PSI	FLOW (FT <sup>3</sup> /S)	TOTAL (FT <sup>3</sup> /SEC)	FLOW (GPM)	TOTAL FLOW (GPM)
32	3/16	0.1875	40	0.012	0.378	5.31	169.86

**Total Flow**

**0.532**

**238.86**

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# Pivot Pump Worksheet for Pressure Pipe

---

## Project Description

Worksheet	Pressure Pipe - 1
Flow Element Method	Pressure Pipe Hazen-Williams Formula
Solve For	Pressure at 1

---

## Input Data

Pressure at 2	50.00 psi
Elevation at 1	4,106. ft 92
Elevation at 2	4,103. ft 90
Length	1,034. ft 00
Coefficient	130.0
Diameter	6 in
Discharge	1.01 cfs

---

## Results

Pressure at 1	56.37 psi
Headloss	17.72 ft
Energy Grade at 1	4,237. ft 36
Energy Grade at 2	4,219. ft 64
Hydraulic Grade at 1	4,236. ft 95
Hydraulic Grade at 2	4,219. ft 23
Flow Area	0.2 ft <sup>2</sup>
Wetted Perimeter	1.57 ft
Velocity	5.14 ft/s
Velocity Head	0.41 ft
Friction Slope	0.017 ft/ft 141

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Project Engineer: Darryl Anderson  
FlowMaster v6.0 [614b]

Theoretical Pump Capacity (Pivot)

Donald J and Helen E. Horsley Permit G-12445 FINAL PROOF SURVEY

Flow            1.01 CFS  
Head            56.37 PSI see calculations on loss  
LIFT             0 Feet (at canal)  
Efficiency       70% Centrifugal Pump

**HP**                    **21.4** OK 40 HP pump at canal

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# Flooding Pump Worksheet for Pressure Pipe

---

## Project Description

Worksheet	Pressure Pipe - 4
Flow Element Method	Pressure Pipe Hazen-Williams Formula
Solve For	Pressure at 1

---

## Input Data

Pressure at 2	15.00 psi
Elevation at 1	0.00 ft
Elevation at 2	30.00 ft
Length	1,320. ft 00
C Coefficient	130.0
Diameter	8 in
Discharge	1.30 cfs

---

## Results

Pressure at 1	31.86 psi
Headloss	8.89 ft
Energy Grade at 1	73.71 ft
Energy Grade at 2	64.81 ft
Hydraulic Grade at 1	73.49 ft
Hydraulic Grade at 2	64.60 ft
Flow Area	0.3 ft <sup>2</sup>
Wetted Perimeter	2.09 ft
Velocity	3.72 ft/s
Velocity Head	0.22 ft
Friction Slope	0.006 ft/ft 738

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Project Engineer: [Name] Anderson  
FlowMaster v6.0 [614b]

Theoretical Pump Capacity (flooding pump)

Donald J and Helen E. Horsley Permit G-12445 FINAL PROOF SURVEY

Flow 1.30 CFS  
Head 31.86 PSI see calculations on loss  
LIFT 0 Feet (at canal)  
Efficiency 85% Centrifugal Pump

**HP 12.8** OK 15 HP pump at canal

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# Canal Worksheet for Trapezoidal Channel

---

Project Description

---

Worksheet	Trapezoidal Channel - 1
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

---

Input Data

---

Mannings Coefficient	0.035
Slope	0.000 ft/ft
Depth	3.00 ft
Left Side Slope	2.00 V : H
Right Side Slope	2.00 V : H
Bottom Width	3.00 ft

---

Results

---

Discharge	17.88 cfs
Flow Area	13.5 ft <sup>2</sup>
Wetted Perimeter	9.71 ft
Top Width	6.00 ft
Critical Depth	0.98 ft
Critical Slope	0.02676 ft/ft
Velocity	1.32 ft/s
Head	0.03 ft
Specific Energy	3.03 ft
Froude Number	0.16
Flow Type	Subcritical

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Inspection Photographs

Application G-12746 Permit G-12445

Job: 2006-128

Date: February, 2007



**WELL #1**



**FLOW METER - WELL #1**



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**WELL #2**



**WELL #2 DISCHARGE**



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**PRIMARY IRRIGATION PUMP FROM CANAL**



**IRRIGATION PUMP AT CANAL, USED FOR PIVOT**



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**IRRIGATION PUMP AT CANAL, USED FOR FLOODING**



**MAIN LINE USED FOR FLOOD IRRIGATION**



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**FLOOD VALVE**



**FLOOD IRRIGATED AREA**



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**MAIN LINE TO PIVOT**



**PIVOT**



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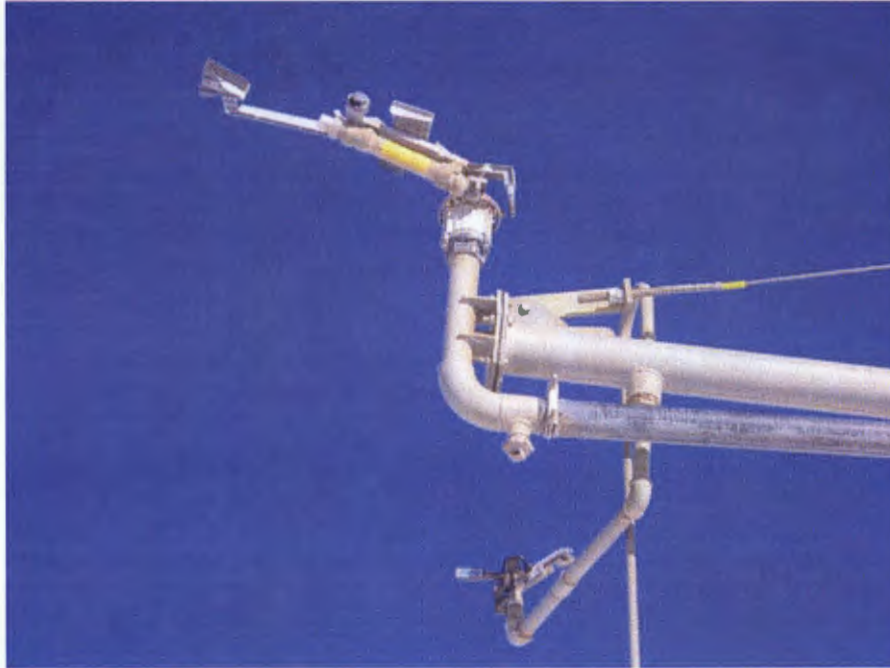
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**PIVOT END GUN**



**PIVOT NOZZLE**



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**WHEEL LINE**



**WHEEL LINES**



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**WHEEL LINES**



**WHEEL LINE NOZZLE**



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# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

October 30, 2006

DONALD J HORSLEY,  
PO BOX 8  
BONANZA, OR 97623

REFERENCE: USER\_ID 17818

Dear Water User:

We appreciate your continued cooperation with the Water Use Reporting program. We again request that you report your water use online. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2006 monthly quantities form is printed on the reverse.

To report monthly quantities data online, go to our web page at [www.wrd.state.or.us](http://www.wrd.state.or.us) and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. Your **USER\_ID** number is both your Username and your Password to log in. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Enter the data for one point of diversion at a time. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter a zero if you did not use a diversion during a month. At present, the system can receive data only for the 2006 water year (October 2005 – September 2006). If you wish to submit data for another year, you will need to submit a hard copy.

Finally, if you use small water right (less than 0.1 CFS or 9.2 AF) and do not measure monthly quantities, you may report the maximum volume allowed under the right. For rates in CFS,

$$AF = 1.98 * CFS * (\# \text{ of days in the month})$$

Thank you in advance. The data you provide is valuable for water management in Oregon.

Yours truly,

Gary L. Ball, PE, PLS  
Hydrographics/Measurement & Reporting Manager  
Voice: 503-986-0831, Fax: 503-986-0902  
Gary.L.BALL@wrd.state.or.us



# 2005

Oregon Water Resources Department  
 October 2005 through September 2006  
 Annual Water Use - Monthly Quantities Form

APP G-12746 Permit # 12495  
 17818

USER-ID ~~12495~~

# 2006



Facility POD-ID	37290		37290		
October - 2005	806174		Ø		
November - 2005	806174		Ø		
December - 2005	806174		Ø		
January - 2006	806174		Ø		
February - 2006	806174		Ø		
March - 2006	806174		Ø		
April - 2006	806174		Ø		
May - 2006	822151	822151-806174=	15977	K	
June - 2006	835306	835306-822151=	13155	K	
July - 2006	856408	856408-835306=	21102	K	
August - 2006	878824	878824-856408=	22416	K	
September - 2006	892523	892523-878824=	13699	K	
TOTAL *	892523		86,349	K	

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

Describe method of measuring the water used: flow meter If use is irrigation, total number acres irrigated 90

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

Donald J. Horsley Signature Title owner

Reporting Entity \_\_\_\_\_ Date 12/14/06

Donald J. Horsley  
Name - Please Print

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

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9-12746



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(541) 947-4407 Fax (541) 947-2321

852 SW 15<sup>th</sup> Street, Redmond, Oregon 97756  
(541) 923-4307 Fax (541) 923-4308

[www.andersonengineering.com](http://www.andersonengineering.com)

September 7, 2006

Settlement Agreement Parties  
c/o Earl Wiersman  
PO Box 177  
Bonanza, Oregon 97623

**RE: Final Proof Surveys for 11 Groundwater Permits, Bonanza, Oregon**  
**Permit Nos. G-12441, G-12443, G-12444, G12445, G12447, G-12449,**  
**G12452, G12453, G-12454, G-12457, G-12469**

Dear Ladies & Gentlemen:

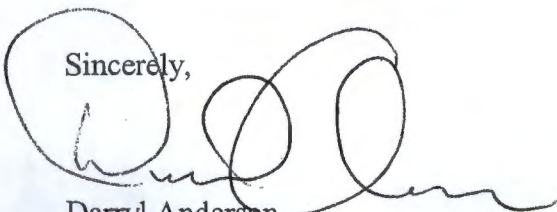
I have started the file research on the water right final proofs we are preparing for all of you. After visiting with the Oregon Water Resources Department I found that the Claim of Beneficial Use Site Reports and Maps are not due on all the water rights as per the Settlement Agreement until October 1, 2007. One year after full application of water.

Therefore the time schedule is now much more flexible. I am enclosing time schedules for all to see when the fieldwork is planned this fall as well as the office work for the maps and reports.

Thank you for the retainer money received of \$4,500. Kenneth & Connie Masten and Walt & Nancy Hammerich still need to pay an additional \$500 each as we are preparing two application packages for them.

Please feel free to call at any time if there are questions on your water rights. We will give each of you a call before the fieldwork day so we can meet with you at the site.

Sincerely,

  
Darryl Anderson  
PE, PLS, CWRE

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cc: Boersma Family LLC  
Arie DeJong  
Walt & Nancy Hammerich  
Donald & Helen Horsley  
Robert Manning  
Kenneth & Connie Masten  
Terry & Penny Pickett/William & Melyn Brock  
C. John Wells

Mike Reynolds, Protest Program Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

✓ Gerry Clark  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
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# October 2006

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5 <b>Boersma Field Work</b>	6 <b>DeJong Field Work</b>	7
8	9	10	11	12 <b>Hammerich #1 Field Work</b>	13 <b>Hammerich #2 Field Work</b>	14
15	16	17	18	19 <b>Horsley Field Work</b>	20 <b>Manning Field Work</b>	21
22	23	24	25	26 <b>Masten #1 Field Work</b>	27 <b>Masten #2 Field Work</b>	28
29	30	31	<p><b>RECEIVED</b></p> <p>SEP 11 2006</p>			

WATER RESOURCES DEPT  
SALEM, OREGON

# November 2006

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2 <b>Pickett Field Work</b>	3 <b>Wells Field Work</b>	4
5	6	7	8	9 <b>Wiersma Field Work</b>	10	11
12	13 <b>Boersma Map</b>	14 <b>Boersma Report</b>	15	16	17	18
19	20 <b>DeJong Map</b>	21 <b>DeJong Report</b>	22	23	24	25
26	27 <b>Hammerich #1 Map</b>	28 <b>Hammerich #1 Report</b>	29	30	<p><b>RECEIVED</b></p> <p>SEP 1 2006</p>	

WATER RESOURCES DEPT  
SALEM, OREGON



# December 2006

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 <b>Hammerich #2 Map</b>	5 <b>Hammerich #2 Report</b>	6	7	8	9
10	11 <b>Horsley Map</b>	12 <b>Horsley Report</b>	13	14	15	16
17	18 <b>Manning Map</b>	19 <b>Manning Report</b>	20	21	22	23
24	25	26	27	28	29	30
31	<p><b>RECEIVED</b></p> <p>SEP 11 2006</p>					

WATER RESOURCES DEPT  
SALEM, OREGON

# January 2007

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2 <b>Masten #1 Map</b>	3 <b>Masten #1 Report</b>	4	5	6
7	8 <b>Masten #2 Map</b>	9 <b>Masten #2 Report</b>	10	11	12	13
14	15 <b>Pickett Map</b>	16 <b>Pickett Report</b>	17	18	19	20
21	22 <b>Wells Map</b>	23 <b>Wells Report</b>	24	25	26	27
28	29 <b>Wiersma Map</b>	30 <b>Wiersma Report</b>	31	<b>RECEIVED</b> <b>SEP 11 2006</b> WATER RESOURCES DEPT SALEM, OREGON		



6-6-06

PLEASE NOTE:

THERE IS ADDITIONAL E-MAIL CORRESPONDENCE THAT WAS PRINTED AND IS ATTACHED TO APPLICATION G-12732, PERMIT G-12443 (WIERSMA). THE E-MAILS RUN FROM 12-30-04 TO 6-6-06.



# Oregon

Theodore R. Kulongoski, Governor

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

Don Horsley  
PO Box 8  
Bonanza, OR 97623

June 2, 2006

Reference: Application G-12746

Dear Mr. Horsley,

Enclosed please find a check in the amount of \$250.00. This refund results from a Settlement Agreement signed by the Oregon Water Resources Department (OWRD), yourself, and a number of other parties. OWRD is refunding the protest fee paid by you related to extension of time for the above-referenced water right permit. If you have any questions, please contact Mike Reynolds, at 503-986-0820.

Sincerely,

Dwight French  
Administrator of Water Rights and Adjudications

cc: File G-12746  
Fiscal Section (customer account)

Original receipt #72165, dated 1/7/05

enclosure



STATE OF OREGON REMITTANCE ADVICE

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

WARRANT NO.  
119523173


WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		72165 - G12746 REVENUE REFUND	690	VP024029	250.00

VENDOR NAME: DON HORSLEY	ISSUE DATE: 05/31/06	WARRANT AMOUNT: 250.00
--------------------------	----------------------	------------------------

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK OF CHAIN-LINKED SHAPES WHEN HELD TO THE LIGHT

**STATE OF OREGON**

Dept of Administrative Services  
To the State Treasurer, Salem, OR 97301-3896

WATER RESOURCES DEPARTMENT  
(503) 986-0926 EXT.

<sup>98-10</sup>  
1232  
CHECK DATE  
05/31/06



BANK WARRANT NO.  
11 9523173

PAY THIS AMOUNT  
\$250.00

DOCUMENT NO.  
VP024029

\*\*\*\*\*TWO HUNDRED FIFTY AND 00/100 DOLLARS\*\*\*\*\*  
PAY TO THE ORDER OF:

DON HORSLEY  
PO BOX 8  
BONANZA

OR 97623

VOID AFTER 2 YEARS FROM DATE OF ISSUE

*John J. Ford*  
AUTHORIZED SIGNATURE

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

⑈9523173⑈ ⑆123200101⑆ 10501⑈



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

February 10, 2006

Don and Helen Horsley  
PO Box 8  
Bonanza, OR 97623

Dear Mr. and Mrs. Horsley,

### **I. Introduction**

This letter pertains to protests against the proposed final orders (PFOs) issued by the Oregon Water Resources Department (OWRD) on certain groundwater permit extension applications submitted by the Bonanza Area Permit Holders (BAPH). In particular, this letter responds to the condition proposed in your letter and duplicate letters from other members of the BAPH. In addition, this letter proposes a framework that OWRD believes can result in a settlement agreement resolving these matters prior to the 2006 irrigation season.

### **II. BAPH's Proposed Condition**

OWRD would like to thank the BAPH for the letters regarding possible resolution of these protests. OWRD is encouraged that most members of the BAPH are willing to accept the conditions in the PFOs on extension of time for the time-limited ADR permits. We also understand that the BAPH proposed the following condition for inclusion on page 11 of the PFO on extension of the ADR permits:

3) The Bonanza Big Springs along with the Lost River and its tributaries shall be protected by the Oregon Water Resources Department (OWRD) to provide 100% of natural flow to all surface water users from Harpold Dam to Keller Bridge. These users shall include all land with a water right in Horsefly Irrigation District (HID) that has a priority date of March 8, 1905. Other water rights with a priority date senior or junior to HID will receive the same protection. This protection can be determined with information provided in Groundwater Report No. 41.

### **III. OWRD's Response to the BAPH's Proposed Condition**

The proposed condition generated a great deal of discussion and consideration by OWRD. OWRD has determined that it cannot agree to the specific condition proposed by the BAPH, for several reasons.



1. Existing Oregon laws govern OWRD's obligations in terms of water right regulation.
2. A small group of water right holders cannot legitimately request regulation on behalf of other water right holders who are not requesting regulation.
3. A water right holder cannot legitimately request regulation prior to being impacted.
4. Under the doctrine of prior appropriation, OWRD cannot provide the "same protection" to water right holders regardless of their relative priority dates. Regulation is based on the relative priority dates of individual rights.
5. OWRD cannot protect the surface water rights of all BAPH members while ignoring groundwater use by BAPH members, or others, that impacts such surface water rights. Requests for regulation to protect surface water rights by certain members of the BAPH may result in OWRD taking action to restrict or eliminate surface or ground water use by certain members of the BAPH, in addition to other water right holders.
6. The regulatory conflict would not be between the BAPH or HID and everyone else. Rather, the conflict would be between individual right holders on the basis of their respective priority dates and their impact on senior water rights.
7. As indicated in your letter, the BAPH proposal is intended to be added as an additional condition on page 11 of the PFOs on extension of the ADR permits. The proposed language is inappropriate for inclusion in a permit, as the condition would be an obligation on OWRD, not the applicant. If any such condition were to be agreed to, it would belong in a settlement agreement.
8. It is unclear what your condition means in terms of "100% natural flow." Is it average annual flow? Average monthly flow? Any allowance for climatic or other naturally caused variability?
9. Under your proposed condition, it is unclear whether OWRD would be obligated to protect 100% natural flow when Project water is available to meet all water use demands.
10. Under your proposed condition, it is unclear whether OWRD would be limited to utilizing Groundwater Report No. 41 if other relevant, reliable, quality data becomes available.

#### **IV. OWRD'S Understanding of the BAPH's Underlying Interests**

It appears to OWRD that the BAPH proposed the condition quoted above in an effort to protect and address several important underlying interests.

##### **BAPH Interest #1 – Maximize Duration of Use of Primary Surface Water Rights**

Through regulation by OWRD, it appears that the BAPH seek to maximize the



amount of time that the BAPH can use their primary surface water rights and thereby reduce the amount of time the BAPH would need to rely on and exercise supplemental groundwater permits.

BAPH Interest #2 – Seeking Assurance that OWRD Will Be Prepared to Regulate

It appears that the BAPH want to make sure that OWRD will be ready and able to respond rapidly to their requests for regulation.

BAPH Interest #3 – Seeking Assurance that OWRD Will Regulate

It appears that the BAPH would like as much assurance as possible that OWRD will actually regulate in favor of their surface water rights when a call is made.

**V. OWRD's Proposed Settlement Framework**

The first element of OWRD's proposed settlement framework would be acceptance of all conditions contained in OWRD's PFOs on the extension applications for the ADR groundwater permits.

Although OWRD cannot agree to the specific condition you proposed in your letter, OWRD is willing to agree to a number of items for inclusion in a settlement agreement with the BAPH that address your interests and resolve these protests in a prompt manner, in advance of the 2006 irrigation season.

**1. Conduct public presentations on water right regulation basics**

OWRD would agree to conduct two public presentations in the Bonanza area, sponsored by Horsefly Irrigation District, regarding water right regulation (how to request regulation, how regulation occurs, examples, etc.). A ground rule for the public presentations would be that the presenter(s) would not address questions about whether specific water rights would be regulated for or against, etc.

OWRD's presenters would offer to meet at a separate time with any water right holder who has questions about whether his or her water right may be regulated. The purpose of the presentations is to help the BAPH, HID, and other attendees, to have a common understanding of water right regulation.

**2. Prepare Distribution List**

In advance of the 2006 irrigation season, OWRD could agree to prepare a resource notebook ("Distribution List") pertaining to the Bonanza sub-area that would be available for viewing at OWRD in Salem and at the Klamath Watermaster's office, that would include:

- (1) copies of all relevant water rights sorted in priority date order, and by area, if appropriate;



- (2) copies of laws governing water right regulation;
- (3) summaries of OWRD's approach to water right regulation for surface and groundwater;
- (4) a statement that the notebook is general in nature, is subject to change, is not a final order or decision on any matter, and in particular is not a decision as to which specific water rights will or will not be subject to regulation in any given irrigation season; and
- (5) a statement that the notebook was prepared pursuant to a settlement agreement and is an effort to make general information pertaining to water right regulation available to water right holders in the Bonanza area.

The purpose of the Bonanza sub-area resource notebook or "Distribution List" is to help OWRD respond more quickly to requests for regulation in this area. OWRD will have already done as much of the "leg work" as possible in advance of receiving requests for regulation. OWRD is willing to do that work up front, in an effort to provide assurance to the BAPH that OWRD will be prepared to regulate when any "calls" are made.

### **3. Add language to a settlement regarding OWRD's obligation to regulate**

OWRD would agree to include a sentence in the settlement agreement stating:

"OWRD will evaluate and respond to all requests for water right regulation from the Parties to this Settlement Agreement consistent with Oregon law and within OWRD's resources."

The following are some additional concepts and provisions that would be included in a settlement agreement between OWRD and the BAPH. Many of these concepts and provisions were included in OWRD's settlement proposal dated June 15, 2005.

### **4. Withdrawal of protests to the extension PFOs and waiver of rights to challenge final orders on extensions and the settlement agreement**

The BAPH's protests would be withdrawn immediately upon signing the settlement agreement. The BAPH would also waive their rights to challenge final orders on extensions and the settlement agreement. These provisions apply provided that OWRD issues extension final orders that are consistent with the draft final orders that will be attached to the settlement.

### **5. Elimination of water use under the permits for primary irrigation acreage**

The BAPH would agree to eliminate all primary irrigation acreage under the ADR groundwater permits. The precise details of this provision (exact acreages for each permit, etc.) need to be determined.

**6. All water use under the permits will be permanently supplemental**

The BAPH would agree to make all existing supplemental use under these groundwater rights permanently supplemental (and never primary).

**7. Withdraw extension applications and move to certificate stage where possible**

Certain BAPH members may decide to withdraw their extension applications and seek to move to certificate stage. OWRD cannot guarantee that certificates will be issued. The determination of whether certificates can be issued is governed by Oregon law, and is based on the claim of beneficial use, etc. Claims of beneficial use must be submitted by the end of the 2006 irrigation season. BAPH members who wish to pursue certificates will not receive extensions, and would agree to inclusion of certain conditions in any certificates that may be issued. Such certificate conditions would match the conditions in the extension PFOs and conditions 5 and 6, above.

**8. Expedited processing of certificates**

OWRD would agree to expedite processing of requests by BAPH members to move the ADR permits to certificate stage. Again, OWRD cannot guarantee that certificates will be issued.

**9. Refund of protest fees**

OWRD would agree to refund the BAPH's protest fees.

**10. Refund of extension application fees (in limited circumstances)**

OWRD would refund the extension application fees for those BAPH members who decide to try to move promptly to certificate stage.

**11. Issue final orders on extensions**

Except where BAPH members decide to seek certificates, OWRD would agree to issue final orders on extension of the ADR permits within 30 days of when all parties have signed the settlement. All extension final orders would contain the conditions included in OWRD's PFOs on the extensions, as well as conditions 5 and 6, above.

In summary, there would be a settlement agreement, which would have specific obligations for the BAPH and OWRD, as described in general terms above. The settlement agreement would



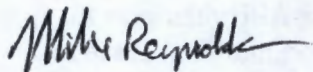
include attachments, consisting of the draft final orders approving extensions for those BAPH members who are not seeking to move to certificate stage. Once the settlement is signed by all parties, OWRD would have 30 days to issue final orders on the extensions. Any certificates that may later be issued to the BAPH based on the ADR permits would be conditioned as described above.

OWRD believes that the above-listed items provide a framework for a settlement agreement that can promptly resolve the disputes between the BAPH and OWRD. Please carefully review this proposed framework, and contact Mike Reynolds at 503-986-0820 to discuss these matters as soon as possible. With agreement from the BAPH, OWRD would like to begin drafting these documents immediately.

After additional discussions occur between the BAPH and OWRD, if the settlement framework proposed by OWRD is not workable for the BAPH, then contested case hearing(s) should be scheduled. Any contested case hearings on these matters will take a significant amount of time, and it is not certain that the BAPH will be able to use their expired ADR permits during the 2006 irrigation season, or at any time thereafter, unless extensions are approved.

Hopefully, this proposed framework will allow all parties to reach a settlement *prior* to the 2006 irrigation season. Again, I wish to thank you for your letter and I look forward to discussing OWRD's proposed settlement framework with you at your next opportunity.

Sincerely,



Mike Reynolds  
Protest Program Coordinator

Phone: 503-986-0820

Fax: 503-986-0901

E-mail: [mike.j.reynolds@wrд.state.or.us](mailto:mike.j.reynolds@wrд.state.or.us)

Cc: BAPH, including:

John and Lavonne Wells  
Jeff Boersma (formerly Haskins & Co. Inc.)  
Earl and Pam Wiersma  
Donald and Helen Horsley  
Arie and Jenneke DeJong  
Robert Manning  
Kenneth and Connie Masten  
Walt and Nancy Hammerich  
William and Melyn Brock  
Terry and Penny Pickett  
Sara Teague

Denis and Rose Babson

Oregon Water Resources Department

Phillip C. Ward, Director  
Tom Paul, Acting Deputy Director  
Barry Norris, Administrator of Technical Services  
Dwight French, Administrator of Water Rights and Adjudications  
Dave Jarrett, Acting Administrator of Field Services Division  
Doug Woodcock, Groundwater/Hydrology Manager  
Kyle Gorman, South Central Region Manager  
Vern Church, District 17 Watermaster  
Jerry Grondin, Hydrogeologist

Water Right Files



**Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12445**

**Application History**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

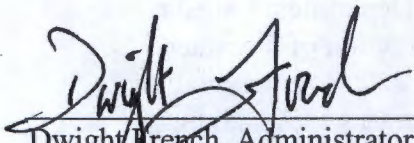
At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of May 17, 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12746, Permit Number G-12445, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

  
\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

5/30/2006  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12746  
Permit #G-12445

FO Date: May 30, 2006

**Original mailed to:**

Donald J. and Helen E. Horsley  
PO Box 8  
Bonanza, OR 97623

**Copies Mailed**

By: AS  
(SUPPORT STAFF)

on: 5/31/06  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12746, Permit G-12445
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12445**

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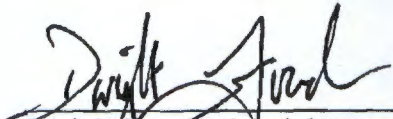
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\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

5/30/2006  
\_\_\_\_\_  
Date

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**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**





Don Horsley  
P.O. Box 8  
Bonanza, OR 97623-0008



Mr. Mike Reynolds  
Oregon Water Resources Dept.  
125 Summer St, NE Suite A  
Salem  
Or. 97301-1271

97301#1266



**BEFORE THE OREGON WATER RESOURCES DEPARTMENT**

In the Matter of Extension of Time for Permits )  
Resulting From Water Right Applications )  
G-12507 and G-12869, in the name of Anne )  
Talbot, Joan Moeller, and Marcia Barthelow; )  
G-12518, in the name of C. John Wells; G-12618, )  
in the name of Boersma Family LLC; G-12732, )  
in the name of Earl and Pam Wiersma and )  
Northwest Farm Credit Services FLCA; G-12735 )  
and G-12877, in the name of Walt and Nancy )  
Hammerich; G-12746, in the name of Donald J. )  
and Helen E. Horsley; G-12768, in the name of )  
Arie DeJong; G-12814, in the name of Robert M. )  
Manning; G-12874 and G-12876, in the name of )  
Kenneth D. and Connie S. Masten; G-12955, in )  
the name of William and Melyn Brock, Northwest )  
Farm Credit Services ACA, and Terry A. and )  
Penny J. Pickett. )  
\_\_\_\_\_ )

The Oregon Water Resources Department ("OWRD"), in addition to all individuals and entities included in the table, below, except Ned Goecken, Charles Masten, George W. Teague, and Mark Nelson, are herein referred to collectively as "the Parties", and each individually a "Party", to this "Settlement Agreement".

References are made within this Settlement Agreement to the "Protestants", which consist of all individuals and entities listed in the column of the table, below, entitled "Protestants", who filed protests against Proposed Final Orders issued by OWRD on extensions of time for permits resulting from water right applications G-12507, G-12869, G-12518, G-12618, G-12732, G-12735, G-12746, G-12768, G-12814, G-12874, G-12876, G-12877, and G-12955 (the "Groundwater Applications"). The Protestants are also Parties to this Settlement Agreement.

|||    |||    |||  
  
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|||    |||    |||

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT 1  
SALEM, OREGON



Application	Permit	Extension Applicants	Protestants	Current Permit Holder(s)
G-12507	G-12439	Denis G. and Rose M. Babson	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Anne Talbott, Joan Moeller, and Marcia Barthelow
G-12869	G-12451	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Anne Talbott, Joan Moeller, and Marcia Barthelow
G-12518	G-12469	C. John Wells	C. John and LaVonne Wells	C. John Wells
G-12618	G-12441	Haskins and Co., by Bruce Haskins	Haskins & Co., Inc.	Boersma Family LLC
G-12732	G-12443	Earl and Pam Wiersma	Earl and Pam Wiersma	Earl and Pam Wiersma, and Northwest Farm Credit Services FLCA
G-12735	G-12444	George W. and Sara S. Teague	Sara S. Teague	Walt and Nancy Hammerich
G-12746	G-12445	Donald J. and Helen E. Horsley	Don and Helen Horsley	Donald J. and Helen E. Horsley
G-12768	G-12447	Arie DeJong	Arie and Jenneke DeJong	Arie DeJong
G-12814	G-12449	Robert Manning	Robert and Donna Manning	Robert M. Manning
G-12874	G-12452	Kenneth and Connie Masten	Kenneth D. and Connie S. Masten	Kenneth D. and Connie S. Masten
G-12876	G-12453	Ned Goecken and Charles Masten	Kenneth D. and Connie S. Masten	Kenneth D. and Connie S. Masten
G-12877	G-12454	Walt Hammerich	Walt and Nancy Hammerich	Walt and Nancy Hammerich
G-12955	G-12457	William E. Brock Jr. and Melyn M. Brock, and Mark Nelson	William E. and Melyn M. Brock and Terry and Penny Pickett	William and Melyn Brock, Northwest Farm Credit Services ACA, and Terry A. and Penny J. Pickett

The Parties do hereby stipulate and agree as follows:

### Stipulations

#### 1. Application G-12507, Permit G-12439 (Talbott, Moeller, and Barthelow)

The Department issued permit number G-12439 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson submitted an application to the Department for an extension of time for permit number G-12439. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust.



2. **Application G-12869, Permit G-12451 (Talbot, Moeller, and Barthelow)**

The Department issued permit number G-12451 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, submitted an application to the Department for an extension of time for permit number G-12451. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust.

3. **Application G-12518, Permit G-12469 (Wells)**

The Department issued permit number G-12469 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On August 1, 2001, C. John Wells submitted an application to the Department for an extension of time for permit number G-12469. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by C. John and LaVonne Wells.

4. **Application G-12618, Permit G-12441 (Boersma Family LLC)**

The Department issued permit number G-12441 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 26, 2001, Haskins and Co., by Bruce Haskins, submitted an application to the Department for an extension of time for permit number G-12441. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Haskins & Co., Inc.

5. **Application G-12732, Permit G-12443 (Wiersma, Northwest Farm Credit Services FLCA)**

The Department issued permit number G-12443 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Earl and Pam Wiersma submitted an application to the Department for an extension of time for permit number G-12443. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Earl and Pam Wiersma.



6. **Application G-12735, Permit G-12444 (Walt and Nancy Hammerich)**

The Department issued permit number G-12444 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, George W. and Sara S. Teague submitted an application to the Department for an extension of time for permit number G-12444. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Sara S. Teague.

7. **Application G-12746, Permit G-12445 (Horsley)**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

8. **Application G-12768, Permit G-12447 (DeJong)**

The Department issued permit number G-12447 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 30, 2001, Arie DeJong submitted an application to the Department for an extension of time for permit number G-12447. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Arie and Jenneke DeJong.

9. **Application G-12814, Permit G-12449 (Manning)**

The Department issued permit number G-12449 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 19, 2001, Robert Manning submitted an application to the Department for an extension of time for permit number G-12449. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Robert and Donna Manning.



10. **Application G-12874, Permit G-12452 (Masten)**

The Department issued permit number G-12452 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Kenneth and Connie Masten submitted an application to the Department for an extension of time for permit number G-12452. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

11. **Application G-12876, Permit G-12453 (Masten)**

The Department issued permit number G-12453 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Ned Goecken and Charles Masten submitted an application to the Department for an extension of time for permit number G-12453. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

12. **Application G-12877, Permit G-12454 (Hammerich)**

The Department issued permit number G-12454 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On January 17, 2002, Walt Hammerich submitted an application to the Department for an extension of time for permit number G-12454. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Walt and Nancy Hammerich.

13. **Application G-12955, Permit G-12457 (Brock, Pickett, Northwest Farm Credit Services ACA)**

The Department issued permit number G-12457 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Mark Nelson submitted an application for extension of time for permit number G-12457. On August 1, 2001, William E. Brock Jr. and Melyn M. Brock submitted an application to the Department for an extension of time for permit number G-12457. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005 in accordance with OAR 690-315-0060(1). A protest was filed by William E. and Melyn M. Brock and Terry and Penny Pickett.



14. The Parties agree that this Settlement Agreement includes the attached Draft Final Orders pertaining to extensions of time for permits resulting from water right applications G-12507, G-12869, G-12518, G-12618, G-12732, G-12735, G-12746, G-12768, G-12814, G-12874, G-12876, G-12877, and G-12955 (the "Groundwater Applications").
15. As a result of settlement negotiations, the Parties agree that all issues raised in the respective protests to Proposed Final Orders on extensions of time for permits resulting from the Groundwater Applications are resolved solely on the following terms.

### **Terms of Agreement**

1. In signing this Settlement Agreement, the Parties agree that all protests and requests for contested case hearing regarding Proposed Final Orders issued by OWRD for extensions of time on permits resulting from the Groundwater Applications are withdrawn with prejudice.
2. In signing this Settlement Agreement, the Parties expressly waive all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, judicial review, and any other challenge to Final Orders issued by OWRD pursuant to this Settlement Agreement on extension of time for permits resulting from the Groundwater Applications.
3. In signing this Settlement Agreement, the Parties expressly waive all right and opportunity to challenge this Settlement Agreement.
4. Immediately after Applicants sign this Settlement Agreement, they will mail the signed original back to Oregon Water Resources Department, ATTN: Mike Reynolds, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.
5. Within 30 days after OWRD has received signed original Settlement Agreement documents from all Parties, OWRD will issue Final Orders on extension of time for permits resulting from the Groundwater Applications that are consistent with the Draft Final Orders that are attached to and incorporated into this Settlement Agreement. Each Final Order will incorporate this Settlement Agreement by reference and as an attachment.
6. The Parties understand and agree that OWRD may make minor administrative modifications to the Draft Final Orders as OWRD converts those documents into Final Orders, and that such administrative modifications by OWRD do not constitute breach of this Settlement Agreement. Such modifications by OWRD include, but are not limited to, formatting, deleting the word "draft", typographical corrections, updating permit holders based on assignments, and updating mailing lists.
7. Within 180 days of a written request from ten or more Parties, OWRD agrees to conduct up to two public presentations in the Bonanza area regarding general principles of water right regulation (how to request regulation, how regulation occurs, hypothetical examples, etc.). The purpose of the public presentation(s) is to help the attendees develop their understanding of general principles of water right regulation. The Parties agree that a ground-rule for all attendees of the public presentation(s) will be that the OWRD presenter(s) will not be asked to address questions about whether specific water rights will be regulated for or against. During the public presentation(s), OWRD's presenter(s) agree to offer to meet at a later date and time,



subject to scheduling availability, with individual water right holders in the Bonanza sub-area, as defined by OWRD, who have questions about whether their water right(s) may be regulated. The Parties agree to cooperate in seeking a free venue to host the public presentation(s).


8. By June 30, 2006, OWRD agrees to prepare a Preliminary Distribution List pertaining to the Bonanza sub-area, as defined by OWRD, that would be available for viewing at the Klamath Watermaster's office, including:
  - (A) Copies of all relevant water rights sorted in priority date order, and by area, if appropriate;
  - (B) Copies of laws governing water right regulation;
  - (C) Summaries of OWRD's general approach to water right regulation for surface and groundwater;
  - (D) A statement that the Preliminary Distribution List is general in nature, is subject to change, is not a final order or decision on any matter, and in particular does not constitute a decision as to which specific water rights will or will not be subject to regulation in any given irrigation season; and
  - (E) A statement that the Preliminary Distribution List was (1) prepared pursuant to a Settlement Agreement, (2) is an effort to make general information pertaining to water right regulation available to water right holders in the Bonanza sub-area, and (3) is intended to help OWRD respond more quickly to requests for regulation in the Bonanza sub-area.

The Parties agree that any errors or deficiencies which may be found in the Preliminary Distribution List may be corrected, as determined by OWRD, and the existence of any such errors or deficiencies does not constitute breach of this Settlement Agreement by OWRD. OWRD may continue to update the Preliminary Distribution List in the future, but this Settlement Agreement does not bind OWRD to do so.

9. OWRD will evaluate and respond to all requests for water right regulation from the Parties to this Settlement Agreement consistent with Oregon law and as allowed by OWRD's resources.
10. The Parties expressly waive all right and opportunity to challenge the inclusion, in proposed certificates and certificates, of any of the conditions contained in the permits and permit extension final orders resulting from the Groundwater Applications.
11. OWRD agrees to expedite review of complete and timely-filed Claims of Beneficial Use requesting issuance of proposed certificates or certificates stemming from the Groundwater Applications. The Parties understand and agree that OWRD cannot guarantee that proposed certificates or certificates will be issued, and that OWRD is only agreeing to expedite review of complete and timely-filed Claims of Beneficial Use.
12. Within 30 days after OWRD has received signed original Settlement Agreement documents from all Parties, OWRD will refund protest fees related to extensions of time on permits resulting from the Groundwater Applications to the person or entity that paid such fees.



13. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executes this Settlement Agreement on its behalf has the full right and authority to enter into this Settlement Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
14. Each Party to this Settlement Agreement certifies that they have had a reasonable opportunity to review the Settlement Agreement, and that they have signed this Settlement Agreement of their own free will and accord. Each Party to this Settlement Agreement also certifies that they have read the entire Settlement Agreement, and understand and fully agree with the contents thereof.
15. The Parties agree that this Settlement Agreement is binding upon the Parties and their respective successors and assigns.
16. This Settlement Agreement may be signed in counterparts, each of which will be deemed an original, and all of which together shall constitute one and the same Settlement Agreement.

  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
*for*  
Phillip C. Ward, Director  
Oregon Water Resources Department

April 28, 2006  
Date

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SALEM, OREGON



Denis Y. Babson Trustee  
Denis Babson, Trustee for Babson Family Trust

4/29/06  
Date

Rose M. Babson, Trustee  
Rose Babson, Trustee for Babson Family Trust

4/29/06  
Date

\_\_\_\_\_  
Anne Talbott

\_\_\_\_\_  
Date

Joan Moeller  
Joan Moeller

4/29/06  
Date

\_\_\_\_\_  
Marcia Barthelow

\_\_\_\_\_  
Date

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MAY 24 2006  
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SALEM, OREGON

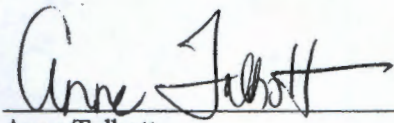
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SALEM, OREGON

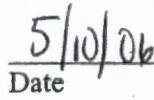
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Denis Babson, Trustee for Babson Family Trust

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Date

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Rose Babson, Trustee for Babson Family Trust

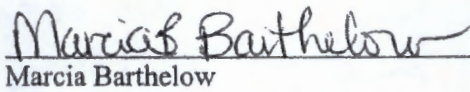
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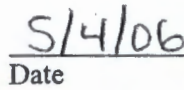
  
\_\_\_\_\_  
Anne Talbott

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Joan Moeller

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Marcia Barthelow

  
\_\_\_\_\_  
Date



C. John Wells  
C. John Wells

5/13/06  
Date

LaVonne Wells  
LaVonne Wells

5/13/06  
Date

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Haskins & Co. Inc. by Bruce Haskins 5-16-06  
Haskins & Co. Inc., by Bruce Haskins Date

Boersma Family LLC 5-16-06  
Boersma Family LLC Date

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Earl Wiersma  
Earl Wiersma

5-17-06  
Date

Pam Wiersma  
Pam Wiersma

5-17-06  
Date

Northwest Farm Credit Services FLCA 5/9/06  
Northwest Farm Credit Services, FLCA

Date

Elden Sorensen  
Senior Credit Officer

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MAY 24 2006

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SALEM, OREGON

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MAY 24 2006

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SALEM, OREGON

Donald J. Horsley  
Donald J. Horsley

5/10/06  
Date

Helen E. Horsley  
Helen E. Horsley

5/10/06  
Date

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Sara S. Teague  
Sara S. Teague

5-17-06  
Date

Walt Hammerich  
Walt Hammerich

5-17-06  
Date

Nancy Hammerich  
Nancy Hammerich

5-17-06  
Date

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MAY 24 2006  
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SALEM, OREGON

Jenneke DeJong  
Jenneke DeJong

5/16/06  
Date

Arie DeJong  
Arie DeJong

5/16/06  
Date

COMMUNITY DEVELOPMENT  
CITY OF SALEM  
WATER RESOURCES DEPT  
SALEM, OREGON

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SALEM, OREGON



Robert Manning  
Robert Manning

5-10-06  
Date

Donna Manning  
Donna Manning

5-10-06  
Date

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**RECEIVED**

MAY 24 2006

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Kenneth D. Masten  
Kenneth D. Masten

5-11-06  
Date

Connie S. Masten  
Connie S. Masten

5/11/06  
Date

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MAY 24 2006  
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SALEM, OREGON



William Brock  
William Brock

5/10/06  
Date

Melyn M Brock  
Melyn Brock

5.10.06  
Date

Terry Pickett  
Terry Pickett

5/10/06  
Date

Penny Pickett  
Penny Pickett

5-10-06  
Date

Northwest Farm Credit Services, ACA 5/9/06  
Northwest Farm Credit Services, ACA  
Elden Lorenson  
Senior Loan Officer

Date

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**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12439**

**Application History**

The Department issued permit number G-12439 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson submitted an application to the Department for an extension of time for permit number G-12439. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust. As a result of an assignment, the current permit holders are Anne Talbott, Joan Moeller, and Marcia Barthelow.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be



subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12507, Permit Number G-12439, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12507  
Permit #G-12439

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Anne Talbott  
2310 Waverly  
Palo Alto, CA 94301

Joan Moeller  
566 Lowell Ave.  
Palo Alto, CA 94301

Marcia Barthelow  
4353 N.E. 55<sup>th</sup> St.  
Seattle, WA 98105

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12507, Permit G-12439
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12469**

**Application History**

The Department issued permit number G-12469 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On August 1, 2001, C. John Wells submitted an application to the Department for an extension of time for permit number G-12469. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by C. John and LaVonne Wells.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12518, Permit Number G-12469, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12518

FO Date: \*\*\*\*\*, 2006

Permit #G-12469

**Original mailed to:**

C. John Wells  
PO Box 68  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12518, Permit G-12469
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12441**

**Application History**

The Department issued permit number G-12441 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 26, 2001, Haskins and Co., by Bruce Haskins, submitted an application to the Department for an extension of time for permit number G-12441. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Haskins & Co., Inc. As the result of an assignment, the current permit holder is Boersma Family LLC.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12618, Permit Number G-12441, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12618

FO Date: \*\*\*\*\*, 2006

Permit #G-12441

**Original mailed to:**

Boersma Family LLC  
39139 Bunn Way  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12618, Permit G-12441
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603
8. Don Knauer Consulting, PO Box 5416, Salem, OR 97304

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12443**

**Application History**

The Department issued permit number G-12443 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Earl and Pam Wiersma submitted an application to the Department for an extension of time for permit number G-12443. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Earl and Pam Wiersma.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12732, Permit Number G-12443, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12732  
Permit #G-12443

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Earl and Pam Wiersma  
PO Box 177  
Bonanza, OR 97623

**Copy mailed to:**

Northwest Farm Credit Services, FLCA  
PO Box 148  
Klamath, Falls, OR 97601

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12732, Permit G-12443
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12444**

**Application History**

The Department issued permit number G- 12444 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, George W. and Sara S. Teague submitted an application to the Department for an extension of time for permit number G-12444. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Sara S. Teague. As a result of an assignment, the current permit holders are Walt and Nancy Hammerich.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.



2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12735, Permit Number G-12444, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12735  
Permit #G-12444

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Walt and Nancy Hammerich  
28989 Casebeer Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12735, Permit G-12444
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12445**

**Application History**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12746, Permit Number G-12445, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12746  
Permit #G-12445

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Donald J. and Helen E. Horsley  
PO Box 8  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12746, Permit G-12445
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12447**

**Application History**

The Department issued permit number G-12447 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 30, 2001, Arie DeJong submitted an application to the Department for an extension of time for permit number G-12447. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Arie and Jenneke DeJong.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be



subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12768, Permit Number G-12447, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12768

FO Date: \*\*\*\*\*, 2006

Permit #G-12447

**Original mailed to:**

Arie DeJong  
4721 Harpold Road  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12768, Permit G-12447
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603
8. Don Knauer Consulting, PO Box 5416, Salem, OR 97304

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12449**

**Application History**

The Department issued permit number G-12449 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 19, 2001, Robert Manning submitted an application to the Department for an extension of time for permit number G-12449. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Robert and Donna Manning.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12814, Permit Number G-12449, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12814  
Permit #G-12449

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Robert M. Manning  
PO Box 44  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12814, Permit G-12449
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12451**

**Application History**

The Department issued permit number G-12451 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, submitted an application to the Department for an extension of time for permit number G-12451. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust. As a result of an assignment, the current permit holders are Anne Talbott, Joan Moeller, and Marcia Barthelow.

On January 11, 2005, OWRD received a letter from Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, requesting an additional five year extension of time to fully apply water to beneficial use. As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2010.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.



2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12869, Permit Number G-12451, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2010.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12869  
Permit #G-12451

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Anne Talbott  
2310 Waverly  
Palo Alto, CA 94301

Joan Moeller  
566 Lowell Ave.  
Palo Alto, CA 94301

Marcia Barthelow  
4353 N.E. 55<sup>th</sup> St.  
Seattle, WA 98105

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12869, Permit G-12451
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12452**

**Application History**

The Department issued permit number G-12452 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Kenneth and Connie Masten submitted an application to the Department for an extension of time for permit number G-12452. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12874, Permit Number G-12452, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12874  
Permit #G-12452

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Kenneth D. and Connie S. Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12874, Permit G-12452
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12453**

**Application History**

The Department issued permit number G-12453 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Ned Goecken and Charles Masten submitted an application to the Department for an extension of time for permit number G-12453. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12876, Permit Number G-12453, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12876

FO Date: \*\*\*\*\*, 2006

Permit #G-12453

**Original mailed to:**

Kenneth D. and Connie S. Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12876, Permit G-12453
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12454**

**Application History**

The Department issued permit number G-12454 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On January 17, 2002, Walt Hammerich submitted an application to the Department for an extension of time for permit number G-12454. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Walt and Nancy Hammerich.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

Order

The extension of time for Application Number G-12877, Permit Number G-12454, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12877  
Permit #G-12454

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Walt and Nancy Hammerich  
3311 Haskins Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12877, Permit G-12454
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12457**

**Application History**

The Department issued permit number G-12457 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Mark Nelson submitted an application for extension of time for permit number G-12457. On August 1, 2001, William E. Brock Jr. and Melyn M. Brock submitted an application to the Department for an extension of time for permit number G-12457. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005 in accordance with OAR 690-315-0060(1). A protest was filed by William E. and Melyn M. Brock and Terry and Penny Pickett.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be



subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12955, Permit Number G-12457, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12955  
Permit #G-12457

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

William and Melyn Brock  
PO Box 212  
Bonanza, OR 97623

**Copy mailed to:**

Terry and Penny Pickett  
PO Box 115  
Bonanza, OR 97623

Northwest Farm Credit Services, FLCA  
Attn: Mindy Turner  
PO Box 148  
Klamath Falls, OR 97601

Don Knauer Consulting  
PO Box 5416  
Salem, OR 97304

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12955, Permit G-12457
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**BEFORE THE OREGON WATER RESOURCES DEPARTMENT**

In the Matter of Extension of Time for Permits )  
Resulting From Water Right Applications )  
G-12507 and G-12869, in the name of Anne )  
Talbot, Joan Moeller, and Marcia Barthelow; )  
G-12518, in the name of C. John Wells; G-12618, )  
in the name of Boersma Family LLC; G-12732, )  
in the name of Earl and Pam Wiersma and )  
Northwest Farm Credit Services FLCA; G-12735 )  
and G-12877, in the name of Walt and Nancy )  
Hammerich; G-12746, in the name of Donald J. )  
and Helen E. Horsley; G-12768, in the name of )  
Arie DeJong; G-12814, in the name of Robert M. )  
Manning; G-12874 and G-12876, in the name of )  
Kenneth D. and Connie S. Masten; G-12955, in )  
the name of William and Melyn Brock, Northwest )  
Farm Credit Services ACA, and Terry A. and )  
Penny J. Pickett. )  
\_\_\_\_\_ )

The Oregon Water Resources Department ("OWRD"), in addition to all individuals and entities included in the table, below, except Ned Goecken, Charles Masten, George W. Teague, and Mark Nelson, are herein referred to collectively as "the Parties", and each individually a "Party", to this "Settlement Agreement".

References are made within this Settlement Agreement to the "Protestants", which consist of all individuals and entities listed in the column of the table, below, entitled "Protestants", who filed protests against Proposed Final Orders issued by OWRD on extensions of time for permits resulting from water right applications G-12507, G-12869, G-12518, G-12618, G-12732, G-12735, G-12746, G-12768, G-12814, G-12874, G-12876, G-12877, and G-12955 (the "Groundwater Applications"). The Protestants are also Parties to this Settlement Agreement.

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**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT 1  
SALEM, OREGON

Application	Permit	Extension Applicants	Protestants	Current Permit Holder(s)
G-12507	G-12439	Denis G. and Rose M. Babson	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Anne Talbott, Joan Moeller, and Marcia Barthelow
G-12869	G-12451	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Anne Talbott, Joan Moeller, and Marcia Barthelow
G-12518	G-12469	C. John Wells	C. John and LaVonne Wells	C. John Wells
G-12618	G-12441	Haskins and Co., by Bruce Haskins	Haskins & Co., Inc.	Boersma Family LLC
G-12732	G-12443	Earl and Pam Wiersma	Earl and Pam Wiersma	Earl and Pam Wiersma, and Northwest Farm Credit Services FLCA
G-12735	G-12444	George W. and Sara S. Teague	Sara S. Teague	Walt and Nancy Hammerich
G-12746	G-12445	Donald J. and Helen E. Horsley	Don and Helen Horsley	Donald J. and Helen E. Horsley
G-12768	G-12447	Arie DeJong	Arie and Jenneke DeJong	Arie DeJong
G-12814	G-12449	Robert Manning	Robert and Donna Manning	Robert M. Manning
G-12874	G-12452	Kenneth and Connie Masten	Kenneth D. and Connie S. Masten	Kenneth D. and Connie S. Masten
G-12876	G-12453	Ned Goecken and Charles Masten	Kenneth D. and Connie S. Masten	Kenneth D. and Connie S. Masten
G-12877	G-12454	Walt Hammerich	Walt and Nancy Hammerich	Walt and Nancy Hammerich
G-12955	G-12457	William E. Brock Jr. and Melyn M. Brock, and Mark Nelson	William E. and Melyn M. Brock and Terry and Penny Pickett	William and Melyn Brock, Northwest Farm Credit Services ACA, and Terry A. and Penny J. Pickett

The Parties do hereby stipulate and agree as follows:

### Stipulations

#### 1. Application G-12507, Permit G-12439 (Talbott, Moeller, and Barthelow)

The Department issued permit number G-12439 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson submitted an application to the Department for an extension of time for permit number G-12439. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust.



2. **Application G-12869, Permit G-12451 (Talbot, Moeller, and Barthelow)**

The Department issued permit number G-12451 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, submitted an application to the Department for an extension of time for permit number G-12451. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust.

3. **Application G-12518, Permit G-12469 (Wells)**

The Department issued permit number G-12469 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On August 1, 2001, C. John Wells submitted an application to the Department for an extension of time for permit number G-12469. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by C. John and LaVonne Wells.

4. **Application G-12618, Permit G-12441 (Boersma Family LLC)**

The Department issued permit number G-12441 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 26, 2001, Haskins and Co., by Bruce Haskins, submitted an application to the Department for an extension of time for permit number G-12441. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Haskins & Co., Inc.

5. **Application G-12732, Permit G-12443 (Wiersma, Northwest Farm Credit Services FLCA)**

The Department issued permit number G-12443 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Earl and Pam Wiersma submitted an application to the Department for an extension of time for permit number G-12443. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Earl and Pam Wiersma.



6. **Application G-12735, Permit G-12444 (Walt and Nancy Hammerich)**

The Department issued permit number G-12444 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, George W. and Sara S. Teague submitted an application to the Department for an extension of time for permit number G-12444. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Sara S. Teague.

7. **Application G-12746, Permit G-12445 (Horsley)**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

8. **Application G-12768, Permit G-12447 (DeJong)**

The Department issued permit number G-12447 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 30, 2001, Arie DeJong submitted an application to the Department for an extension of time for permit number G-12447. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Arie and Jenneke DeJong.

9. **Application G-12814, Permit G-12449 (Manning)**

The Department issued permit number G-12449 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 19, 2001, Robert Manning submitted an application to the Department for an extension of time for permit number G-12449. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Robert and Donna Manning.



10. **Application G-12874, Permit G-12452 (Masten)**

The Department issued permit number G-12452 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Kenneth and Connie Masten submitted an application to the Department for an extension of time for permit number G-12452. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

11. **Application G-12876, Permit G-12453 (Masten)**

The Department issued permit number G-12453 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Ned Goecken and Charles Masten submitted an application to the Department for an extension of time for permit number G-12453. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

12. **Application G-12877, Permit G-12454 (Hammerich)**

The Department issued permit number G-12454 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On January 17, 2002, Walt Hammerich submitted an application to the Department for an extension of time for permit number G-12454. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Walt and Nancy Hammerich.

13. **Application G-12955, Permit G-12457 (Brock, Pickett, Northwest Farm Credit Services ACA)**

The Department issued permit number G-12457 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Mark Nelson submitted an application for extension of time for permit number G-12457. On August 1, 2001, William E. Brock Jr. and Melyn M. Brock submitted an application to the Department for an extension of time for permit number G-12457. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005 in accordance with OAR 690-315- 0060(1). A protest was filed by William E. and Melyn M. Brock and Terry and Penny Pickett.



14. The Parties agree that this Settlement Agreement includes the attached Draft Final Orders pertaining to extensions of time for permits resulting from water right applications G-12507, G-12869, G-12518, G-12618, G-12732, G-12735, G-12746, G-12768, G-12814, G-12874, G-12876, G-12877, and G-12955 (the "Groundwater Applications").
15. As a result of settlement negotiations, the Parties agree that all issues raised in the respective protests to Proposed Final Orders on extensions of time for permits resulting from the Groundwater Applications are resolved solely on the following terms.

### **Terms of Agreement**

1. In signing this Settlement Agreement, the Parties agree that all protests and requests for contested case hearing regarding Proposed Final Orders issued by OWRD for extensions of time on permits resulting from the Groundwater Applications are withdrawn with prejudice.
2. In signing this Settlement Agreement, the Parties expressly waive all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, judicial review, and any other challenge to Final Orders issued by OWRD pursuant to this Settlement Agreement on extension of time for permits resulting from the Groundwater Applications.
3. In signing this Settlement Agreement, the Parties expressly waive all right and opportunity to challenge this Settlement Agreement.
4. Immediately after Applicants sign this Settlement Agreement, they will mail the signed original back to Oregon Water Resources Department, ATTN: Mike Reynolds, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.
5. Within 30 days after OWRD has received signed original Settlement Agreement documents from all Parties, OWRD will issue Final Orders on extension of time for permits resulting from the Groundwater Applications that are consistent with the Draft Final Orders that are attached to and incorporated into this Settlement Agreement. Each Final Order will incorporate this Settlement Agreement by reference and as an attachment.
6. The Parties understand and agree that OWRD may make minor administrative modifications to the Draft Final Orders as OWRD converts those documents into Final Orders, and that such administrative modifications by OWRD do not constitute breach of this Settlement Agreement. Such modifications by OWRD include, but are not limited to, formatting, deleting the word "draft", typographical corrections, updating permit holders based on assignments, and updating mailing lists.
7. Within 180 days of a written request from ten or more Parties, OWRD agrees to conduct up to two public presentations in the Bonanza area regarding general principles of water right regulation (how to request regulation, how regulation occurs, hypothetical examples, etc.). The purpose of the public presentation(s) is to help the attendees develop their understanding of general principles of water right regulation. The Parties agree that a ground-rule for all attendees of the public presentation(s) will be that the OWRD presenter(s) will not be asked to address questions about whether specific water rights will be regulated for or against. During the public presentation(s), OWRD's presenter(s) agree to offer to meet at a later date and time,



subject to scheduling availability, with individual water right holders in the Bonanza sub-area, as defined by OWRD, who have questions about whether their water right(s) may be regulated. The Parties agree to cooperate in seeking a free venue to host the public presentation(s).


8. By June 30, 2006, OWRD agrees to prepare a Preliminary Distribution List pertaining to the Bonanza sub-area, as defined by OWRD, that would be available for viewing at the Klamath Watermaster's office, including:
  - (A) Copies of all relevant water rights sorted in priority date order, and by area, if appropriate;
  - (B) Copies of laws governing water right regulation;
  - (C) Summaries of OWRD's general approach to water right regulation for surface and groundwater;
  - (D) A statement that the Preliminary Distribution List is general in nature, is subject to change, is not a final order or decision on any matter, and in particular does not constitute a decision as to which specific water rights will or will not be subject to regulation in any given irrigation season; and
  - (E) A statement that the Preliminary Distribution List was (1) prepared pursuant to a Settlement Agreement, (2) is an effort to make general information pertaining to water right regulation available to water right holders in the Bonanza sub-area, and (3) is intended to help OWRD respond more quickly to requests for regulation in the Bonanza sub-area.

The Parties agree that any errors or deficiencies which may be found in the Preliminary Distribution List may be corrected, as determined by OWRD, and the existence of any such errors or deficiencies does not constitute breach of this Settlement Agreement by OWRD. OWRD may continue to update the Preliminary Distribution List in the future, but this Settlement Agreement does not bind OWRD to do so.

9. OWRD will evaluate and respond to all requests for water right regulation from the Parties to this Settlement Agreement consistent with Oregon law and as allowed by OWRD's resources.
10. The Parties expressly waive all right and opportunity to challenge the inclusion, in proposed certificates and certificates, of any of the conditions contained in the permits and permit extension final orders resulting from the Groundwater Applications.
11. OWRD agrees to expedite review of complete and timely-filed Claims of Beneficial Use requesting issuance of proposed certificates or certificates stemming from the Groundwater Applications. The Parties understand and agree that OWRD cannot guarantee that proposed certificates or certificates will be issued, and that OWRD is only agreeing to expedite review of complete and timely-filed Claims of Beneficial Use.
12. Within 30 days after OWRD has received signed original Settlement Agreement documents from all Parties, OWRD will refund protest fees related to extensions of time on permits resulting from the Groundwater Applications to the person or entity that paid such fees.

13. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executes this Settlement Agreement on its behalf has the full right and authority to enter into this Settlement Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
14. Each Party to this Settlement Agreement certifies that they have had a reasonable opportunity to review the Settlement Agreement, and that they have signed this Settlement Agreement of their own free will and accord. Each Party to this Settlement Agreement also certifies that they have read the entire Settlement Agreement, and understand and fully agree with the contents thereof.
15. The Parties agree that this Settlement Agreement is binding upon the Parties and their respective successors and assigns.
16. This Settlement Agreement may be signed in counterparts, each of which will be deemed an original, and all of which together shall constitute one and the same Settlement Agreement.



  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
*for*  
Phillip C. Ward, Director  
Oregon Water Resources Department

April 28, 2006  
Date

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

Denis G. Babson Trustee  
Denis Babson, Trustee for Babson Family Trust

4/29/06  
Date

Rose M. Babson, Trustee  
Rose Babson, Trustee for Babson Family Trust

4/29/06  
Date

\_\_\_\_\_  
Anne Talbott

\_\_\_\_\_  
Date

Joan Moeller  
Joan Moeller

4/29/06  
Date

\_\_\_\_\_  
Marcia Barthelow

\_\_\_\_\_  
Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON



C. John Wells  
C. John Wells

5/13/06  
Date

LaVonne Wells  
LaVonne Wells

5/13/06  
Date

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM OREGON

Haskins & Co. Inc. by Bruce Haskins 5-16-06  
Haskins & Co. Inc., by Bruce Haskins Date

Boersma Family LLC 5-16-06  
Boersma Family LLC Date

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON



Earl Wiersma  
Earl Wiersma

5-17-06  
Date

Pam Wiersma  
Pam Wiersma

5-17-06  
Date

Northwest Farm Credit Services FLCA 5/9/06  
Northwest Farm Credit Services, FLCA  
Eden Scarsen  
Senior credit officer

Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM OREGON

Donald J. Horsley  
Donald J. Horsley

5/10/06  
Date

Helen E. Horsley  
Helen E. Horsley

5/10/06  
Date

**RECEIVED**

MAY 24 2006

WATER RESOURCES DEPT  
SALEM, OREGON



Sara S. Teague  
Sara S. Teague

5-17-06  
Date

Walt Hammerich  
Walt Hammerich

5-17-06  
Date

Nancy Hammerich  
Nancy Hammerich

5-17-06  
Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM OREGON

Jenneke DeJong  
Jenneke DeJong

5/16/06  
Date

Arie DeJong  
Arie DeJong

5/16/06  
Date

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON



Robert Manning  
Robert Manning

5-10-06  
Date

Donna Manning  
Donna Manning

5-10-06  
Date

RECEIVED  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

Kenneth D. Masten

Kenneth D. Masten

5-11-06  
Date

Connie S. Masten

Connie S. Masten

5/11/06  
Date

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON



William Brock  
William Brock

5/10/06  
Date

Melyn M Brock  
Melyn Brock

5.10.06  
Date

Terry Pickett  
Terry Pickett

5/10/06  
Date

Penny Pickett  
Penny Pickett

5-10-06  
Date

Northwest Farm Credit Services, ACA 5/9/06  
Northwest Farm Credit Services, ACA Date  
Elden Lorenson  
Senior Loan Officer

**RECEIVED**  
MAY 24 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12439**

**Application History**

The Department issued permit number G-12439 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson submitted an application to the Department for an extension of time for permit number G-12439. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust. As a result of an assignment, the current permit holders are Anne Talbott, Joan Moeller, and Marcia Barthelow.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be



subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12507, Permit Number G-12439, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## Mailing List for Extension FO Copies

Application #G-12507  
Permit #G-12439

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Anne Talbott  
2310 Waverly  
Palo Alto, CA 94301

Joan Moeller  
566 Lowell Ave.  
Palo Alto, CA 94301

Marcia Barthelow  
4353 N.E. 55<sup>th</sup> St.  
Seattle, WA 98105

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12507, Permit G-12439
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12469**

**Application History**

The Department issued permit number G-12469 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On August 1, 2001, C. John Wells submitted an application to the Department for an extension of time for permit number G-12469. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by C. John and LaVonne Wells.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of \_\_\_\_\_, 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12518, Permit Number G-12469, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## Mailing List for Extension FO Copies

Application #G-12518  
Permit #G-12469

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

C. John Wells  
PO Box 68  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12518, Permit G-12469
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12441**

**Application History**

The Department issued permit number G-12441 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 26, 2001, Haskins and Co., by Bruce Haskins, submitted an application to the Department for an extension of time for permit number G-12441. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Haskins & Co., Inc. As the result of an assignment, the current permit holder is Boersma Family LLC.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12618, Permit Number G-12441, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12618  
Permit #G-12441

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Boersma Family LLC  
39139 Bunn Way  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12618, Permit G-12441
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603
8. Don Knauer Consulting, PO Box 5416, Salem, OR 97304

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12443**

**Application History**

The Department issued permit number G-12443 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Earl and Pam Wiersma submitted an application to the Department for an extension of time for permit number G-12443. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Earl and Pam Wiersma.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12732, Permit Number G-12443, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## **Mailing List for Extension FO Copies**

**Application #G-12732**  
**Permit #G-12443**

**FO Date: \*\*\*\*\*, 2006**

**Original mailed to:**

Earl and Pam Wiersma  
PO Box 177  
Bonanza, OR 97623

**Copy mailed to:**

Northwest Farm Credit Services, FLCA  
PO Box 148  
Klamath, Falls, OR 97601

**Copies Mailed**

**By:** \_\_\_\_\_  
(SUPPORT STAFF)

**on:** \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12732, Permit G-12443
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

**CASEWORKER: LJJ**

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12444**

**Application History**

The Department issued permit number G- 12444 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, George W. and Sara S. Teague submitted an application to the Department for an extension of time for permit number G-12444. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Sara S. Teague. As a result of an assignment, the current permit holders are Walt and Nancy Hammerich.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.



2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

***Order***

The extension of time for Application Number G-12735, Permit Number G-12444, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "***Important Notice***" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12735

FO Date: \*\*\*\*\*, 2006

Permit #G-12444

**Original mailed to:**

Walt and Nancy Hammerich  
28989 Casebeer Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12735, Permit G-12444
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ



**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12445**

**Application History**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12746, Permit Number G-12445, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## Mailing List for Extension FO Copies

Application #G-12746  
Permit #G-12445

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Donald J. and Helen E. Horsley  
PO Box 8  
Bonanza, OR 97623

**Copies Mailed**

**By:** \_\_\_\_\_  
(SUPPORT STAFF)

**on:** \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12746, Permit G-12445
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12447**

**Application History**

The Department issued permit number G-12447 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 30, 2001, Arie DeJong submitted an application to the Department for an extension of time for permit number G-12447. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Arie and Jenneke DeJong.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be

subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

***Order***

The extension of time for Application Number G-12768, Permit Number G-12447, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "**Important Notice**" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12768

FO Date: \*\*\*\*\*, 2006

Permit #G-12447

**Original mailed to:**

Arie DeJong  
4721 Harpold Road  
Bonanza, OR 97623

**Copies Mailed**

**By:** \_\_\_\_\_  
(SUPPORT STAFF)

**on:** \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12768, Permit G-12447
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603
8. Don Knauer Consulting, PO Box 5416, Salem, OR 97304

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12449**

**Application History**

The Department issued permit number G-12449 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 19, 2001, Robert Manning submitted an application to the Department for an extension of time for permit number G-12449. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Robert and Donna Manning.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12814, Permit Number G-12449, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## Mailing List for Extension FO Copies

Application #G-12814  
Permit #G-12449

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Robert M. Manning  
PO Box 44  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12814, Permit G-12449
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12451**

**Application History**

The Department issued permit number G-12451 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, submitted an application to the Department for an extension of time for permit number G-12451. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust. As a result of an assignment, the current permit holders are Anne Talbott, Joan Moeller, and Marcia Barthelow.

On January 11, 2005, OWRD received a letter from Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, requesting an additional five year extension of time to fully apply water to beneficial use. As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2010.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.

2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of \_\_\_\_\_, 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12869, Permit Number G-12451, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2010.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## Mailing List for Extension FO Copies

Application #G-12869  
Permit #G-12451

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Anne Talbott  
2310 Waverly  
Palo Alto, CA 94301

Joan Moeller  
566 Lowell Ave.  
Palo Alto, CA 94301

Marcia Barthelow  
4353 N.E. 55<sup>th</sup> St.  
Seattle, WA 98105

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12869, Permit G-12451
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

Final Order: Permit # G-12451

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12452**

**Application History**

The Department issued permit number G-12452 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Kenneth and Connie Masten submitted an application to the Department for an extension of time for permit number G-12452. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of \_\_\_\_\_, 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12874, Permit Number G-12452, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## Mailing List for Extension FO Copies

Application #G-12874  
Permit #G-12452

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Kenneth D. and Connie S. Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12874, Permit G-12452
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12453**

**Application History**

The Department issued permit number G-12453 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Ned Goecken and Charles Masten submitted an application to the Department for an extension of time for permit number G-12453. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12876, Permit Number G-12453, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## Mailing List for Extension FO Copies

Application #G-12876  
Permit #G-12453

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Kenneth D. and Connie S. Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12876, Permit G-12453
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12454**

**Application History**

The Department issued permit number G-12454 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On January 17, 2002, Walt Hammerich submitted an application to the Department for an extension of time for permit number G-12454. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Walt and Nancy Hammerich.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of \_\_\_\_\_, 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12877, Permit Number G-12454, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** Include a copy of the "**Important Notice**" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12877  
Permit #G-12454

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Walt and Nancy Hammerich  
3311 Haskins Rd.  
Bonanza, OR 97623

**Copies Mailed**

**By:** \_\_\_\_\_  
(SUPPORT STAFF)

**on:** \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12877, Permit G-12454
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12457**

**Application History**

The Department issued permit number G-12457 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Mark Nelson submitted an application for extension of time for permit number G-12457. On August 1, 2001, William E. Brock Jr. and Melyn M. Brock submitted an application to the Department for an extension of time for permit number G-12457. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005 in accordance with OAR 690-315-0060(1). A protest was filed by William E. and Melyn M. Brock and Terry and Penny Pickett.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be

subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of \_\_\_\_\_, 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12955, Permit Number G-12457, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**



**NOTE:** *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

## Mailing List for Extension FO Copies

**Application #G-12955**  
**Permit #G-12457**

**FO Date: \*\*\*\*\*, 2006**

**Original mailed to:**

William and Melyn Brock  
PO Box 212  
Bonanza, OR 97623

**Copy mailed to:**

Terry and Penny Pickett  
PO Box 115  
Bonanza, OR 97623

Northwest Farm Credit Services, FLCA  
Attn: Mindy Turner  
PO Box 148  
Klamath Falls, OR 97601

Don Knauer Consulting  
PO Box 5416  
Salem, OR 97304

**Copies Mailed**

**By:** \_\_\_\_\_  
(SUPPORT STAFF)

**on:** \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12955, Permit G-12457
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**BEFORE THE OREGON WATER RESOURCES DEPARTMENT**

In the Matter of Extension of Time for Permits )  
Resulting From Water Right Applications )  
G-12507 and G-12869, in the name of Anne )  
Talbot, Joan Moeller, and Marcia Barthelow; )  
G-12518, in the name of C. John Wells; G-12618, )  
in the name of Boersma Family LLC; G-12732, )  
in the name of Earl and Pam Wiersma and )  
Northwest Farm Credit Services FLCA; G-12735 )  
and G-12877, in the name of Walt and Nancy )  
Hammerich; G-12746, in the name of Donald J. )  
and Helen E. Horsley; G-12768, in the name of )  
Arie DeJong; G-12814, in the name of Robert M. )  
Manning; G-12874 and G-12876, in the name of )  
Kenneth D. and Connie S. Masten; G-12955, in )  
the name of William and Melyn Brock, Northwest )  
Farm Credit Services ACA, and Terry A. and )  
Penny J. Pickett. )  
\_\_\_\_\_ )  
)

The Oregon Water Resources Department ("OWRD"), in addition to all individuals and entities included in the table, below, except Ned Goecken, Charles Masten, George W. Teague, and Mark Nelson, are herein referred to collectively as "the Parties", and each individually a "Party", to this "Settlement Agreement".

References are made within this Settlement Agreement to the "Protestants", which consist of all individuals and entities listed in the column of the table, below, entitled "Protestants", who filed protests against Proposed Final Orders issued by OWRD on extensions of time for permits resulting from water right applications G-12507, G-12869, G-12518, G-12618, G-12732, G-12735, G-12746, G-12768, G-12814, G-12874, G-12876, G-12877, and G-12955 (the "Groundwater Applications"). The Protestants are also Parties to this Settlement Agreement.

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Application	Permit	Extension Applicants	Protestants	Current Permit Holder(s)
G-12507	G-12439	Denis G. and Rose M. Babson	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Anne Talbott, Joan Moeller, and Marcia Barthelow
G-12869	G-12451	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Denis G. and Rose M. Babson, Trustees for the Babson Family Trust	Anne Talbott, Joan Moeller, and Marcia Barthelow
G-12518	G-12469	C. John Wells	C. John and LaVonne Wells	C. John Wells
G-12618	G-12441	Haskins and Co., by Bruce Haskins	Haskins & Co., Inc.	Boersma Family LLC
G-12732	G-12443	Earl and Pam Wiersma	Earl and Pam Wiersma	Earl and Pam Wiersma, and Northwest Farm Credit Services FLCA
G-12735	G-12444	George W. and Sara S. Teague	Sara S. Teague	Walt and Nancy Hammerich
G-12746	G-12445	Donald J. and Helen E. Horsley	Don and Helen Horsley	Donald J. and Helen E. Horsley
G-12768	G-12447	Arie DeJong	Arie and Jenneke DeJong	Arie DeJong
G-12814	G-12449	Robert Manning	Robert and Donna Manning	Robert M. Manning
G-12874	G-12452	Kenneth and Connie Masten	Kenneth D. and Connie S. Masten	Kenneth D. and Connie S. Masten
G-12876	G-12453	Ned Goecken and Charles Masten	Kenneth D. and Connie S. Masten	Kenneth D. and Connie S. Masten
G-12877	G-12454	Walt Hammerich	Walt and Nancy Hammerich	Walt and Nancy Hammerich
G-12955	G-12457	William E. Brock Jr. and Melyn M. Brock, and Mark Nelson	William E. and Melyn M. Brock and Terry and Penny Pickett	William and Melyn Brock, Northwest Farm Credit Services ACA, and Terry A. and Penny J. Pickett

The Parties do hereby stipulate and agree as follows:

### Stipulations

#### 1. Application G-12507, Permit G-12439 (Talbott, Moeller, and Barthelow)

The Department issued permit number G-12439 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson submitted an application to the Department for an extension of time for permit number G-12439. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust.



2. **Application G-12869, Permit G-12451 (Talbot, Moeller, and Barthelow)**

The Department issued permit number G-12451 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, submitted an application to the Department for an extension of time for permit number G-12451. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust.

3. **Application G-12518, Permit G-12469 (Wells)**

The Department issued permit number G-12469 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On August 1, 2001, C. John Wells submitted an application to the Department for an extension of time for permit number G-12469. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by C. John and LaVonne Wells.

4. **Application G-12618, Permit G-12441 (Boersma Family LLC)**

The Department issued permit number G-12441 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 26, 2001, Haskins and Co., by Bruce Haskins, submitted an application to the Department for an extension of time for permit number G-12441. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Haskins & Co., Inc.

5. **Application G-12732, Permit G-12443 (Wiersma, Northwest Farm Credit Services FLCA)**

The Department issued permit number G-12443 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Earl and Pam Wiersma submitted an application to the Department for an extension of time for permit number G-12443. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Earl and Pam Wiersma.

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6. **Application G-12735, Permit G-12444 (Walt and Nancy Hammerich)**

The Department issued permit number G-12444 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, George W. and Sara S. Teague submitted an application to the Department for an extension of time for permit number G-12444. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Sara S. Teague.

7. **Application G-12746, Permit G-12445 (Horsley)**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

8. **Application G-12768, Permit G-12447 (DeJong)**

The Department issued permit number G-12447 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 30, 2001, Arie DeJong submitted an application to the Department for an extension of time for permit number G-12447. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Arie and Jenneke DeJong.

9. **Application G-12814, Permit G-12449 (Manning)**

The Department issued permit number G-12449 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 19, 2001, Robert Manning submitted an application to the Department for an extension of time for permit number G-12449. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Robert and Donna Manning.

10. **Application G-12874, Permit G-12452 (Masten)**

The Department issued permit number G-12452 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Kenneth and Connie Masten submitted an application to the Department for an extension of time for permit number G-12452. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

11. **Application G-12876, Permit G-12453 (Masten)**

The Department issued permit number G-12453 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Ned Goecken and Charles Masten submitted an application to the Department for an extension of time for permit number G-12453. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

12. **Application G-12877, Permit G-12454 (Hammerich)**

The Department issued permit number G-12454 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On January 17, 2002, Walt Hammerich submitted an application to the Department for an extension of time for permit number G-12454. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Walt and Nancy Hammerich.

13. **Application G-12955, Permit G-12457 (Brock, Pickett, Northwest Farm Credit Services ACA)**

The Department issued permit number G-12457 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Mark Nelson submitted an application for extension of time for permit number G-12457. On August 1, 2001, William E. Brock Jr. and Melyn M. Brock submitted an application to the Department for an extension of time for permit number G-12457. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005 in accordance with OAR 690-315-0060(1). A protest was filed by William E. and Melyn M. Brock and Terry and Penny Pickett.

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14. The Parties agree that this Settlement Agreement includes the attached Draft Final Orders pertaining to extensions of time for permits resulting from water right applications G-12507, G-12869, G-12518, G-12618, G-12732, G-12735, G-12746, G-12768, G-12814, G-12874, G-12876, G-12877, and G-12955 (the "Groundwater Applications").
15. As a result of settlement negotiations, the Parties agree that all issues raised in the respective protests to Proposed Final Orders on extensions of time for permits resulting from the Groundwater Applications are resolved solely on the following terms.

### **Terms of Agreement**

1. In signing this Settlement Agreement, the Parties agree that all protests and requests for contested case hearing regarding Proposed Final Orders issued by OWRD for extensions of time on permits resulting from the Groundwater Applications are withdrawn with prejudice.
2. In signing this Settlement Agreement, the Parties expressly waive all right and opportunity to file a protest or request for contested case hearing, request for reconsideration, exceptions, judicial review, and any other challenge to Final Orders issued by OWRD pursuant to this Settlement Agreement on extension of time for permits resulting from the Groundwater Applications.
3. In signing this Settlement Agreement, the Parties expressly waive all right and opportunity to challenge this Settlement Agreement.
4. Immediately after Applicants sign this Settlement Agreement, they will mail the signed original back to Oregon Water Resources Department, ATTN: Mike Reynolds, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.
5. Within 30 days after OWRD has received signed original Settlement Agreement documents from all Parties, OWRD will issue Final Orders on extension of time for permits resulting from the Groundwater Applications that are consistent with the Draft Final Orders that are attached to and incorporated into this Settlement Agreement. Each Final Order will incorporate this Settlement Agreement by reference and as an attachment.
6. The Parties understand and agree that OWRD may make minor administrative modifications to the Draft Final Orders as OWRD converts those documents into Final Orders, and that such administrative modifications by OWRD do not constitute breach of this Settlement Agreement. Such modifications by OWRD include, but are not limited to, formatting, deleting the word "draft", typographical corrections, updating permit holders based on assignments, and updating mailing lists.
7. Within 180 days of a written request from ten or more Parties, OWRD agrees to conduct up to two public presentations in the Bonanza area regarding general principles of water right regulation (how to request regulation, how regulation occurs, hypothetical examples, etc.). The purpose of the public presentation(s) is to help the attendees develop their understanding of general principles of water right regulation. The Parties agree that a ground-rule for all attendees of the public presentation(s) will be that the OWRD presenter(s) will not be asked to address questions about whether specific water rights will be regulated for or against. During the public presentation(s), OWRD's presenter(s) agree to offer to meet at a later date and time,

subject to scheduling availability, with individual water right holders in the Bonanza sub-area, as defined by OWRD, who have questions about whether their water right(s) may be regulated. The Parties agree to cooperate in seeking a free venue to host the public presentation(s).

8. By June 30, 2006, OWRD agrees to prepare a Preliminary Distribution List pertaining to the Bonanza sub-area, as defined by OWRD, that would be available for viewing at the Klamath Watermaster's office, including:

- (A) Copies of all relevant water rights sorted in priority date order, and by area, if appropriate;
- (B) Copies of laws governing water right regulation;
- (C) Summaries of OWRD's general approach to water right regulation for surface and groundwater;
- (D) A statement that the Preliminary Distribution List is general in nature, is subject to change, is not a final order or decision on any matter, and in particular does not constitute a decision as to which specific water rights will or will not be subject to regulation in any given irrigation season; and
- (E) A statement that the Preliminary Distribution List was (1) prepared pursuant to a Settlement Agreement, (2) is an effort to make general information pertaining to water right regulation available to water right holders in the Bonanza sub-area, and (3) is intended to help OWRD respond more quickly to requests for regulation in the Bonanza sub-area.

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The Parties agree that any errors or deficiencies which may be found in the Preliminary Distribution List may be corrected, as determined by OWRD, and the existence of any such errors or deficiencies does not constitute breach of this Settlement Agreement by OWRD. OWRD may continue to update the Preliminary Distribution List in the future, but this Settlement Agreement does not bind OWRD to do so.

- 9. OWRD will evaluate and respond to all requests for water right regulation from the Parties to this Settlement Agreement consistent with Oregon law and as allowed by OWRD's resources.
- 10. The Parties expressly waive all right and opportunity to challenge the inclusion, in proposed certificates and certificates, of any of the conditions contained in the permits and permit extension final orders resulting from the Groundwater Applications.
- 11. OWRD agrees to expedite review of complete and timely-filed Claims of Beneficial Use requesting issuance of proposed certificates or certificates stemming from the Groundwater Applications. The Parties understand and agree that OWRD cannot guarantee that proposed certificates or certificates will be issued, and that OWRD is only agreeing to expedite review of complete and timely-filed Claims of Beneficial Use.
- 12. Within 30 days after OWRD has received signed original Settlement Agreement documents from all Parties, OWRD will refund protest fees related to extensions of time on permits resulting from the Groundwater Applications to the person or entity that paid such fees.

13. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executes this Settlement Agreement on its behalf has the full right and authority to enter into this Settlement Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
14. Each Party to this Settlement Agreement certifies that they have had a reasonable opportunity to review the Settlement Agreement, and that they have signed this Settlement Agreement of their own free will and accord. Each Party to this Settlement Agreement also certifies that they have read the entire Settlement Agreement, and understand and fully agree with the contents thereof.
15. The Parties agree that this Settlement Agreement is binding upon the Parties and their respective successors and assigns.
16. This Settlement Agreement may be signed in counterparts, each of which will be deemed an original, and all of which together shall constitute one and the same Settlement Agreement.



  
\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
*for*  
Phillip C. Ward, Director  
Oregon Water Resources Department

April 28, 2006  
Date

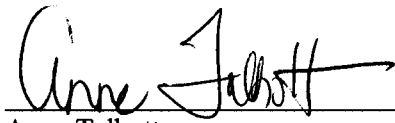
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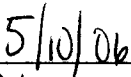
\_\_\_\_\_  
Denis Babson, Trustee for Babson Family Trust

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rose Babson, Trustee for Babson Family Trust

\_\_\_\_\_  
Date

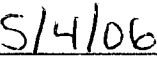
  
\_\_\_\_\_  
Anne Talbott

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Joan Moeller

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Marcia Barthelow

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
C. John Wells

\_\_\_\_\_  
Date

\_\_\_\_\_  
LaVonne Wells

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Haskins & Co. Inc., by Bruce Haskins

\_\_\_\_\_  
Date

\_\_\_\_\_  
Boersma Family LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Earl Wiersma

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pam Wiersma

\_\_\_\_\_  
Date

\_\_\_\_\_  
Northwest Farm Credit Services, FLCA

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Donald J. Horsley

\_\_\_\_\_  
Date

\_\_\_\_\_  
Helen E. Horsley

\_\_\_\_\_  
Date



\_\_\_\_\_  
Sara S. Teague

\_\_\_\_\_  
Date

\_\_\_\_\_  
Walt Hammerich

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nancy Hammerich

\_\_\_\_\_  
Date

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**MAY 15 2006**

**WATER RESOURCES DEPT  
SALEM, OREGON**

---

Jenneke DeJong

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Date

---

Arie DeJong

---

Date

\_\_\_\_\_  
Robert Manning

\_\_\_\_\_  
Date

\_\_\_\_\_  
Donna Manning

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Kenneth D. Masten

\_\_\_\_\_  
Date

\_\_\_\_\_  
Connie S. Masten

\_\_\_\_\_  
Date

\_\_\_\_\_  
William Brock

\_\_\_\_\_  
Date

\_\_\_\_\_  
Melyn Brock

\_\_\_\_\_  
Date

\_\_\_\_\_  
Terry Pickett

\_\_\_\_\_  
Date

\_\_\_\_\_  
Penny Pickett

\_\_\_\_\_  
Date

\_\_\_\_\_  
Northwest Farm Credit Services, ACA

\_\_\_\_\_  
Date

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**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12439**

**Application History**

The Department issued permit number G-12439 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson submitted an application to the Department for an extension of time for permit number G-12439. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust. As a result of an assignment, the current permit holders are Anne Talbott, Joan Moeller, and Marcia Barthelow.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be



subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12507, Permit Number G-12439, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12507

FO Date: \*\*\*\*\*, 2006

Permit #G-12439

**Original mailed to:**

Anne Talbott  
2310 Waverly  
Palo Alto, CA 94301

Joan Moeller  
566 Lowell Ave.  
Palo Alto, CA 94301

Marcia Barthelow  
4353 N.E. 55<sup>th</sup> St.  
Seattle, WA 98105

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12507, Permit G-12439
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: **LDJ**

Final Order: Permit #G-12439

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**MAY 15 2006**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12469**

**Application History**

The Department issued permit number G-12469 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On August 1, 2001, C. John Wells submitted an application to the Department for an extension of time for permit number G-12469. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by C. John and LaVonne Wells.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12518, Permit Number G-12469, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12518

FO Date: \*\*\*\*\*, 2006

Permit #G-12469

**Original mailed to:**

C. John Wells  
PO Box 68  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12518, Permit G-12469
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**RECEIVED**

**MAY 15 2006**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12441**

**Application History**

The Department issued permit number G-12441 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 26, 2001, Haskins and Co., by Bruce Haskins, submitted an application to the Department for an extension of time for permit number G-12441. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Haskins & Co., Inc. As the result of an assignment, the current permit holder is Boersma Family LLC.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12618, Permit Number G-12441, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12618

FO Date: \*\*\*\*\*, 2006

Permit #G-12441

**Original mailed to:**

Boersma Family LLC  
39139 Bunn Way  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12618, Permit G-12441
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603
8. Don Knauer Consulting, PO Box 5416, Salem, OR 97304

CASEWORKER: LJJ

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MAY 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12443**

**Application History**

The Department issued permit number G-12443 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Earl and Pam Wiersma submitted an application to the Department for an extension of time for permit number G-12443. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Earl and Pam Wiersma.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12732, Permit Number G-12443, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12732  
Permit #G-12443

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Earl and Pam Wiersma  
PO Box 177  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**Copy mailed to:**

Northwest Farm Credit Services, FLCA  
PO Box 148  
Klamath, Falls, OR 97601

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12732, Permit G-12443
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

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WATER RESOURCES DEPT  
SALEM, OREGON

Final Order: Permit # G-12443

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12444**

**Application History**

The Department issued permit number G- 12444 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, George W. and Sara S. Teague submitted an application to the Department for an extension of time for permit number G-12444. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Sara S. Teague. As a result of an assignment, the current permit holders are Walt and Nancy Hammerich.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.



2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12735, Permit Number G-12444, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12735  
Permit #G-12444

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Walt and Nancy Hammerich  
28989 Casebeer Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12735, Permit G-12444
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

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MAY 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12445**

**Application History**

The Department issued permit number G-12445 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 31, 2001, Donald J. and Helen E. Horsley submitted an application to the Department for an extension of time for permit number G-12445. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Don and Helen Horsley.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

***Order***

The extension of time for Application Number G-12746, Permit Number G-12445, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12746  
Permit #G-12445

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Donald J. and Helen E. Horsley  
PO Box 8  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12746, Permit G-12445
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**RECEIVED**

MAY 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12447**

**Application History**

The Department issued permit number G-12447 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 30, 2001, Arie DeJong submitted an application to the Department for an extension of time for permit number G-12447. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project to October 15, 2005, and the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Arie and Jenneke DeJong.

As a result of settlement negotiations, the Department has determined that the time to complete construction of the water development project and fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be



subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

***Order***

The extension of time for Application Number G-12768, Permit Number G-12447, therefore, is approved as conditioned herein. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12768  
Permit #G-12447

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Arie DeJong  
4721 Harpold Road  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12768, Permit G-12447
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603
8. Don Knauer Consulting, PO Box 5416, Salem, OR 97304

CASEWORKER: LJJ

**RECEIVED**

MAY 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

Final Order: Permit # G-12447

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12449**

**Application History**

The Department issued permit number G-12449 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On July 19, 2001, Robert Manning submitted an application to the Department for an extension of time for permit number G-12449. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Robert and Donna Manning.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12814, Permit Number G-12449, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division

\_\_\_\_\_  
Date

for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12814  
Permit #G-12449

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Robert M. Manning  
PO Box 44  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12814, Permit G-12449
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**RECEIVED**

**MAY 15 2006**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12451**

**Application History**

The Department issued permit number G-12451 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On May 7, 2003, Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, submitted an application to the Department for an extension of time for permit number G-12451. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Denis G. and Rose M. Babson, Trustees for the Babson Family Trust. As a result of an assignment, the current permit holders are Anne Talbott, Joan Moeller, and Marcia Barthelow.

On January 11, 2005, OWRD received a letter from Denis G. and Rose M. Babson, Trustees for the Babson Family Trust, requesting an additional five year extension of time to fully apply water to beneficial use. As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2010.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.



2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12869, Permit Number G-12451, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2010.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12869  
Permit #G-12451

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Anne Talbott  
2310 Waverly  
Palo Alto, CA 94301

Joan Moeller  
566 Lowell Ave.  
Palo Alto, CA 94301

Marcia Barthelow  
4353 N.E. 55<sup>th</sup> St.  
Seattle, WA 98105

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12869, Permit G-12451
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

Final Order: Permit # G-12451

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MAY 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

Page 3

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12452**

**Application History**

The Department issued permit number G-12452 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Kenneth and Connie Masten submitted an application to the Department for an extension of time for permit number G-12452. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12874, Permit Number G-12452, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12874  
Permit #G-12452

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Kenneth D. and Connie S. Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12874, Permit G-12452
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

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MAY 15 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12453**

**Application History**

The Department issued permit number G-12453 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On September 28, 2001, Ned Goecken and Charles Masten submitted an application to the Department for an extension of time for permit number G-12453. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Kenneth D. and Connie S. Masten.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12876, Permit Number G-12453, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12876  
Permit #G-12453

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Kenneth D. and Connie S. Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12876, Permit G-12453
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

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MAY 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12454**

**Application History**

The Department issued permit number G-12454 on July 31, 1996. The permit called for completion of construction by October 1, 1997, and complete application of water to beneficial use by October 1, 2000. On January 17, 2002, Walt Hammerich submitted an application to the Department for an extension of time for permit number G-12454. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005, in accordance with OAR 690-315-0060(1). A protest was filed by Walt and Nancy Hammerich.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.



The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12877, Permit Number G-12454, therefore, is approved as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12877  
Permit #G-12454

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

Walt and Nancy Hammerich  
3311 Haskins Rd.  
Bonanza, OR 97623

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12877, Permit G-12454
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

**RECEIVED**

MAY 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

**DRAFT Final Order Incorporating Settlement Agreement  
Extension of Time for Permit Number G-12457**

**Application History**

The Department issued permit number G-12457 on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On July 23, 2001, Mark Nelson submitted an application for extension of time for permit number G-12457. On August 1, 2001, William E. Brock Jr. and Melyn M. Brock submitted an application to the Department for an extension of time for permit number G-12457. In accordance with OAR 690-315-0050(2), on November 30, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 15, 2005, subject to conditions. The protest period closed January 14, 2005 in accordance with OAR 690-315-0060(1). A protest was filed by William E. and Melyn M. Brock and Terry and Penny Pickett.

As a result of settlement negotiations, the Department has determined that the time to fully apply water to beneficial use should be extended to October 1, 2006.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department, using available data, shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be



subject to regulation in favor of senior surface or ground water rights.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2). A Settlement Agreement was signed by all parties as of [REDACTED], 2006. The Settlement Agreement is incorporated into this Final Order and is attached hereto.

**Order**

The extension of time for Application Number G-12955, Permit Number G-12457, therefore, is approved, as conditioned herein. The deadline for applying water to full beneficial use is extended to October 1, 2006.

**DRAFT - DO NOT SIGN**

\_\_\_\_\_  
Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

\_\_\_\_\_  
Date

**If you have any questions about statements contained in this document, please contact Mike Reynolds at (503) 986-0820.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.**

**NOTE:** Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

## Mailing List for Extension FO Copies

Application #G-12955  
Permit #G-12457

FO Date: \*\*\*\*\*, 2006

**Original mailed to:**

William and Melyn Brock  
PO Box 212  
Bonanza, OR 97623

**Copy mailed to:**

Terry and Penny Pickett  
PO Box 115  
Bonanza, OR 97623

Northwest Farm Credit Services, FLCA  
Attn: Mindy Turner  
PO Box 148  
Klamath Falls, OR 97601

Don Knauer Consulting  
PO Box 5416  
Salem, OR 97304

**Copies Mailed**

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**For Extension FO's - Copies sent to:**

1. WRD - Application File G-12955, Permit G-12457
2. WRD - Watermaster District #17 Vern Church
3. WRD - Regional Manager (NOT SCR): Kyle Gorman
4. ODFW - Biologist District: #9 Roger Smith, Klamath Falls
5. DEQ - Regional Office: Eastern Region Dick Nichols
6. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

7. Bureau of Reclamation, Attn: Cecil Lesley, 6600 Washburn Way, Klamath Falls, OR 97603

CASEWORKER: LJJ

Final Order: Permit #G-12457

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MAY 15 2006

WATER RESOURCES DEPT  
SALEM, OREGON

Page 3

Tear lane  
Deep Well

# 12507  
12869



**BONANZA AREA PERMIT HOLDERS**

Earl Wiersma  
P.O. Box 177  
Bonanza, OR 97623

Mr. Mike Reynolds  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

Dear Mike,

This letter is in reply to the November 9, 2005, letter which you wrote to the Bonanza Area Permit Holders.

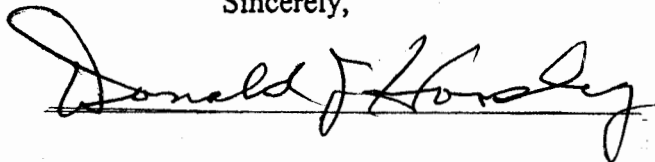
We have decided at this time to move forward with accepting the initial Proposed Final Order that was issued November 30, 2004.

We would, however, like to add an additional condition to page 11. The condition would read as follows:

3) The Bonanza Big Springs along with the Lost River and its tributaries shall be protected by the Oregon Water Resources Department (OWRD) to provide 100% of natural flow to all surface water users from Harpold Dam to Keller Bridge. These users shall include all land with a water right in Horsefly Irrigation District (HID) that has a priority date of March 8, 1905. Other water rights with a priority date senior or junior to HID will receive the same protection. This protection can be determined with information provided in Groundwater Report No. 41.

Thank you for your consideration. If you have any questions, please call me at 541-545-6315 or 541-892-8107.

Sincerely,



**RECEIVED**  
DEC 22 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

**BONANZA AREA PERMIT HOLDERS**

Earl Wiersma  
P.O. Box 177  
Bonanza, OR 97623

Mr. Mike Reynolds  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

Dear Mike,

This letter is in reply to the November 9, 2005, letter which you wrote to the Bonanza Area Permit Holders.

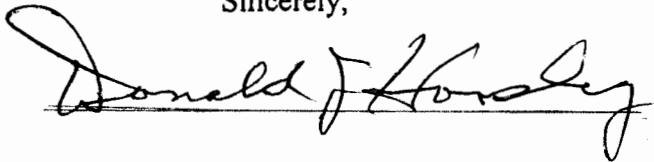
We have decided at this time to move forward with accepting the initial Proposed Final Order that was issued November 30, 2004.

We would, however, like to add an additional condition to page 11. The condition would read as follows:

3) The Bonanza Big Springs along with the Lost River and its tributaries shall be protected by the Oregon Water Resources Department (OWRD) to provide 100% of natural flow to all surface water users from Harpold Dam to Keller Bridge. These users shall include all land with a water right in Horsefly Irrigation District (HID) that has a priority date of March 8, 1905. Other water rights with a priority date senior or junior to HID will receive the same protection. This protection can be determined with information provided in Groundwater Report No. 41.

Thank you for your consideration. If you have any questions, please call me at 541-545-6315 or 541-892-8107.

Sincerely,



**RECEIVED**  
DEC 22 2005  
WATER RESOURCES DEPT  
SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

October 18, 2005

DONALD J HORSLEY,  
PO BOX 8  
BONANZA, OR 97623

REFERENCE: USER\_ID 17818

Dear Water User:

We have appreciated your cooperation with the Water Use Reporting program in the past. And now, with the loss of the water use coordinator position through budget reductions, we hope you can help us even more. We are requesting all who need to report monthly quantities and have Internet access to report those quantities online through our website. For the time being, the water use reporting database will not be updated with new water right information. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2005 monthly quantities form is printed on the reverse you can copy for your use.

To report monthly quantities data online, go to our web page at [www.wrd.state.or.us](http://www.wrd.state.or.us) and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. A logon screen then appears and you use your USER\_ID for both the Username and Password. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter zeros if you did not use a diversion. At present, the system can receive data only for the 2005 water year (October 2004 – September 2005). If you wish to submit data for another year, you will need to submit a hard copy. Thank you in advance for your cooperation. The data you provide is valuable for water management in Oregon.

Finally, if you have small water rights (less than 0.1 cfs or 9.2 AF) and do not report monthly quantities for them, we will assume that you have used water according to those rights.

Yours truly,

Gary L. Ball, PE, PLS  
Hydrographics/Measurement & Reporting Manager  
Voice: 503-986-0831, Fax: 503-986-0902  
[Gary.L.BALL@wrd.state.or.us](mailto:Gary.L.BALL@wrd.state.or.us)

**RECEIVED**

DEC 22 2005

WATER RESOURCES DEPT  
SALEM, OREGON





2004

Oregon Water Resources Department  
October 2004 through September 2005  
Annual Water Use - Monthly Quantities Form

USER-ID 17818

2005

APP# 12746  
CUT



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>					
October - 2004	763371				
November - 2004	763371				
December - 2004	763371				
January - 2005	763371				
February - 2005	763371				
March - 2005	763371				
April - 2005	763371				
May - 2005	769853	6482			
June - 2005	781874	12,021			
July - 2005	791318	9,444			
August - 2005	803518	12,200			
September - 2005	806174	2,656			
TOTAL *	42,903,800		x000		

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

Describe method of measuring the water used: meter on well. If use is irrigation, total number acres irrigated 100  
I certify this information is true and accurate to the best of my knowledge.

Donald J. Hovsley Signature      owner Title      Reporting Entity      12/20/05 Date

Donald J. Hovsley  
Name - Please Print

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



# Oregon

Theodore R. Kulongoski, Governor

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

November 9, 2005

Earl and Pam Wiersma  
PO Box 177  
Bonanza, OR 97623

Dear Mr. and Mrs. Wiersma,

This letter pertains to protests against proposed final orders issued by the Oregon Water Resources Department (OWRD) on certain groundwater permit extension applications submitted by the Bonanza Area Permit Holders (BAPH).

Much of your letter describes actions relating to regulation of existing groundwater use, how that use might be mitigated to protect flow from Bonanza Big Springs, and protection of your surface water right. These issues are not a part of the process related to the permit extension applications and will be handled separately by this Department. You will be receiving a separate letter regarding the issues you raised about protecting your surface water rights. The remainder of this letter addresses the permit extension issue.

The BAPH's October 18, 2005, letter requested a "five year extension" for the purpose of exploring a possible long term plan to ultimately lower the Harpold Dam impoundment level. OWRD interprets your request to be for a five year administrative hold on further processing of your extension applications. OWRD does not intend to approve an administrative hold related to these extension applications. In light of the recently completed Bonanza groundwater study, OWRD is interested in prompt resolution of these extension applications.

Please submit a letter to my attention at the address provided above by December 31, 2005, indicating that the BAPH have agreed to one of the following options:

1. Accept all terms and conditions contained in OWRD's proposed final orders on extension of time for these groundwater permits;
2. Accept OWRD's settlement proposal dated June 15, 2005; or
3. Submit a new detailed settlement proposal to OWRD no later than December 31, 2005, pertaining only to the extension applications, that is consistent with the conditions included in the ADR groundwater permits issued by OWRD.

I look forward to hearing from you regarding these options. If OWRD and the BAPH reach a settlement agreement, these matters may be resolved prior to the 2006 irrigation season.

However, if OWRD does not receive a satisfactory response from the BAPH by December 31, 2005, OWRD will refer these protested applications to the Office of Administrative Hearings for contested case proceedings. Given the complexity of these matters, a contested case hearing could last many months (or longer), prior to any appeals.

At this time, it is not certain that OWRD can allow the BAPH to use water under the expired ADR groundwater permits during the 2006 irrigation season, or at any time thereafter, unless permit extensions are approved by OWRD.

The settlement process allows for more flexibility and collaboration than the contested case process. OWRD believes that a settlement agreement is the best way to resolve these protests in a timely manner.

Thank you for your consideration. If you have any questions, please contact me at 503-986-0820.

Sincerely,



Mike Reynolds  
Protest Program Coordinator

Cc: Arie & Jenneke De Jong  
Ken and Connie Masten  
Walt and Nancy Hammerich  
Sara S. Teague  
Haskins & Co. Inc.  
John and LaVonne Wells  
Don and Helen Horsley  
Earl and Pam Wiersma  
Rob and Donna Manning  
Terry and Penny Pickett  
William and Melyn Brock  
Kyle Gorman, OWRD South Central Regional Manager  
Vern Church, OWRD Watermaster



**Bonanza Area Permit Holders**  
P.O. Box 177  
Bonanza, OR 97623

October 18, 2005

Mr. Mike Reynolds  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

Dear Mike,

Since our last meeting the Steering Committee of the Bonanza Area Permit Holders (BAPH) has been trying to come up with an alternate plan to create a workable solution that would allow the BAPH wells to be used. Any solution must be reached in close consultation with Horsefly Irrigation District (HID) since all the BAPH wells are in HID. Also, additional wells may have to be drilled to facilitate shortages in HID's 1905 water right. We believe that the Bureau of Reclamation may also need to be brought into this solution process since some rather complicated changes may have to occur in HID.

One easy way to meet OWRD's initial proposal to the BAPH is to simply lower HID's Harpold impoundment. However, this could impact some senior water right users. It seems that when we fix one problem we may create another.

The Bonanza Big Springs seem to hold the key to many of the problems. How can we stop the backflow problems that occur late in the summer? Has ground water in the outer reaches of the Bonanza study area been over appropriated causing a major reduction in the Bonanza Big Springs output? A sharp reduction of the springs by well usage outside HID has a potential for serious damage to HID and some other senior water right holders. The Lost River system has been closed to any appropriation for many years and therefore, any impact to Bonanza Big Springs by OWRD well permit holders outside HID would be an illegal taking. We need to have a firm answer as to the degree of impact on the Bonanza Big Springs by approximately 12,000 acres of land outside HID, and in general how much the wells in those 12,000 acres lower the groundwater table during each irrigation season. Once we have the answer to these questions the BAPH and HID can move forward with plan to alter the way we deliver water in HID.

**RECEIVED**  
OCT 20 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

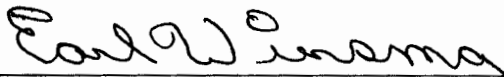
Since so many changes have to take place and some big questions have yet to be answered we believe that a five year extension should be granted to the BAPH. During this time a possible long term plan to ultimately lower the Harpold Dam impoundment level could begin to take place. During this extension period we would anticipate some involvement from the BOR, United States Fish and Wildlife, Oregon Department of Fish and Wildlife, the Town of Bonanza, local politicians and others. This a complicated issue and will take time and financial assistance. We certainly wish to keep OWRD, BAPH and HID from going into litigation.

Once again, an important question needs to be answered: the amount of impact the 12,000 acres outside HID have on the Bonanza Big Springs and the Lost River. We also believe that no new permits for groundwater should be issued that could have an impact on Bonanza Big Springs.

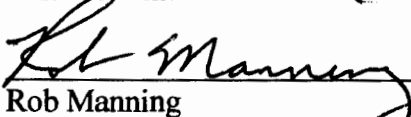
We look forward to hearing from you soon on this important matter.

Sincerely,

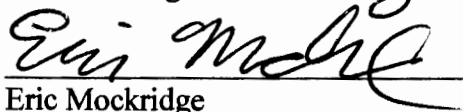
The Steering Committee  
Bonanza Area Permit Holders



Earl Wiersma



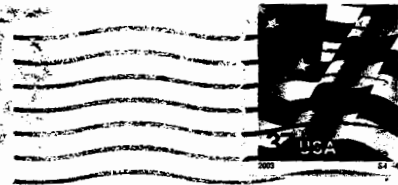
Rob Manning



Eric Mockridge

**RECEIVED**  
OCT 20 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

EARL/PAM WIERSMA  
P.O. BOX 177  
ROMANZA, OR 97623



Mr. Mike Reynolds  
Ore. Water Resources Dept.  
725 Summer St. N.E. Suite A.

97301#1271

||| 97301-1271 |||





# Oregon

Theodore R. Kulongoski, Governor

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

September 29, 2005

Earl Wiersma  
PO Box 177  
Bonanza, OR 97623

Dear Mr. Wiersma,

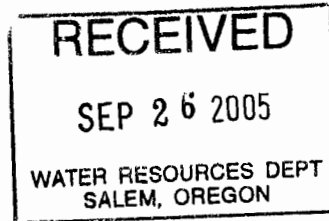
Thank you for your letter dated September 21, 2005. I understand that the Bonanza Area Permit Holders would like to continue settlement negotiations on protests to proposed final orders issued by OWRD on your permit extension applications. I look forward to receiving a new settlement proposal from your group, hopefully by mid-October, 2005. At this time, OWRD will refrain from referring these matters to the Office of Administrative Hearings for contested case proceedings. If you have any questions, please contact me at 503-986-0820.

Sincerely,

A handwritten signature in cursive script that reads "Mike Reynolds".

Mike Reynolds  
Protest Program Coordinator

Horsefly Irrigation District  
P.O. Box 188  
Bonanza, OR 97623



September 21, 2005

COPY

Mr. Mike Reynolds  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

Dear Mike,

The Bonanza Area Permit Holders received a letter from you dated September 1, 2005. It states that at this time the OWRD plans to refer our protests on the permits to the contested case hearing phase.

It seems that some communication must have been missed in our negotiations. At our August 12 meeting we discussed the framework of an alternate plan that would incorporate the permits in our group with a management plan operated by Horsefly Irrigation District. We informed the proposal team that we would prepare details for such a plan as soon as possible. We need to know if the OWRD settlement team will allow our alternate management plan to be presented. A contested case phase will be costly for the state and the permit holders and would create an atmosphere of non-cooperation between OWRD, the permit holders and Horsefly Irrigation District.

We eagerly wait for your reply on this important next step in our ongoing negotiations.

Sincerely,

The Bonanza Area Permit Holders

Earl Wiersma

Don Horsley

Ken Masten

Arie De Jong

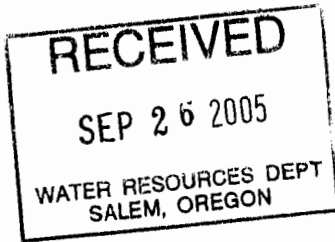
Bruce Haskins

John Wells

Bill Brock

Walt Hammerich

Rob Manning



Horsefly Irrigation District  
P.O. Box 188  
Bonanza, OR 97623

September 21, 2005

Mr. Mike Reynolds  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

Dear Mike,

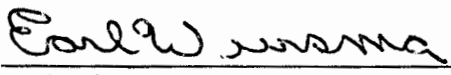
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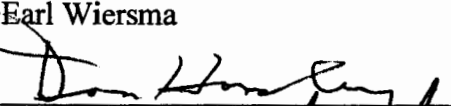
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We eagerly wait for your reply on this important next step in our ongoing negotiations.

Sincerely,

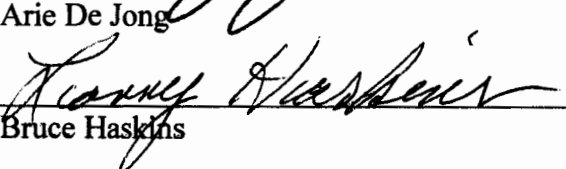
The Bonanza Area Permit Holders

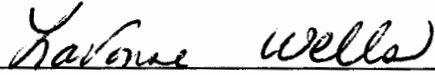
  
\_\_\_\_\_  
Earl Wiersma


  
\_\_\_\_\_  
Don Horsley

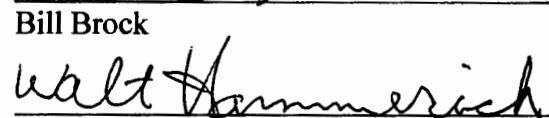
  
\_\_\_\_\_  
Ken Masten

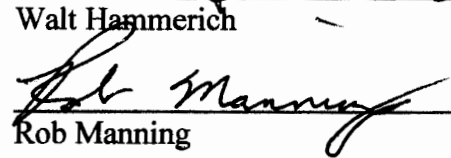
  
\_\_\_\_\_  
Arie De Jong

  
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Bruce Haskins

  
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John Wells

  
\_\_\_\_\_  
Bill Brock

  
\_\_\_\_\_  
Walt Hammerich

  
\_\_\_\_\_  
Rob Manning

EARL/PAM WIERSMA  
P.O. BOX 177  
BONANZA, OR 97623

EARL/PAM WIERSMA  
P.O. BOX 177  
BONANZA, OR 97623



Ore. Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR. 97301-1271

attn. Mike Reynolds



EARL/PAM WIERSMA  
P O. BOX 177  
BONANZA, OR 97623



On. Dept of Water Resources  
Mike Reynolds  
725 Summer St. NE Suite A  
Salem, Or. 97301-1271



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

September 1, 2005

Don and Helen Horsley  
PO Box 8  
Bonanza, OR 97623

Dear Mr. and Mrs. Horsley,

The Oregon Water Resources Department (OWRD) has held several settlement meetings with representatives of a group of Bonanza area groundwater permit holders ("permit holders"). A list of the names and application numbers in this group is attached to this letter as "Attachment 1." These meetings were held to determine if the parties could reach a settlement on the permit holders' protests to proposed final orders issued by OWRD on applications for extensions of time for groundwater permits. If a settlement were reached, it could eliminate the need to refer these matters to an administrative contested case hearing.

On June 15, 2005, OWRD sent a settlement proposal to the permit holders through their attorney, Martha Pagel. OWRD has learned that Martha Pagel no longer represents the permit holders. OWRD understands that all of the permit holders have rejected OWRD's settlement proposal. A copy of OWRD's confidential settlement proposal is attached to this letter as "Attachment 2."

At an August 12, 2005 settlement meeting at OWRD, the permit holders were represented by Earl Wiersma, Rob Manning, and Eric Mockridge. During the meeting, the parties discussed OWRD's settlement proposal and the concerns of the permit holders. At the close of the meeting, the permit holders gave OWRD staff a letter dated July 20, 2005. A copy of that letter is attached to this letter as "Attachment 3." The letter was signed by representatives of Horsefly Irrigation District (HID) and the Bonanza Area Permit Holders.

The July 20, 2005 letter states, "[t]here is no room for any settlement proposals." On that basis, OWRD understands that settlement discussions have now been terminated by HID and the permit holders. If this is incorrect, please submit a letter to Mike Reynolds, Oregon Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271 by September 30, 2005.

After September 30, 2005, OWRD will initiate the process of referring these protests to the Office of Administrative Hearings in Salem for contested case proceedings.

Sincerely,

Mike Reynolds  
Protest Program Coordinator

**Horsefly Irrigation District**  
P.O. 188  
**The Bonanza Area Permit Holders**  
P.O. Box 177  
Bonanza, OR 97623

**RECEIVED**

**AUG 12 2005**  
WATER RESOURCES DEPT  
SALEM, OREGON

July 20, 2005

Oregon Water Resources Department  
725 Summer St. Suite A  
Salem, Oregon 97301-1266

To Whom It May Concern:

This letter is being written to address a situation that has evolved over the past 14 years. It will seek to address the needs of certain HID irrigators who are seeking well permits from the Oregon Water Resources Department (OWRD) to replace water which has been taken from Horsefly Irrigation District (HID). These irrigators, who are all appropriators of water from HID on land in HID boundaries, depend largely on water from Bonanza Big Springs located in the Lost River in Bonanza, Oregon. These springs, the waters in the Lost River, and all return flow in the Bonanza area belong to HID and Bowne Water Right Holders. All waters in this entire area of the Lost River were claimed in 1905 by the U.S. Bureau of Reclamation for the Horsefly Irrigation District. The only senior appropriators are those holding Bowne Water Rights. Over the past twenty-five to thirty years a severe decline in Bonanza Big Springs has been documented. This has created a serious shortfall in water available to HID and Bowne Users.

A group of twelve landowners in HID, identified as the Bonanza Area Permit Holders (BAPH) have drilled wells to offset this serious loss of water. Others in HID are contemplating drilling wells. The BAPH in concert with HID will make a call on Bonanza Big Springs, the Lost River and return flows in it and will use all wells in HID to mitigate for losses of HID's water. Without the use of BAPH wells HID will have serious shortfall in water available to all of its users. The decline in Bonanza big Springs is largely due to an over appropriation of groundwater by well users outside HID's boundaries. Both HID and the BAPH feel a serious flaw has occurred in the OWRD system of administering water rights. Both HID and the BAPH only want the water that is rightfully theirs.

The BAPH have attempted to obtain satisfactory and usable permits from the OWRD for many years. In the process they have also attempted to change certain conditions in their permits which essentially rendered the permits useless but have had marginal success. They have received two different proposals from a OWRD proposal team consisting of Barry Norris,

08/17/05

Dwight French, Jerry Grondin, and Mike Reynolds. Neither was workable. The first proposal contained unreasonable demands. The second, even though there was an attempt at pacification, was an obvious ploy to discourage the BAPH since it was overloaded with extensive conditions and demands for space-age technology. OWRD, it seems, is intent on issuing a bogus permit to the BAPH in order to remove them from their "things to do list." The BAPH and HID are being forced by OWRD to fix a problem they did not create but rather, is the sole responsibility of OWRD. Since no satisfaction can be obtained in any further negotiations with OWRD, the BAPH have decided to move forward to obtain their permits at this time. Many of them have waited fifteen years to receive a permit. During this time OWRD has changed rules, made new rules and spent millions of dollars on a study that has gone on long enough, and our patience has run out.

During the OWRD settlement process the BAPH made it clear that their permits were only for supplemental use on land within the Horsefly Irrigation District (HID). They are not requesting a new use. This is not a new appropriation. The BAPH wells were drilled to obtain water whenever the Bonanza Big Springs had a reduced flow. When the Bonanza Big Springs have a reduced flow, water from the Lost River is able to flow down into the springs with four very important results.

- 1) The amount of water from Bonanza Big Springs available to HID is greatly reduced.
- 2) Internal returns flow in HID can no longer be stored in the Lost River.
- 3) Langell Valley Irrigation District (LVID) and other return flows cannot be stored in the Lost River.
- 4) Water ordered from Clear Lake for HID use cannot be stored in the Lost River and Harpold Reservoir.

This is a serious loss to the BAPH and to HID.

OWRD has identified a large area in the Bonanza Study Area with 100% groundwater use that has a significant impact on the Bonanza Big Springs. This area of about 12,000 acres is outside the HID boundaries. These wells were drilled in the 1950s and later. An area this large (HID is only 10,000 acres) has had and will have a very large draw-down impact on the Bonanza Big Springs as described in the Jerry Grondin Ground Water Report No. 41. This area, which is very junior water appropriation of ground water, has had a very serious impact on HID's 1905 senior surface water right.

Over the past fifteen years HID has worked tirelessly to help alleviate problems that were created by low spring flow. It has done the best it could to deliver water to all the land within its boundaries. However, the BAPH were still forced to drill wells in a desperate attempt to secure the water that was lost because of the afore-mentioned draw-down.

Therefore, HID at this time demands that all wells within the District be used to mitigate for a serious loss of its Spring Right (59 CFS or more) and its *limited* ability to impound water in the Lost River in the Bonanza area. This means that BAPH wells will be used to offset a serious loss of water caused by an OWRD over-appropriation of groundwater in the Bonanza sub area, but not in HID. Also, any additional wells in HID may be used or drilled to mitigate for lost water. Certificates for these wells should be issued in the form of a change in Point of Diversion.

**RECEIVED**

AUG 12 2005

WATER RESOURCES DEPT



A time limit of 60 days will be sufficient. The permits will be standard OWRD permits with no measuring or metering as described in any earlier permit drafts. Additional permits may be needed as HID seeks to recapture its water. This as a very serious matter and any attempt to curtail HID water use will be met with immediate legal action.

The BAPH seek immediate action with HID endorsement. They have waited fifteen years and have spent thousands of dollars. They will not accept conditional permits for wells and water that is theirs already. There is no room for any settlement proposals.

These are the option for OWRD.

- 1) Issue permits with no conditions to any BAPH user.
- 2) Do what is necessary to make the Bonanza Big Springs produce at 100% capacity.

*The BAPH and HID will seek a refund for money spent trying to fix a problem they did not create. The BAPH will seek a refund of all permit fees other than their initial permit fee.*

This letter is a formal call on HID's water. Both HID and the BAPH expect immediate action to correct a very serious problem created by OWRD.

Sincerely,

**RECEIVED**

AUG 12 2005

WATER RESOURCES DEPT  
SALEM, OREGON

Horsefly Irrigation District

Bruce McKay  
Manager

Shirley Manning  
Chairman

Earl W. ...  
Vice-Chairman

Paul ...  
Director

Alan ...  
Director

Eric ...

The Bonanza Area Permit Holders

Ben ...

Larry ...

Walt ...

Earl ...

John ...

William ...

Val ...

**Horsefly Irrigation District**  
P.O. 188  
**The Bonanza Area Permit Holders**  
P.O. Box 177  
Bonanza, OR 97623

**RECEIVED**

**AUG 12 2005**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

July 20, 2005

Oregon Water Resources Department  
725 Summer St. Suite A  
Salem, Oregon 97301-1266

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Over the past fifteen years HID has worked tirelessly to help alleviate problems that were created by low spring flow. It has done the best it could to deliver water to all the land within its boundaries. However, the BAPH were still forced to drill wells in a desperate attempt to secure the water that was lost because of the afore-mentioned draw-down.

Therefore, HID at this time demands that all wells within the District be used to mitigate for a serious loss of its Spring Right (59 CFS or more) and its *limited* ability to impound water in the Lost River in the Bonanza area. This means that BAPH wells will be used to offset a serious loss of water caused by an OWRD over-appropriation of groundwater in the Bonanza sub area, but not in HID. Also, any additional wells in HID may be used or drilled to mitigate for lost water. Certificates for these wells should be issued in the form of a change in Point of Diversion.

**RECEIVED**

AUG 12 2005

WATER RESOURCES DEPT

A time limit of 60 days will be sufficient. The permits will be standard OWRD permits with no measuring or metering as described in any earlier permit drafts. Additional permits may be needed as HID seeks to recapture its water. This as a very serious matter and any attempt to curtail HID water use will be met with immediate legal action.

The BAPH seek immediate action with HID endorsement. They have waited fifteen years and have spent thousands of dollars. They will not accept conditional permits for wells and water that is theirs already. There is no room for any settlement proposals.

These are the option for OWRD.

- 1) Issue permits with no conditions to any BAPH user.
- 2) Do what is necessary to make the Bonanza Big Springs produce at 100% capacity.

The BAPH and HID will seek a refund for money spent trying to fix a problem they did not create. The BAPH will seek a refund of all permit fees other than their initial permit fee.

This letter is a formal call on HID's water. Both HID and the BAPH expect immediate action to correct a very serious problem created by OWRD.

Sincerely,

**RECEIVED**

AUG 12 2005

WATER RESOURCES DEPT  
SALEM, OREGON

Horsefly Irrigation District

Bruce McKay  
Manager

Shirley M. Manning  
Chairman

Earl W. ...  
Vice-Chairman

Lee ...  
Director

Alan ...  
Director

Eric ...

The Bonanza Area Permit Holders

Ben ...  
Ben Hunter

Larry ...  
Larry Washburn

Walt ...  
Walt Hammrich

Earl ...

C. John ...  
C. John ...

William ...  
William ...

Val ...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**ATTACHMENT 1**

<b>NAME OF PERMIT HOLDER/PROTESTANT</b>	<b>APPLICATION #</b>
John and Lavonne Wells	G-12469
Haskins & Co. Inc., Larry Haskins	G-12618
Earl and Pam Wiersma	G-12732
Sara Teague	G-12735
Donald Horsley	G-12746
Bonanza View Dairy, Inc., Arie and Jenneke DeJong	G-12768
Robert Manning	G-12814
Kenneth and Connie Masten	G-12874
Kenneth and Connie Masten	G-12876
Hammerich, Inc., Walt and Nancy Hammerich	G-12877
William and Melyn Brock	G-12955
Terry and Penny Pickett	G-12955

**ATTACHMENT 2**

**OWRD'S CONFIDENTIAL SETTLEMENT PROPOSAL**

**MikeR**

---

**From:** Mike Reynolds [Mike.J.REYNOLDS@wrd.state.or.us]  
**Sent:** Wednesday, June 15, 2005 11:29 AM  
**To:** Martha Pagel (E-mail)  
**Cc:** Barry NORRIS (E-mail); Jerry Grondin (E-mail); Dwight FRENCH (E-mail); Doug Woodcock (E-mail)  
**Subject:** Confidential OWRD Settlement Proposal

**\*\*CONFIDENTIAL SETTLEMENT COMMUNICATION\*\***

Hello Martha,

Thank you very much for meeting with me this morning to discuss the attached settlement proposal for protests to the Bonanza groundwater extensions. I look forward to discussing this proposal in more detail with you and your clients in the near future. If you have any questions, please call me at 503-986-0820.

Sincerely,

*/s/ Mike Reynolds*

Mike Reynolds  
Protest Program Coordinator  
Oregon Water Resources Department

ph: 503-986-0820  
fax: 503-986-0901  
e-mail: [mike.j.reynolds@wrd.state.or.us](mailto:mike.j.reynolds@wrd.state.or.us)

8/24/2005

**CONFIDENTIAL**  
**Settlement Proposal for Bonanza Extension Protests**  
**June 15, 2005**

**I. Introduction**

The following is a settlement proposal prepared by the Oregon Water Resources Department (OWRD) for your consideration. OWRD believes that this proposal provides a mechanism to resolve protests to OWRD's proposed final orders for your extension applications. Several settlement discussions have already taken place and a number of settlement concepts have been considered by OWRD.

As required under the original groundwater permit conditions, OWRD has consulted with the Bureau of Reclamation (BOR) and Oregon Department of Fish and Wildlife (ODFW) regarding this proposal. With some qualifications, ODFW and BOR support this proposal.

The following settlement proposal reflects all of the flexibility available to OWRD in these matters. Furthermore, this proposal provides significant value for the protestants while implementing the requirements of the permit conditions. If this agreement is acceptable to the protestants, OWRD is prepared to draft a settlement agreement and resolve these matters in an expeditious manner. Thank you for your careful consideration of this settlement proposal. If you have any questions, please call Mike Reynolds at 503-986-0820.

**II. Background**

In 1996, OWRD issued a number of Bonanza area groundwater permits for a five-year period, and indicated that certificates could be issued at the end of that period if the OWRD Director finds (among other things):

"River stage or Bonanza Big Springs flows are not significantly diminished by use of water under this permit as determined by the (OWRD), in consultation with the Bureau of Reclamation and (ODFW), using quantifiable groundwater and hydrologic science that stands up to peer review."

Jerry Grondin (OWRD) carried out a multi-year Bonanza area groundwater study that ended after the five-year period concluded. One of the conclusions of the study was that:

"...the calculated total ground water drawdown in basalt by pro-rated pumping of the Bonanza sub-area ADR permit wells is sufficient to terminate Bonanza Big Springs flow (lower the ground water level to or below river stage) in most years."

The permit holders applied for extensions. OWRD proposed to issue the extensions with a condition that the permit holders must not pump whenever the groundwater level at Bonanza Big Springs Park is 0.50 feet or less above the surface water level at the park. During subsequent settlement discussions, the protestants indicated that the .5 foot standard was not workable.



OWRD is not willing to completely eliminate the .5 standard because it is reasonable and supported by the groundwater study. Furthermore, OWRD is not willing to require different standards for each month of the irrigation season due to the complexity of such a system for all involved, and because it would not provide the necessary level of protection for Bonanza Big Springs flows. However, OWRD is willing to make the following compromises in an effort meet the interests of the protestants while complying with the original permit conditions.

### **III. Settlement Proposal**

#### **A. "0.40 Foot Standard"**

OWRD is willing to lower the standard from 0.5 feet to 0.4 feet. Protestants may only pump groundwater under these permits or certificates when the groundwater level at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.40 feet higher than the Lost River surface water elevation measured at the stilling well at Bonanza Big Springs Park. Protestants may not pump groundwater under these permits under any circumstances while reverse flow is occurring (the groundwater level is below the Lost River surface water elevation).

#### **B. "Temporal Buffer"**

OWRD is willing to include a condition allowing a 48-hour temporal buffer. The buffer means that if the groundwater level oscillates above and below the 0.40 foot standard or is only temporarily less than 0.40 feet above the surface water level and still above the Lost River surface water elevation within a 48-hour (2 day) period, the users can still pump.

However, if the groundwater level is consistently lower than 0.40 feet above the surface water level for 48 hours, the users must stop pumping until the ground water level returns above the 0.40 foot standard for at least 48 hours. Once the level has recovered to be consistently above the 0.40 foot standard for 48 hours, permit holders can resume pumping. This helps address the practical concern about having to "turn off and turn on" in the same day or from hour to hour.

The groundwater level is considered consistently **below** the 0.40 foot standard for 48 hours when:

- a. The ground water level is below the 0.40 foot standard for all available 2-hour data logger readings within a 48-hour period; or
- b. Whenever data logger readings are unavailable for more than 12 hours, all OWRD approved morning (6 to 8 AM), mid-day (12 to 2 PM), and evening (6 to 8 PM) instrument readings or hand measurements show the ground water level is below the 0.40 foot standard within a 48 hour period. All morning, mid-day, and/or evening instrument readings or hand measurements missed will be considered below the 0.40 foot standard.

The groundwater level is considered consistently **above** the 0.40 foot standard for 48 hours when:

- a. The ground water level is above the 0.40 foot standard for each available 2-hour data logger reading within a 48 hour period; or
- b. Whenever data logger readings are unavailable for more than 12 hours, all OWRD approved morning (6 to 8 AM), mid-day (12 to 2 PM), and evening (6 to 8 PM) instrument readings or hand measurements show the ground water level is above the 0.40 foot standard within a 48 hour period. All morning, mid-day, and/or evening instrument readings or hand measurements missed will be considered below the 0.40 foot standard.

### **C. Data Measurement and Telemetry**

In order for OWRD to support reducing the standard from 0.50 feet to 0.40 feet, and allowing the "temporal buffer," protestants need to fund improvements to make the ground and surface water level data easily accessible on the world wide web.

Protestants will be responsible for obtaining any necessary permission, easements, etc., to allow them to install and maintain phone line(s) at the groundwater and surface water measurement stations at Bonanza Big Springs. The phone line(s) will connect to measurement equipment and allow the data to be available on the internet. OWRD would need to be able to receive the data via the internet and post it on a new page in the OWRD web site. OWRD may be able to display the data graphically on its web site and automatically alert the watermaster when the 0.4 foot standard and buffer are violated.

Protestants will be responsible for all costs associated with installation, maintenance, and ongoing monthly service charges for the phone line(s). Regardless of who pays for measurement, recording, and related equipment, or maintenance, repair, or replacement thereof, OWRD will be the owner of all such equipment at each measurement site.

If measurement equipment currently at each site will accommodate phone lines (telemetry), the current equipment will be permanently dedicated for use at each site, until such time as changes or replacements are needed. However, if current measurement equipment will not accommodate telemetry, Protestants will be responsible for reimbursing OWRD for the cost of new measurement equipment within 30 days of invoice by OWRD. Protestants will also be responsible for reimbursing OWRD, within 30 days of invoice, for necessary expenditures for repair and replacement of measurement equipment.

If Protestants do not comply with these conditions pertaining to measurement and telemetry, OWRD will provide Protestants with notice of a 30-day opportunity to resume compliance. If the Protestors do not resume compliance within the 30-day period, Protestors agree that the terms of the Settlement Agreement revert back to the 0.5 foot standard with no "temporal buffer," and all other terms of the Settlement Agreement remain in effect.

### **D. Elimination of Water Use Under the Permits for Primary Irrigation Acreage**

Protestants will give up primary irrigation acreage under the groundwater permits. The precise

details of this provision need to be determined.

**E. All Water Use Under the Permits Will Be Permanently Supplemental**

Applicants agree to make all existing supplemental use under these groundwater rights permanently supplemental (and never primary).

**F. Withdraw Extension Applications and Move to Certificate Stage Where Possible**

Wherever possible, Protestants will withdraw their extension applications and seek to move to certificate stage.

**G. Refund of Fees**

OWRD will refund the protest fees. OWRD will refund the extension application fees for those permits that can move promptly to certificate stage.

**H. Expedited Processing of Certificates and Extensions**

OWRD will expedite processing of requests for certificates and extensions.

**I. Acknowledgment of Management Practices**

OWRD acknowledges that several voluntary management practices are available to help the protestants maximize the amount of time in which they can pump while complying with the restrictions of the settlement and water right.

**ATTACHMENT 3**

**JULY 20, 2005 LETTER FROM HID AND THE PERMIT HOLDERS TO OWRD**



**CONFIDENTIAL**

**Settlement Proposal for Bonanza Extension Protests  
June 15, 2005**

**I. Introduction**

The following is a settlement proposal prepared by the Oregon Water Resources Department (OWRD) for your consideration. OWRD believes that this proposal provides a mechanism to resolve protests to OWRD's proposed final orders for your extension applications. Several settlement discussions have already taken place and a number of settlement concepts have been considered by OWRD.

As required under the original groundwater permit conditions, OWRD has consulted with the Bureau of Reclamation (BOR) and Oregon Department of Fish and Wildlife (ODFW) regarding this proposal. With some qualifications, ODFW and BOR support this proposal.

The following settlement proposal reflects all of the flexibility available to OWRD in these matters. Furthermore, this proposal provides significant value for the protestants while implementing the requirements of the permit conditions. If this agreement is acceptable to the protestants, OWRD is prepared to draft a settlement agreement and resolve these matters in an expeditious manner. Thank you for your careful consideration of this settlement proposal. If you have any questions, please call Mike Reynolds at 503-986-0820.

**II. Background**

In 1996, OWRD issued a number of Bonanza area groundwater permits for a five-year period, and indicated that certificates could be issued at the end of that period if the OWRD Director finds (among other things):

"River stage or Bonanza Big Springs flows are not significantly diminished by use of water under this permit as determined by the (OWRD), in consultation with the Bureau of Reclamation and (ODFW), using quantifiable groundwater and hydrologic science that stands up to peer review."

Jerry Grondin (OWRD) carried out a multi-year Bonanza area groundwater study that ended after the five-year period concluded. One of the conclusions of the study was that:

"...the calculated total ground water drawdown in basalt by pro-rated pumping of the Bonanza sub-area ADR permit wells is sufficient to terminate Bonanza Big Springs flow (lower the ground water level to or below river stage) in most years."

The permit holders applied for extensions. OWRD proposed to issue the extensions with a condition that the permit holders must not pump whenever the groundwater level at Bonanza Big Springs Park is 0.50 feet or less above the surface water level at the park. During subsequent settlement discussions, the protestants indicated that the .5 foot standard was not workable.

OWRD is not willing to completely eliminate the .5 standard because it is reasonable and supported by the groundwater study. Furthermore, OWRD is not willing to require different standards for each month of the irrigation season due to the complexity of such a system for all involved, and because it would not provide the necessary level of protection for Bonanza Big Springs flows. However, OWRD is willing to make the following compromises in an effort to meet the interests of the protestants while complying with the original permit conditions.

### **III. Settlement Proposal**

#### **A. "0.40 Foot Standard"**

OWRD is willing to lower the standard from 0.5 feet to 0.4 feet. Protestants may only pump groundwater under these permits or certificates when the groundwater level at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.40 feet higher than the Lost River surface water elevation measured at the stilling well at Bonanza Big Springs Park. Protestants may not pump groundwater under these permits under any circumstances while reverse flow is occurring (the groundwater level is below the Lost River surface water elevation).

#### **B. "Temporal Buffer"**

OWRD is willing to include a condition allowing a 48-hour temporal buffer. The buffer means that if the groundwater level oscillates above and below the 0.40 foot standard or is only temporarily less than 0.40 feet above the surface water level and still above the Lost River surface water elevation within a 48-hour (2 day) period, the users can still pump.

However, if the groundwater level is consistently lower than 0.40 feet above the surface water level for 48 hours, the users must stop pumping until the ground water level returns above the 0.40 foot standard for at least 48 hours. Once the level has recovered to be consistently above the 0.40 foot standard for 48 hours, permit holders can resume pumping. This helps address the practical concern about having to "turn off and turn on" in the same day or from hour to hour.

The groundwater level is considered consistently below the 0.40 foot standard for 48 hours when:

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- b. Whenever data logger readings are unavailable for more than 12 hours, all OWRD approved morning (6 to 8 AM), mid-day (12 to 2 PM), and evening (6 to 8 PM) instrument readings or hand measurements show the ground water level is below the 0.40 foot standard within a 48 hour period. All morning, mid-day, and/or evening instrument readings or hand measurements missed will be considered below the 0.40 foot standard.

The groundwater level is considered consistently above the 0.40 foot standard for 48 hours when:

- a. The ground water level is above the 0.40 foot standard for each available 2-hour data logger reading within a 48 hour period; or
- b. Whenever data logger readings are unavailable for more than 12 hours, all OWRD approved morning (6 to 8 AM), mid-day (12 to 2 PM), and evening (6 to 8 PM) instrument readings or hand measurements show the ground water level is above the 0.40 foot standard within a 48 hour period. All morning, mid-day, and/or evening instrument readings or hand measurements missed will be considered below the 0.40 foot standard.

### **C. Data Measurement and Telemetry**

In order for OWRD to support reducing the standard from 0.50 feet to 0.40 feet, and allowing the "temporal buffer," protestants need to fund improvements to make the ground and surface water level data easily accessible on the world wide web.

Protestants will be responsible for obtaining any necessary permission, easements, etc., to allow them to install and maintain phone line(s) at the groundwater and surface water measurement stations at Bonanza Big Springs. The phone line(s) will connect to measurement equipment and allow the data to be available on the internet. OWRD would need to be able to receive the data via the internet and post it on a new page in the OWRD web site. OWRD may be able to display the data graphically on its web site and automatically alert the watermaster when the 0.4 foot standard and buffer are violated.

Protestants will be responsible for all costs associated with installation, maintenance, and ongoing monthly service charges for the phone line(s). Regardless of who pays for measurement, recording, and related equipment, or maintenance, repair, or replacement thereof, OWRD will be the owner of all such equipment at each measurement site.

If measurement equipment currently at each site will accommodate phone lines (telemetry), the current equipment will be permanently dedicated for use at each site, until such time as changes or replacements are needed. However, if current measurement equipment will not accommodate telemetry, Protestants will be responsible for reimbursing OWRD for the cost of new measurement equipment within 30 days of invoice by OWRD. Protestants will also be responsible for reimbursing OWRD, within 30 days of invoice, for necessary expenditures for repair and replacement of measurement equipment.

If Protestants do not comply with these conditions pertaining to measurement and telemetry, OWRD will provide Protestants with notice of a 30-day opportunity to resume compliance. If the Protestors do not resume compliance within the 30-day period, Protestors agree that the terms of the Settlement Agreement revert back to the 0.5 foot standard with no "temporal buffer," and all other terms of the Settlement Agreement remain in effect.

### **D. Elimination of Water Use Under the Permits for Primary Irrigation Acreage**

Protestants will give up primary irrigation acreage under the groundwater permits. The precise

details of this provision need to be determined.

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**G. Refund of Fees**

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**H. Expedited Processing of Certificates and Extensions**

OWRD will expedite processing of requests for certificates and extensions.

**I. Acknowledgment of Management Practices**

OWRD acknowledges that several voluntary management practices are available to help the protestants maximize the amount of time in which they can pump while complying with the restrictions of the settlement and water right.



## **Conditions found in 36 Bonanza area ground water permits issued in 1996 under the alternative dispute resolution (ADR) process**

The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Springs flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economic sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

...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 by April 15, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including place and nature of use of water under this permit...

...A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water level measurement for each well during March and October of each year and report the measurements to the Department...The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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

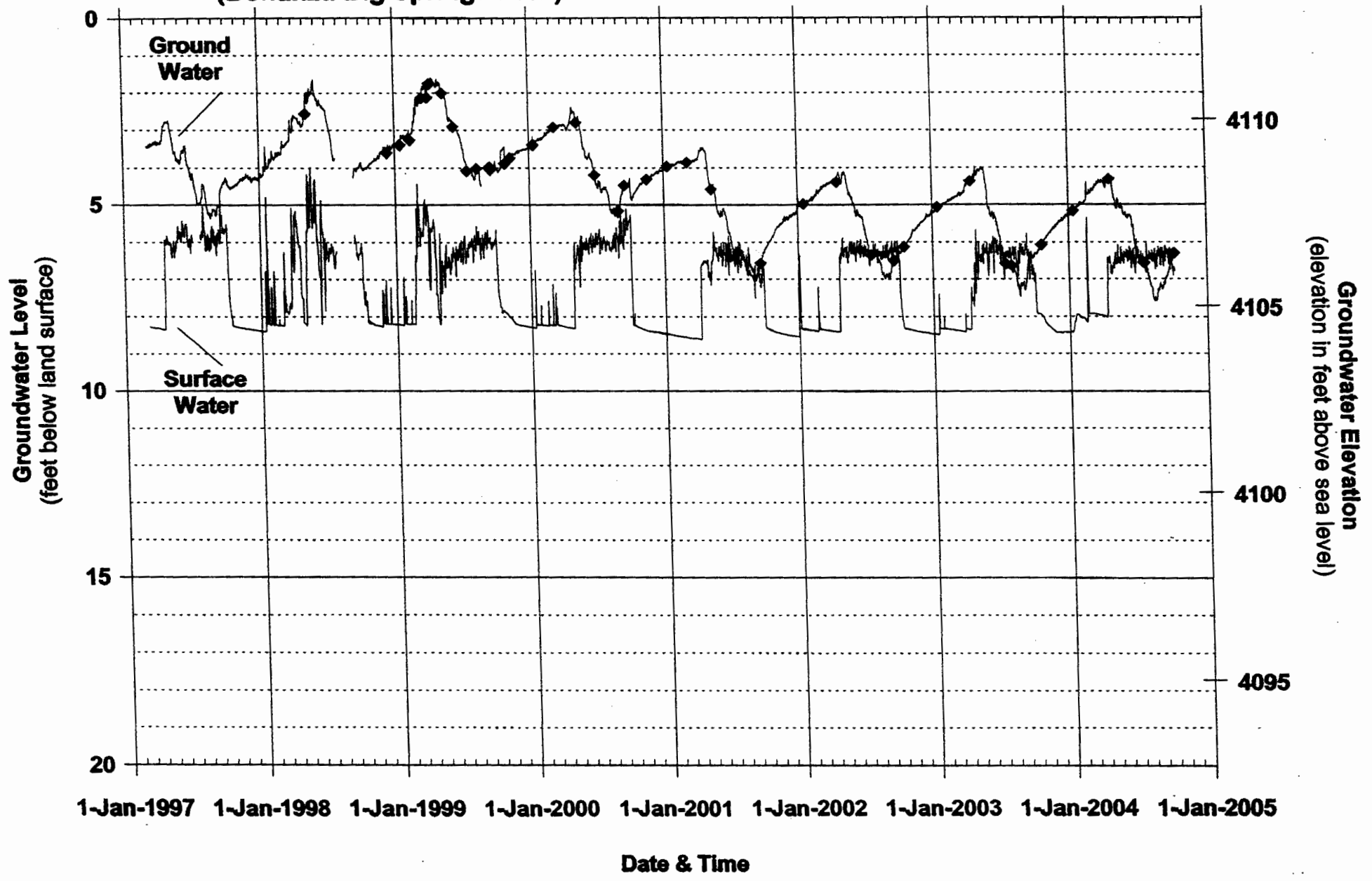
## **Conditions to be Added to ADR Permits via Permit Extensions**

The Department has the authority to add additional conditions to this permit under OAR 690-315-0050(2).

1. **Effective March 1, 2006 ground water use under this permit can occur only when:**
  - a. **Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or**
  - b. **Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or**
  - c. **Unless use is made consistent with a critical ground water area order, the Department using available data shows ground water use does not reduce Bonanza Big Springs flow.**
2. **Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.**

**KLAM 50318**  
**T39S/R11E-sec 10 cdd**  
**Bonanza**  
**(Bonanza Big Springs Park)**

Well Depth = 46 ft  
Casing Depth = 19 ft  
Seal Depth = 19 ft  
Aquifer = Brown and Black Lava (25 to 46 ft)



Mike R- Bonanza File



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

In Reply refer to:

Klamath Falls Fish and Wildlife Office  
6610 Washburn Way  
Klamath Falls, Oregon 97603  
(541) 885-8481 FAX (541)885-7837

**RECEIVED**

**JUN 14 2005**

Mr. William Kennedy  
Poe Valley Improvement District  
25400 N. Poe Valley Road  
Klamath Falls, OR 97603

**JUN 16 2005**  
WATER RESOURCES DEPT  
SALEM, OREGON

Subject: Lost River and shortnose sucker concerns in the Lost River.

Dear Mr. Kennedy,

We appreciate your concern over the status of the endangered Lost River and shortnose suckers in the Lost River and willingness to proactively seek solutions to meet your water needs as well as those of the endangered suckers and other aquatic species. Dry conditions in 2005 have created a situation where flows in the Lost River are likely to be very low. Poe Valley Improvement District (PVID) proposes a pilot study that would allow use of a supplemental ground water well (KLAM 53779 - 6.7 cfs) within Poe Valley to irrigate their lands while directly releasing up to 3 cfs of well water or agricultural return flows to the Lost River to help endangered suckers. These return flows are expected to be cleaner and cooler than those in the Lost River. Additionally, PVID proposes to work with Oregon Department of Fish and Wildlife (ODFW) to install a fish ladder if practicable on a diversion dam in Poe Valley in the near future. Installation of a fish ladder on the dam at Lost River Ranch should also allow suckers to seek out areas of better water quality and gain access to spawning habitat near Bonanza.

The Service believes that under certain circumstances when surface water deliveries are curtailed due to dry conditions, voluntary participation or for other reasons in Reclamation water bank program (land-idling), use of groundwater may benefit endangered suckers in the Lost River. The addition of up to 3 cfs of well water directly into the Lost River or as agricultural return in Poe Valley during the summer may help offset the lack of flow expected during this dry year and provide an important water quality refuge for suckers and other fish.

The Bureau of Reclamation will be monitoring water quality and sucker populations in the study area in 2005. OWRD will be monitoring ground water. The Service supports PVIDs pilot project to help protect and enhance endangered Lost River and shortnose sucker populations in the Lost River near Poe Valley.

**TAKE PRIDE<sup>®</sup>**  
**IN AMERICA** 



If you have any further questions, please feel free to contact Mark Buettner, of my staff at (541) 885-8481.

Sincerely,

A handwritten signature in cursive script that reads "Curt Mullis".

Curt Mullis  
Field Supervisor

cc: Dwight French  
Gerald Grondin  
Doug Woodcock  
Oregon Department of Water Resources  
725 NE Summer Street, Suite A  
Salem, Oregon 97301-2430

**Oregon Water Resources Department  
Memorandum**

---

To: File G-12746 (Donald Horsley)  
From: Mike Reynolds  
Subject: Potential errors in Permit G-12445 issued on 7-31-96  
Date: April 27, 2005

---

Don Horsley sent a hand-written letter that was received by OWRD on January 14, 2005. For some unknown reason, I only received the letter today, April 27, 2005. I called Don this morning to figure out what he was requesting. It appears that Permit G-12445, issued on July 31, 1996, may have some errors dealing with which land is primary and which is supplemental, and we may have forgot to include 4.3 acres of primary irrigation. Apparently, these errors were not discovered nine years ago when the permit was issued. I spoke with Dwight French (Acting Administrator, Water Rights and Adjudications Division) this morning, and he said we could fix any errors at the time the permit holder submits a claim of beneficial use. So, whenever the claim of beneficial use comes in, we need to fix any errors as identified in Don's letter. I called Don this morning after speaking with Dwight and told Don what Dwight said.

**Oregon Water Resources Department**  
**Memorandum**

---

To: File G-12746 (Donald Horsley)  
From: Mike Reynolds  
Subject: Potential errors in Permit G-12445 issued on 7-31-96  
Date: April 27, 2005

---

Don Horsley sent a hand-written letter that was received by OWRD on January 14, 2005. For some unknown reason, I only received the letter today, April 27, 2005. I called Don this morning to figure out what he was requesting. It appears that Permit G-12445, issued on July 31, 1996, may have some errors dealing with which land is primary and which is supplemental, and we may have forgot to include 4.3 acres of primary irrigation. Apparently, these errors were not discovered nine years ago when the permit was issued. I spoke with Dwight French (Acting Administrator, Water Rights and Adjudications Division) this morning, and he said we could fix any errors at the time the permit holder submits a claim of beneficial use. So, whenever the claim of beneficial use comes in, we need to fix any errors as identified in Don's letter. I called Don this morning after speaking with Dwight and told Don what Dwight said.

MikeR

---

**From:** Jerry Grondin [Gerald.H.GRONDIN@wrd.state.or.us]  
**Sent:** Tuesday, April 26, 2005 9:56 AM  
**To:** Douglas WOODCOCK  
**Cc:** Kenneth LITE; Jerry Grondin; Mike REYNOLDS; Barry NORRIS  
**Subject:** UNIDATA & Bonanza Big Springs

Hi Doug,

I contacted UNIDATA and CenturyTel about what would be needed to tele-communicate with the Lost River stilling well and the groundwater well at Bonanza Big Springs Park. This is what I learned.

1. The existing data logger and shaft encoder at each site can be used.
2. The easiest and cheapest set-up to telecommunicate is to run separate phone lines (one to the Lost River stilling well and another to the groundwater well). A single phone line to a single modem with an internal switch to access different data loggers is more complicated and problematic (I can explain if necessary). Cellular telecommunications is much more expensive and interestingly, the Bonanza Big Springs site has poor reception. The reception markedly improves a block or two away.
3. Phone line telecommunication set-up cost:  
Total cost = \$2,310.00 so far
  - 2 Phone line connections  
\$94.00 total  
\$69.00 both phone lines (\$34.50 each)  
\$25.00 technician trip cost total  
Service is by CenturyTel
  - 2 Poles to receive phone lines & hold solar panel  
cost not determined yet
  - 2 modems (UNIDATA)  
\$1,190.00 total (\$595.00 per modem)  
Other cheaper modems are not as reliable
  - 2 rechargeable batteries  
\$60.00 total (\$30.00 each)  
primary power for modem and data logger combination  
otherwise rely on 4 standard battery packs, one  
for each modem and data logger  
otherwise, danger of draining standard battery  
packs and losing data by frequent data access  
otherwise replace 4 battery packs (\$20.00 each)  
2 to 4 times per year with repeated data access
  - 2 standard battery packs for data loggers  
\$40.00 total (\$20.00 each)  
needed for emergency/back-up power
  - 2 standard battery packs for modems  
\$40.00 total (\$20.00 each)  
needed for emergency/back-up power
  - 2 standard battery packs for shaft encoders  
\$40.00 total (\$20.00 each)  
shaft encoders rely on their own power  
replace battery packs yearly
  - 2 termination strips and weatherproof enclosures



\$488.00 total (\$244 each combination)  
\$99.00 for each standard enclosure  
\$35.00 for each special 3 inch lid  
\$110.00 for each termination strip  
houses/protects both modem and data logger  
facilitates electrical connections needed

2 solar panels  
\$358.00 total (\$179.00 each)  
power to recharge primary battery power for  
modem and data logger

4. Phone line telecommunication monthly cost:

2 phone lines  
\$54.00 per month total (\$27.00 per line)

I hope this preliminary information is useful.

Please contact me if you have any questions or comments.

Jerry  
\*\*\*\*\*  
Jerry Grondin  
Hydrogeologist  
Phone: 503-986-0848  
E-Mail: Gerald.H.Grondin@wrdd.state.or.us

Ground Water Hydrology Section  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
\*\*\*\*\*  
Please Note: under Oregon Law, messages  
to and from this e-mail address may be  
available to the public.  
\*\*\*\*\*



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

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

MARTHA O. PAGEL

Direct Line: Portland 503.796.2872;

Salem 503.399.7712

E-Mail: mpagel@schwabe.com

March 31, 2005

**RECEIVED**  
APR 01 2005

**WATER RESOURCES DEPT  
SALEM, OREGON**

VIA FACSIMILE AND US MAIL

Mike Reynolds  
Protest Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-4172

Re: Bonanza Area Permit Holders  
Our File No. 112731-140880

Dear Mike:

Thank you again for meeting with us on March 18 regarding a possible settlement of pending protests. We appreciated the opportunity to talk with you, Dwight, Barry, and Jerry about alternatives to the permit extension conditions previously proposed by the department. As we have discussed, this letter is intended to summarize our key concerns and recommendations for possible settlement. As you will recall, these concerns related to both procedural and substantive issues. Procedurally, we have requested that the Oregon Water Resources Department (OWRD) issue final certificates, with conditions, for the ground water use, as opposed to proceeding with the current permit extension process. Substantively, we have requested an alternative approach to quantifying and mitigating for potential impacts to surface and ground water as a result of the use of water under the Bonanza area permits. These points are addressed in further detail, below:

**I. Background**

The Bonanza Area Permit Holders Group (Group) includes 11 permit holders who previously applied for extensions. Each of the permits contains conditions that resulted from an Alternative Dispute Resolution (ADR) process in 1995. The process was convened after the initial applications were contested by the U.S. Fish & Wildlife Service and environmental interests concerned about potential impacts to fish in the Lost River. Each Group member is also within the Horsefly Irrigation District (HID) and has primary irrigation rights for the use of water from the Lost River and Clear Lake Reservoir. As a result, most of the permits in question authorize use of ground water for supplemental irrigation, as a back-up source when surface water is no longer available. A few of the permits also include primary irrigation that would allow development of new land not currently served by other sources.

**RECEIVED**

APR 01 2005

**WATER RESOURCES DEPT  
SALEM, OREGON**

At our meeting, we noted several other background facts that help set the context for our settlement concepts. We noted, for example, that the department's recently completed ground water study shows that the backflow problems with Bonanza Big Springs will exist regardless of whether ground water use occurs under these permits. This is an important consideration in support of our contention that the permit holders should not be held accountable for impacts beyond their control, and not caused by their own water use. In fact, the conditions contained on the original permits require only a demonstration that the river stage and flows at Bonanza Big Springs not be significantly diminished by use of water under each permit. This clearly suggests a mitigation standard tied to actual impact.

As we outlined at our meeting, the permit holders and HID have already stepped forward to implement a variety of strategies for this purpose: First, HID has voluntarily lowered the Harpold Reservoir pool by about 1.5 feet in order to minimize potential contamination. In recent years, they have been operating at levels up to 2.25 feet lower than their contract specifications. Second, HID voluntarily relocated a diversion dam that had been immediately downstream of the Bonanza Big Springs to a new point immediately above the springs, in order to keep the pool lower at the springs. In doing so, HID lost substantial amounts of water that would otherwise have been available to them for impoundment at their pumping station just north of Bonanza. Third, HID voluntarily lined its canal through the Town of Bonanza to minimize the potential for leakage into shallow domestic wells. We believe these measures should be considered as part of a package of actions that contribute to mitigation of the ground water permits.

It is also important to note that because of the relationship to surface water flows in Lost River and the role of the Harpold Dam, the backflow problems would be worsened if some level of ground water use were not continued. In that event, HID would be required to maintain maximum fill levels in Harpold Reservoir to meet irrigation needs. This, in turn, would put greater pressure on the springs, and would exacerbate the reverse flow problems.

Finally, we want to underscore the ongoing concerns for protection of surface flows in the Lost River for the benefit of the endangered sucker fish. This issue was the basis for protests to the original permit applications, and was a primary focus of the ADR process. As described in the letter we provided from Curt Mullis, Field Supervisor for the U.S. Fish & Wildlife Service, effective cooperative management between ground water and surface water can result in benefits to the fish that would not otherwise be achievable.

Based on these factors, the study conclusions, and comments from department staff, we understand that under the optimal management system would be to strike a delicate balance among surface flows in Lost River, the amount of water in Harpold Reservoir, and the use of ground water. This appears to have been the intent behind the department's proposed conditions for permit extensions, as reflected in the protested Proposed Final Orders (PFOs). Each of the PFOs contains a proposed condition that would allow use of ground water under the permits only when the ground water elevation measured at the Bonanza Big Springs Park well is greater than or equal to 0.50 feet higher than the Lost River surface water elevation measured at the stilling well at the Bonanza Big Spring Park.



Department staff have indicated an intention that the permit holders may be able to satisfy this condition by management of Harpold Dam and reservoir in cooperation with HID. We appreciate the department's effort to find a management option that would allow for some use of the wells. However, as described at the meeting, our group has serious concerns about the workability of the proposed conditions on a day-to-day basis. As outlined below, we propose an alternative approach for developing a mitigation plan to offset the potential impacts associated with use of water under these permit. Our settlement concepts include three key components: 1) Issuing certificates instead of permit extensions; 2) Adding new conditions to the certificates to mitigate the potential impacts associated with water use; and 3) Reducing the demand for water.

## **II. Settlement Concepts**

### **A. Issuance of Final Certificates**

We propose issuance of final certificates with conditions, as opposed to continuation of the pending permit extension process. Information provided by the permit holders indicates that all of the supplemental water uses have been fully developed and put to beneficial use, as described in the permits. Ordinarily, there would be no question that, under these facts, the permit holders would be entitled to certificates. In this case, permit extensions were requested by the permit holders upon the direct instructions and recommendations of OWRD. At the time, OWRD had not completed its ground water study, and viewed the extension process as means of providing additional time to gather information and consider its options for further action. At this point, however, the study has been completed, and the record shows that the permits have been fully developed. Now, we understand that OWRD views the permit extension process as a means of ensuring appropriate conditions are in place to govern future water use. Yet, clearly, the permit holders do not require additional time to develop and make use of the water. Therefore, for settlement purposes, we propose adding new conditions to the final certificates that would ensure appropriate mitigation of potential impacts to Bonanza Big Springs.

### **B. Modified Conditions for Final Certificates**

As noted, the permit extension applications in this case were filed by the permit holders upon the guidance and recommendations of OWRD. We understand one of the key reasons for proposing this approach was OWRD's concerns that additional, or different, conditions may be needed to ensure continuing protection of Bonanza Big Springs in the future. Therefore, the department proposed conditions that would allow the use of water under the permits only when a specified ground water elevation is met. (Proposed Condition 1.b.) We understand OWRD envisioned that this condition would afford the permit holders at least some level of control over water use by allowing them to manage the reservoir level at Harpold Dam in such a way as to help maintain the required ground water elevation.

The Group appreciates the department's efforts to identify conditions that would allow continued ground water use. They have serious concerns, however, about whether the





proposed wording will be workable. Under the OWRD proposal, the permit holders would have no way of ensuring the required ground water elevations would be met, despite their compliance with a draw-down plan for Harpold Reservoir. Thus, they could be faced with a situation of releasing stored water from Harpold Reservoir in order to allow for ground water use, only to find that because of factors beyond their control, the target elevations were not maintained and they would not be able to pump from their wells. Additionally, there would be no reliability to the water supply system; the permit holders could be subjected to daily changes in whether the condition was satisfied and ground water could be used. Finally, the proposed approach places the full burden of reverse flow on the permit holders.

For these reasons, we have proposed an alternative approach whereby the use of ground water under the permits/certificates would be tied to a cooperative management plan for Harpold Dam and Reservoir. The plan would be designed to address the expected impacts of these ground water uses, and to fully mitigate those effects. We discussed an option to minimize back pressure on the springs by holding Harpold Reservoir at a higher level earlier in the season, and ramping down the water level over a period of time to a specified "floor." We also proposed including an adaptive management option to address possible future changes in water use and needs. For example, if the town of Bonanza installs a community water supply well, the concerns relating to backflow might be reduced while an interest in restoring stream flow to Lost River might be heightened.

We are convinced that this approach is legally supported by the terms and conditions of the original permits. The critical existing provision – Condition 2.A. – provides that certificates *shall be issued* if the department finds that "River stage or Bonanza Big Springs flows are not *significantly diminished by use of water under this permit....*" (Emphasis added.) This wording clearly implies an intention to tie water use under each permit to the specific, quantifiable impacts of that permit. Moreover, we believe the condition can be fully satisfied with provisions demonstrating appropriate mitigation for any such impacts. In final orders approving issuance of certificates, OWRD could find that the certificates will not significantly diminish Bonanza Big Springs flows when specified conditions are satisfied.

Under this approach, OWRD would also be able demonstrate quantifiable improvements to stream flow conditions for the sucker fish. As noted, the original ADR process and the resulting permit conditions were motivated largely by the concerns raised in protests filed by U.S. Fish & Wildlife Service and environmental groups. The letter from Curt Mullis underscores the importance of remaining focused on this objective.

### **C. Reduced Demand**

Finally, to help minimize potential impacts from the use of ground water under the permits, the affected members of our group have offered to voluntarily cancel those portions of permits authorizing development of new irrigation under primary rights. The group would agree to limit ground water use under the permits/certificates to supplemental purposes. This would ensure no increase in overall irrigation use in the area, and thereby minimize potential impacts.



Mike Reynolds  
March 31, 2005  
Page 5

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APR 01 2005

**WATER RESOURCES DEPT  
SALEM, OREGON**

### III. Conclusion

We hope these concepts will be useful in promoting further settlement discussions between OWRD and the permit holders group. We appreciate your efforts thus far to work with us in seeking a workable alternative for ground water use, recognizing that the situation on Lost River and Bonanza Big Springs is extremely complex.

Our proposal relies on three key concepts: First, OWRD would issue final certificates rather than permit extensions. Second, the new certificates would include conditions designed to mitigate the potential effects of the proposed ground water use. And third, the certificates would be limited to supplemental uses.

Please feel free to contact me if you have questions or would like to discuss these concepts in further details.

Sincerely,

*Martha O. Pagel (mca)*

Martha O. Pagel

MOP:mca

cc: Earl Wiersma  
Rob Manning  
Eric Mockridge  
Glenn Barrett

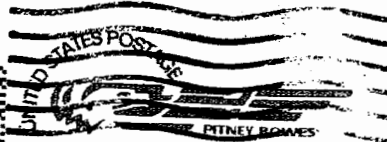




**SCHWABE, WILLIAMSON & WYATT, P.C.**

ATTORNEYS AT LAW  
Pacwest Center, Suites 1600-1900  
1211 Southwest Fifth Avenue  
Portland, Oregon 97204-3795

MOP



02 1A \$00.60<sup>00</sup>  
0004350320 MAR 31 2005  
MAILED FROM ZIP CODE 97204

Mike Reynolds  
Protest Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-4172



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Klamath Falls Fish and Wildlife Office  
6610 Washburn Way  
Klamath Falls, Oregon 97603  
(541) 885-8481 FAX (541)885-7837

MAR 01 2005

Mr. Earl Wiersma  
Horsefly Irrigation District  
PO Box 177  
Bonanza, OR 97623

Dear Mr. Wiersma,

We appreciate your concern over the status of the endangered Lost River and shortnose suckers in the Lost River and willingness to proactively seek solutions to meet your water needs as well as those of the endangered suckers. A pilot study proposal was developed that would allow use of ground water wells on 11 properties within Horsefly Irrigation District (HID) while directly releasing up to 5 cubic feet per second (cfs) of well water or agricultural return flows in the Bonanza area to help endangered suckers. Additionally, HID proposes to work with Oregon Department of Fish and Wildlife (ODFW) to install a fish ladder on its diversion dam in Bonanza and operate water levels approximately 0.5 feet lower than normal during the irrigation season.

The Service understands that this area has been under investigation by Oregon Department of Water Resources (OWRD) as a potential critical ground water area. This study has determined that some wells within the boundaries of the ground water study area cause significant negative flow impacts on the Lost River and/or the Bonanza Big Springs. In 2002, OWRD used quantifiable ground water and hydrologic science and consulted with the Bureau of Reclamation and the ODFW to identify additional conditions to satisfy the concern over significant diminishment of the river stage or Bonanza Big Springs flows. OWRD added conditions to permits in this area including a restriction against well use when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 is greater than or equal to 0.5 feet higher than the Lost River surface elevation as measured at the stilling well at Bonanza Big Spring Park.

The Service believes that operation of the Lost River at levels 0.5 feet lower than normal during the irrigation season will not negatively harm suckers or their habitat. There are several river sections with water depths ranging from 4-8 feet which are adequate for adult sucker rearing. Additionally, lowering the river level may reduce back pressure on Bonanza Big Springs and allow them to flow more freely providing cool clean water to the Lost River. In 2005, due to the forecasted dry conditions and low water levels in Clear Lake and Gerber reservoirs less than full irrigation deliveries and a shorter delivery period are expected. The Service is concerned that this operation may increase the risk of poor water quality and fish die-off in the Harpold reach of the Lost River. Under similar circumstances in 1992, return flows and direct well discharge into the Lost River maintained water levels and water quality in the Lost River after releases from Clear Lake and Gerber reservoirs were discontinued.

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IN AMERICA** 



The addition of up to 5 cfs or well water directly into the Lost River or as agricultural return near Bonanza during the summer may help offset the lack of spring flow expected during a dry year providing important water quality refuge for suckers in this area. Installation of a fish ladder at the dam in Bonanza should also allow suckers to seek out areas of better water quality known to have better water quality above Bonanza.

Although the Service understands that use of ground water in the Bonanza area has been documented to negatively impact Lost River and/or Bonanza Big Springs, under certain circumstances when surface water deliveries are curtailed and when Bonanza Big Springs flow are very low, use of groundwater may benefit endangered suckers in the Lost River.

The Bureau of Reclamation will be monitoring water quality and sucker populations in the study area in 2005. OWRD will be monitoring ground water. The Service supports HIDs pilot project to help protect and enhance endangered Lost River and shortnose sucker populations in the Lost River near Bonanza. If you have questions about this letter, please contact Mark Buettner of my staff at (541) 885-8481.

Sincerely,

A handwritten signature in cursive script that reads "Curt Mullis".

Curt Mullis  
Field Supervisor



# SCHWABE, WILLIAMSON & WYATT, P.C.

ATTORNEYS AT LAW

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

## FACSIMILE TRANSMISSION

Please notify the recipient immediately.

DATE: January 14, 2005

TO:	FAX NO.	PHONE NO.
Dwight French Oregon Water Resources Department	(503) 986-0901	503-986-0800

FROM:	PHONE NO.:	E-MAIL ADDRESS:
Martha O. Pagel	503-399-7712	mpagel@schwabe.com

MESSAGE:

FILE NUMBER:	112731-140880		
NO. OF PAGES, INCLUDING COVER:	5	TRANSMITTAL TIME:	2:32 a.m. <u>p.m.</u>
VIA FAX ONLY:		ALSO VIA:	U.S. Mail

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

FAX OPERATOR:	<i>JR</i>	DIRECT DIAL PHONE:	(503) 796-2410
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# SCHWABE, WILLIAMSON & WYATT, P.C.

## ATTORNEYS AT LAW

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MARTHA O. PAGEL

Direct Line: Portland 503.796.2872;

Salem 503.399.7712

E-Mail: mpagel@schwabe.com

January 14, 2005

### VIA FACSIMILE AND US MAIL

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

Re: Bonanza Area Permit Holders Group -- Extension Applications / Requests for  
Contested Case Hearing

Dear Dwight:

I am writing on behalf of our clients, a group of eleven ground water permit holders in the Bonanza area. (A list of the group members is enclosed.) The purpose of this letter is to advise you of our representation of the group, and to request specific action by the Director to refund certain fees that have been paid by the group members in connection with recently filed requests for contested case hearings. Following is additional background concerning the process to date, and providing the rationale for our refund request.

### Background

Each of the group members holds a water right permit issued by the Water Resources Department (WRD) in 1996, following an Alternative Dispute Resolution (ADR) process led by WRD. Pursuant to an agreement reached in that process, each permit was issued with identical conditions relating to the potential impacts of their ground water use. The agreement included plans for WRD to undertake a study of ground water resources in the Bonanza area to inform future decision-making by WRD regarding disposition of the permits at the end of the initial five-year permit development period.

In June 2001, each of the permit holders received a letter from WRD indicating that the ground water study was not yet complete, and therefore urging them to file applications for permit extensions to allow for completion of the study. Each of the group members did file a permit extension application which remained on "hold" for some time, until the department completed its ground water evaluation. In December 2004, following completion of the study report, WRD issued Proposed Final Orders containing identical proposed new permit conditions. The group members have shared concerns about the proposed conditions, and have engaged us to represent their collective interests in the WRD process from this point forward.

Dwight French  
January 14, 2005  
Page 2

As a first step in that process, it is my understanding that each of the group members filed a "request for contested case hearing," as outlined in their respective PFOs and in the related administrative rules. Pursuant to those instructions, each request included the "protest fee" specified in OAR 690-315-0060(2)(g). However, as outlined below, it is our view that the applicants should not have been required to pay the protest fee, and we therefore request a refund of the protest fees, pursuant to ORS 536.050(3).

### Refund Request

We first question whether WRD intended the protest fee in OAR 690-315-0060(2)(g) to apply to applicants in the same manner as any other persons who may be adversely affected or aggrieved by the proposed order. As written, the rule appears to require the "protest fee" to be paid by anyone who files a request for contested case hearing. In that case, an applicant would pay both an application fee of \$250, and an additional "protest" fee of \$250. We are not aware of any other circumstances under which WRD requires an applicant to pay an additional fee in order to secure the right to a contested case hearing. If the department did not intend for the extension rules to be applied to applicants in this manner, we urge WRD to consider rulemaking to correct the mistake, and we request that the Director use his discretion to provide a refund to our clients.

Second, it would appear that the wording of the extension rule, coupled with the express fee provisions in ORS 536.050, may not allow the department to require payment of a "protest" fee from either applicants or other persons attempting to request a contested case hearing. It is a well-established principle in administrative law that a state agency may collect fees from the public only when there is clear statutory authority to do so. In this case, ORS 536.050(1)(j) authorizes a fee of \$250 for "submitting a protest to the department." Subsection (1)(k) authorizes a fee for filing an extension application. Neither section addresses or authorizes a fee for filing a "request for contested case hearing" - nor does any other provision in ORS 536.050. Similarly, nothing in the extension rules refers to the filing of a "protest." OAR 690-315-0060(2)(g). We are aware of other rule divisions that describe the process of filing both a protest and request for contested case hearing, or that refer only to the filing of a protest. Thus, it is clear that in other situations, WRD has distinguished between a "protest" and a "request for hearing." Therefore, in the case of the extension rules, we would argue that a "request for contested case hearing" must be interpreted as something other than a "protest." Under that analysis, the department would not have authority to charge the protest fee for something other than a protest.

In short, an examination of the relevant statutes suggests that neither the legislature, nor the department itself, intended to charge applicants an additional fee for claiming their right to a hearing in the permit extension process. Additionally, it would appear that the extension rules may be technically flawed in purporting to require payment of the protest fee by any person requesting a contested case hearing. In light of these concerns, we request that the Director exercise discretion under ORS 536.050(3) to refund the group members' payment of protest fees.



Dwight French  
January 14, 2005  
Page 3

We appreciate your consideration of this request. If you have questions or would like to discuss this in further detail, please let me know.

Sincerely,

*Martha O. Pagel (mca)*

Martha O. Pagel

MOP:mca  
Enclosure

cc: Bonanza Area Permit Holders Group  
With enclosure



**BONANZA AREA PERMIT HOLDERS GROUP**

Arie & Jenneke De Jong  
4721 Harpold Rd  
Bonanza, OR 97623

Ken & Connie Masten  
4550 Burgdorf Rd.  
Bonanza, OR 97623

Walt & Nancy Hammerich  
3311 Haskins Rd.  
Bonanza, OR 97623

Sara S. Teague  
889 Old Midland Rd.  
Klamath Falls, OR 97063

Haskins & Co. Inc.  
1919 Haskins Rd.  
Bonanza, OR 97623

John & LaVonne Wells  
32215 Morine Ave.  
Bonanza, OR 97623

Don & Helen Horsley  
PO Box 8  
Bonanza, OR 97623

Earl & Pam Wiersma  
PO Box 177  
Bonanza, OR 97623

Rob & Donna Manning  
181 Bly Mtn. Cutoff Rd.  
Bonanza, OR 97623

Terry A. and Penny J. Pickett  
31401 Horsefly Lane  
PO Box 115  
Bonanza, OR 97623

William E. and Melyn M. Brock  
31100 Horsefly Lane  
PO Box 212  
Bonanza, OR 97623

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JAN 14 2005

WATER RESOURCES DEPT  
SALEM, OREGON

Oregon Water Resources Dept  
Water Rights Division

Re: Application File # D 12746  
Permit # J-12445

We find your Permit to appropriate the  
Public Waters to be in error.

Primary acres - per attached map - does  
not show in your figures 4.3 acres under  
Primary. Page I.

Page 2 - lists NW 1/4 - NE 1/4 - 17.9 acres  
under supplemental - should be listed as  
Primary - See attached map. NW 1/4 NE 1/4  
20.5 acres listed under Primary should be  
Supplemental.

Your total acres total

Primary	139 acres
Supplemental	188.9
	<hr/> 327.9

Does not include 4.3 acres per above -  
See Map attached. Should total 332.2

Should read:

Primary	140.7 acres
Supplemental	191.50 acres

Don Horsley total	<hr/> 332.2	Per Map.
-------------------	-------------	----------

Please make corrections.

Don Horsley - P.O. Box 8, Bonanza, OR 97623

January 5, 2005

Mr. Dwight French  
Water Rights Section  
Oregon Water Resources Department  
725 N.E. Summer St. - Suite A  
Salem, Or 97301-1271

Dear Mr. French,

We are writing to request a contested case hearing in accordance with the provisions of OAR 690-315-0060. The requested information as per Page 12 of the Final Order follows.

a. The Petitioners are:

Don & Helen Forsberg  
P.O. Box 8  
Bonanza, Or 97623  
541-545-6641

b. Our interest in the final order is that we are the applicants of Permit # G-12445, Water Right Application # G-12746

c. We believe that the conditions placed on Permit # G-12445, Water Right Application G-# 12746 will seriously impair our ability to obtain water during much of the irrigation season on a dry year.

d. We are particularly concerned about conditions placed on our permit under OAR 690-315-1050(2). We do not believe these conditions are appropriate. A further discussion is necessary to define Item 1(a, b, and c) and Item 2 on Page 11 of the Proposed Final Order of Permits # G-12445.



e. The proposed Final Order is in error by requiring the conditions shown on Page 11. The error can be corrected by working with the permit holder to revise the findings and proposed conditions.

f. Does not apply

g. Does not apply

We look forward to hearing from you. Thank you for your consideration.

Sincerely,

Don Horsley

Helen Horsley

DON + HELEN Horsley

# Mailing List for Extension PFO Copies

Application #G-12746  
Permit #G-12445

PFO Date: November 30, 2004

**Original mailed to:**

Applicant: **Donald J. and Helen E. Horsley**  
**PO Box 8**  
**Bonanza, OR 97623**

<b>Copies Mailed</b>
By: <u>[Signature]</u> (SUPPORT STAFF)
on: <u>11-30-04</u> (DATE)

**For Extension PFO's - Copies sent to:**

1. WRD - Appl. File #G-12746 / Permit #G-12445
2. WRD - Watermaster District: #17 - Klamath Falls
3. WRD - GW Hydrologist: Jerry Grondin, Salem
4. ODFW - Dist #9 - Roger Smith, Klamath Falls
5. Bureau of Reclamation  
Attn: Cecil Lesley  
6600 Washburn Way  
Klamath Falls, OR 97603

**Other interested parties:**

NONE

**CASEWORKER: LJJ**

S:\groups\wr\extensions\P F O\Bonanza\g12746\_horsley.wpd

Application # G-12746 / Permit # G-12445

## Route Slip ... Extension of Time

*per Division 315 Rules... (Extensions received on July 1, 2001 or after)*

◆ **WRIG...**  
✓ Money Received: \$100.00 on 7-31-2001

◆ **Lisa Juul...**  
✓ Extension Completeness: [Signature] 10-16-2001  
( If **NOT** complete, send certified letter requesting add'l information. )

***If Extension Appl complete and \$100 fee submitted, route to...***

◆ **Jonnine Fuss...**  
✓ Initial 30-day Public Notice: 9-18-01  
✓ Update Extension Database: 9-18-01  
✓ Files back to filing cabinets: Lisa 9-18-01

***At the close of the Initial 30-day Comment Period...***

◆ **Lisa Juul...**  
Pull files for Ext PFO review: \_\_\_\_\_  
Extension PFO completed: \_\_\_\_\_

***Once Extension PFO signed by Dwight French...***

◆ **Jonnine Fuss...**  
Prepare Ext PFO for mailing to applicant: \_\_\_\_\_  
Mail to those who commented and paid copy fee: \_\_\_\_\_  
Include Ext PFO on weekly Public Notice: \_\_\_\_\_

***Within 60 days after the close of the 45-day PFO Protest Period...***  
(PFO Protest Period ends 45 days from PFO sign date)...

◆ **Lisa Juul...**  
Issue an Extension FO: \_\_\_\_\_

**EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules (BONANZA)**

Application #: G-12746 / Permit #: G-12445

Permittee's Name: Donald J. & Helen E. Horsley

Permittee's Mailing Address: PO Box 8, Bonanza OR 97623

POD Location: Township 39-S Range 11-E Section 2  $\frac{1}{4}$   $\frac{1}{4}$  SESE - existing  
~~SESU - proposed~~

Stream Basin: Lost R. & misc. County: Klamath

1. Has the applicant completely filled out the updated Extension Application form?  No  Yes \$100.00 - Yes

\*\*\*If "No"..... has certified request for the new extension form been sent? Yes/No

2. Shortcomings of Extension Request..... based upon review of updated extension form  Yes  No OK  
 \*\*\***(NOTE:** Any missing Extension information that is needed before an Extension PFO can be completed???)

3. Date Permit was issued: 7-31-96 ~~7-31-96~~ Existing Well (Well #1) abandoned (see KLAM 10439)  
-per owner 7-16-2001... see GW SWL Report.

4. Source: Two Wells (Existing Well & Proposed Well)

5. Use: Primary & Suppl. Irrig of 332.2 AC

6. "Q": 4.16 cfs

7. Original "B" Date: 10-1-97 Original "C" Date: 10-1-2000

8. Conditions of Permit: \_\_\_\_\_

**Before water use begins** → ..... 1. install a meter or other suitable device; and  
 2. obtain static water level measurement (SWL) & submit to WRD.

**Within two years of permit issuance (for primary uses)** → .... shall submit a plan for alternative long-term water supply.

**Each year after water use begins** → ..... 1. shall keep a complete record of monthly water use & report annually by April 15 of each year to WRD; and  
 2. obtain SWL measurement in March & October of each year & report results to WRD by Apr 15 & Nov 15 of ea yr.

9. Extension request received: 7-31-2001 Request Number (...1<sup>st</sup> 2<sup>nd</sup>, 3<sup>rd</sup>): 1<sup>st</sup>

10. Last Authorized "B" Date: 10-1-97 Last Authorized "C" Date: 10-1-2000

11. Proposed "B" Date: 10-1-2002 Proposed C Date: 10-1-2002

12. Amount Invested to date: 52,185.<sup>50</sup> Estimated Total Cost: \$52,185.<sup>50</sup>  
 (\*\*\*)Estimated Remaining Cost: \$0.<sup>00</sup>



✓ 13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes / No **Yes** \*\*\*If "No"..... What permit terms and/or conditions have not been met? **See letter received 1-7-02? year Alt. Water supply plan.**

- Meters installed on both wells
- Have taken annual Mar. & Oct SWL meas. & submitted to WRD. **Initial SWL reading - prior to use?**
- Annual water use reporting done... submitted to WRD.

✓ 14. Work on the water development project completed to date includes: **installed pump Existing**  
 • Year 2000 - Irrigated 48.2 AC of Primary & 190.0 AC Supplemental **\* Well #1 Abandoned on 3-22-92.**  
 • Used 90,505,100 gallons in 2000... = **(0.93 cfs)**  
 • One well drilled - proposed... **(One well already existing)**  
 • Pipe purchased & installed **Meter installed**  
 ✓ 15. The work remaining to be completed consists of **Approx 1.0 cfs used in 1999** **(-See 1-7-02 letter)**

• Project assumed to be completed at this time.

✓ 16. Progress in perfecting the permit is being held up by: \_\_\_\_\_

• Delay in completion of Bonanza GW Study

~~& all financing supplied by permit holders.~~

✓ 17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes** / No

**Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]**

- The amount of construction completed within the time allowed in the permit or previous extension;
- The amount of beneficial use made of the water during the permit or previous extension time limits;
- Water right permit holder conformance with the permit or previous extension conditions; and
- Financial investments made toward developing the beneficial water use.

- Invested 100% of total estimated cost of project
- Irrig. approx 41% of lands allowed for irrig.
- Used approx 25% of total allowed "Q"
- Met Conditions ✓

✓ 18. Determination of the market and the present demand for water or power to be supplied: \_\_\_\_\_

**Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:**

- The amount of water available to satisfy other affected water rights and scenic waterway flows;
- Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- Economic investment in the project to date;
- Other economic interests dependent on completion of the project; and
- Other factors relevant to the determination of the market and the present demand for water or power.

• Div 9 GW review on 5-5-93: "will have potential for substantial interference with the nearest surface water source."

- NOT within or above a state SWW
- NOT in a federal wild & scenic river segment
- ODFW - Lost R. sucker is a listed endangered fish species.
- Is in an ODFW "low" needs ranking area for streamflow restriction for fish.
- DEQ - Lost R. is a Water Quality Limited stream
- Is in the Bonanza GW Study Area

✓ 19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

**Yes... "Good Cause" can be found. → Approval of Extension Request - with Conditions**

No... "Good Cause" cannot be found. → Denial of Extension Request

✓ 20. Conditions to be included on Extension PFO: **B & C Dates to Oct. 15, 2005. Yes - Bonanza Conditions**

**Extension "PFO" Dates** \_\_\_\_\_ **Checklist last Revised: 9 / 12 / 2001**

**Mailing / Issuance Date:** \_\_\_\_\_ **Reviewer's Name:** \_\_\_\_\_

**Protest Deadline Date:** \_\_\_\_\_ **Date:** **11-19-04**

app6-12746 (permit 9-12445)  
 USER-ID 17218

# 2003

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

# 2004



Facility <input checked="" type="checkbox"/> POD-ID <input checked="" type="checkbox"/>					
	<u>37290</u>				
October - 2003	<u>661349</u>	<u>000</u>			
November - 2003	<u>661349</u>	<u>000</u>			
December - 2003	<u>661349</u>	<u>000</u>			
January - 2004	<u>661349</u>	<u>000</u>			
February - 2004	<u>661349</u>	<u>000</u>			
March - 2004	<u>661349</u>	<u>000</u>			
April <u>15</u> - 2004	<u>661349</u>	<u>000</u>			
May <u>15</u> - 2004	<u>696462</u>	<u>000</u>	<u>35,113</u>		
June <u>15</u> - 2004	<u>716118</u>	<u>000</u>	<u>19,056</u>		
July <u>15</u> - 2004	<u>729845</u>	<u>000</u>	<u>13,727</u>		
August <u>15</u> - 2004	<u>751805</u>	<u>000</u>	<u>21,960</u>		
September - 2004	<u>763337</u>	<u>000</u>	<u>11,532</u> <sup>+34</sup>		
TOTAL *	<u>102022000</u>	<u>Follows</u>	<u>31.05 acre feet</u>	<u>101,988</u>	

RECEIVED  
 OCT 29 2004  
 WATER RESOURCES DEPT  
 SALEM, OREGON

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

Describe method of measuring the water used: Meter. If use is irrigation, total number acres irrigated 100  
 I certify this information is true and accurate to the best of my knowledge.

Donald J. Horsley                      owner                      owner                      10/27/04  
 Signature                                      Title                                      Reporting Entity                      Date

Donald J. Horsley  
 Name - Please Print

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



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

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



DONALD J HORSLEY

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

PO BOX 8  
BONANZA OR 97623

User-ID 17818  
Password: 17818

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
37290		0 G	12445 G	12746	12/31/1991	IC	L	39 S	11 E	2	SESW	4.16 C	A WELL 2	LOST R

USER-ID 17818



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

October 15, 2004

MEMO

To: Bonanza Area ADR Permit Interested Parties

From: Barry Norris

Re: Meeting Summary

Two meetings were held in the Klamath Basin on October 5, 2004. The purpose of the meetings was to present the ground water investigation and to discuss the status of the Bonanza Area ADR Conditioned Ground Water Permits. A copy of the meeting notice is attached as Attachment A. Approximately 30 people were in attendance at the afternoon meeting in Lorella, and approximately 12 people were in attendance at the evening meeting in Klamath Falls.

The meetings began promptly at the appointed times. Jerry Grondin gave a one hour slide presentation that summarized the results of his ground water investigation. A copy of the executive summary is attached as Attachment B. Following Jerry's presentation Dwight French, manager of the Oregon Water Resources Department Water Rights Section, gave a ½ hour presentation about how the process to reach final certificate could progress. Dwight explained that going through an extension process would provide permit holders the opportunity to complete development of their right. Also, during an extension process any provisions that are needed to prevent impact to Bonanza Big Springs can be added by the Department in the form of conditions, after which a certificate will be issued.

Following the presentations staff remained for a question/answer session. Questions were varied and included some discussion as follows:

Q. Are there excessive declining ground water levels?

Ans: No. Based on our Division 8 definition of excessive declining ground water levels, we cannot make a positive finding.

Q. When will the final report be ready for distribution?

Ans: The end of October. The report is about 165 pages, and about 480 pages of supporting information in 42 appendices. In the interest of limiting the expense for producing the report in hard copy format, we hope most people will make use of the report by CD or through their library.

Q. How much of an influence do the California high production wells have on Bonanza Big



## Springs?

Ans. The data show none at this time. The connection between the California high production wells and the springs is very inefficient. About 100 feet of water level difference exists between the California wells and wells directly connected to Bonanza Big Springs. However, some influence might be seen on a very long term basis.

Q. Are there any wells in the study area that operate on a 24 hour schedule 7 days per week.

Ans: We are not aware of any wells that operate to this extent.

Q. Does the ground water study address the deep basalt water bearing zone at the Babson well?

Ans: Only to say that very limited data indicate an inefficient connection likely exists between the deeper basalt water bearing zones and the shallower basalt water bearing zones, and the deeper water bearing zones do have a large transmissivity. Other characteristics can not be made due to having only one data point for this water bearing zone: the Babson Well.

Q. During Dwight's presentation he referred to the possibility of adding water right conditions that limit water use when head conditions between Lost River and Bonanza Big Springs are ½ foot or less. Does this mean that once the wells are turned off they cannot be turned on again.

Ans: No. Under this condition wells could again be used when the ground water level rises above ½ foot from the river level.

Q. What good are the wells if they are turned off when they are most needed?

Ans: Without a condition that protects Big Springs, as required by the ADR Permit negotiations in 1996 when the time limited permits were originally issued, the permits cannot be issued. The proposed condition will make issuance of the water right certificate possible.

Q. Why are all the wells treated the same if they have different impacts, or some impact the springs and some do not?

Ans: The initial thinking was to treat all the ADR permits the same by giving them the same condition, but acknowledging the ½ foot condition will not apply to permits with wells outside the Bonanza sub-area. The ground water study concludes that the impact of the wells varies with pumping rate and distance, and additionally, wells outside the Bonanza sub-area currently show no observable impact on Bonanza Big Springs.

Q. The proposed conditions mention establishment of a critical ground water area. Is this a certainty?

Ans: No. There is no plan for a critical area. Inclusion of this option is intended to add flexibility for future decisions for both the Department and the water users.

Q. Will the Department issue a permit or certificate for the Babson well? Will the Department use the same public process as with other water right applications?

Ans: The current ADR permit for the Babson well will proceed in the same manner as the other ADR permits in the Bonanza sub-area. The COB application for use falls under the

jurisdiction of the Energy Facility Siting Council. The proposed permit for use by the energy plant requires extensive monitoring. Should the monitoring establish a connection to Bonanza Big Springs, the user will be required to shut-off, reduce pumping, or mitigate.

Q. What if the Bonanza ADR permit holders want to mitigate instead of turn off as proposed in the conditions?

Ans: Permit holders are encouraged to comment accordingly during the extension process. A 45 day protest period begins when the Department issues Proposed Final Orders on the pending extensions. We anticipate that the Proposed Final Orders will be issued in about one month.

Q. Does the Department have authority to offer a mitigation option in the Klamath Basin?

Ans: Yes, under broad authorities granted in statute to the Water Resources Commission.

Q. How many irrigated acres affect the Bonanza Big Spring?

Ans: This information for the ADR permits is contained in the ground water report. The total acreage for the other ground water permits was not calculated due to the report focus on the impact of the ADR permits, some water rights overlapping for the same acreage, and time constraints to finish the investigation and report.

Q. Has a surface water availability analysis been completed for the Lost River basin?

Ans: Yes. An analysis was completed this summer and the results indicate no water is available for new live flow appropriations.

The above captures nearly all of the main questions. There were some additional comments and short discussions that relate to the above questions, but not captured specifically in this summary.

In considering the information received at the meetings, staff believe the original intent of the conditions contained in the ADR permits was to make final decisions based on the results of the Bonanza ground water study. Accordingly, it is now intended that permits outside of the Bonanza subarea, showing no affect on Bonanza Big Springs, will not be conditioned to protect flow in the springs. Additionally, the option is now open to proceed directly to final certification of that portion perfected, instead of going through an extension process. Permit holders who are outside the Bonanza subarea and who wish to pursue this option are encouraged to discuss the option with the local water master or staff in the Salem office. Permit holders who are located within the Bonanza subarea must proceed through the extension process. A list of Permit holders grouped by subarea is attached as Attachment C. The permits in the Bonanza subarea are listed on page 1 of Attachment C.

Attachments: A - Bonanza ADR Permit Meeting Notice  
B - Ground Water Executive Summary  
C - List of Bonanza ADR Permit Holders



# Oregon

Theodore R. Kulongoski, Governor

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

**Date:** 21 September 2004  
**To:** Bonanza Area ADR Conditioned Ground Water Permit Holders  
**Subject:** Revised Meeting Announcement

This revision includes a time for a second meeting (earlier in the day).

You are invited to attend a meeting with representatives of the Oregon Water Resources Department (OWRD). The purpose of the meeting is to discuss the status of the Bonanza Area ADR Conditioned Ground Water Permits. OWRD staff will provide a summary of the Bonanza area ground water investigation, and discuss how the results of that investigation might affect the future of your ADR permit.

**Date:** Tuesday, 5 October 2004  
**Time:** 2:30 pm to 4:30 pm  
**Place:** Lorella Community Hall  
Nr 9787 E. Langell Valley Rd.  
9 mi East of Bonanza  
Bonanza, Oregon

**Date:** Tuesday, 5 October 2004  
**Time:** 7:00 pm to 9:00 pm  
**Place:** Ferguson Elementary School Gymnasium  
2901 Homedale Road  
Klamath Falls, Oregon

## Agenda

Presentation of ground water investigation results  
Jerry Grondin

Next steps in the process of obtaining certificates for the Bonanza Area ADR Ground Water Permits  
Dwight French and Barry Norris

The meeting is intended to be informational and it will be conducted informally. It is open to the public.

I hope you plan to attend the meeting. If you have questions, please telephone me at 503-986-0828, write to me at the address above, or e-mail me at [Barry.F.NORRIS@wrdd.state.or.us](mailto:Barry.F.NORRIS@wrdd.state.or.us).

Sincerely,

Barry F. Norris, Administrator  
Technical Services Division

Cc: Klamath County Commission  
U.S. Bureau of Reclamation  
Oregon Department of Fish & Wildlife, Roger Smith  
WaterWatch of Oregon  
Del Sparks, Klamath Basin Water Master  
Posted on the OWRD website



**Ground Water Report No 41**

**State of Oregon**

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**Oregon Water Resources Department  
Salem, Oregon**

**Phillip C. Ward  
Director**

**Ground Water in the Eastern Lost River Sub-Basin,  
Langell, Yonna, Swan Lake, and Poe Valleys of  
Southeastern Klamath County, Oregon**

**by  
Gerald H. Grondin**

**2004**



## **Executive Summary**

### **Investigation Purpose**

In 1996, the Oregon Water Resources Department issued thirty-two ADR ground water permits for primary and supplemental irrigation in the eastern Lost River sub-basin. The permit conditions require the Department to decide whether the permits will expire or can mature into certificates based upon the following:

- A. River stage or Bonanza Big Springs flows are not significantly diminished by use of water under each permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economic sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

This investigation was conducted to address conditions A and D. That effort necessitated advancing the state of knowledge about the ground water system.

### **Geography, Climate and Land Use**

The 920 square mile ground water investigation area was limited to the eastern portion of the Lost River sub-basin, east of Klamath Falls. The area includes the Town of Bonanza and the communities of Dairy, Yonna, and Lorella.

Northwest trending uplands separate the interconnected Langell, Yonna, Poe, and Swan Lake Valleys and Pine Flat lowlands. Annual average precipitation and native vegetation indicate the sub-basin is semi-arid.

Agriculture is the dominant private land use. It includes cattle and sheep ranches, dairies, and irrigated acreages. Irrigation water comes from surface and ground water sources allocated by Oregon water rights. The U.S. Bureau of Reclamation Klamath Project delivers most of the surface water used via irrigation districts. In 2002, about 225 ground water rights were valid for irrigation in the sub-basin.

## **Geologic Framework (compiled from other investigations)**

The geology of the upper Klamath basin and the eastern Lost River sub-basin is complex. The upper Klamath basin is located in the transition area between the Cascade Mountain and the Basin and Range physiographic provinces. The eastern Lost River sub-basin is located within the Basin and Range province. The province is characterized by long and narrow, north-south trending fault-block mountains separated by broad basins filled with sedimentary rock and sediments.

The stratigraphy of the sub-basin consists of numerous units of basalt and sedimentary rock and sediments. Many units are contemporaneous with complex relationships. Water influenced the deposition of many units. Some units show evidence of hydrothermal alteration or secondary mineralization that followed deposition.

Geologically young (3.8 to 8.2 million years) basalt occurs throughout the sub-basin as multiple layers with some sedimentary interbeds between layers. Unit thickness ranges from less than 50 ft to approximately 2,000 ft. Individual flows may be discontinuous and can vary in texture. Depositional environments range from subaerial, to some interaction with water, to submerged. Some units show gradations indicating they experienced multiple depositional environments. Most exposed basalt occur in the uplands. In the valleys, basin fill sedimentary rock and sediments bury the basalt units except at buttes.

Sub-basin sedimentary rock and sediments predominantly occur in the valleys as lacustrine, fluvial, and volcanoclastic basin fill that overlies the basalt. The thickness of the basin fill can range from a few feet to hundreds of feet. Some basalt dikes, sills, and flows are found within the basin fill.

The general sub-basin geologic structure includes numerous north-northwest trending and occasional east-west trending faults. Most of the faults vertically offset geologic units creating upland blocks (horsts) with steep escarpments along the fault. Down-dropped blocks (grabens) form valleys between the horsts.

## **Geologic History (compiled from Black, 2004)**

The oldest exposed rocks in the sub-basin are late Miocene (7.32 and 8.18 million year age dates) basalts found on Bryant Mountain and Gift Butte. They were deposited as thin horizontal sheets erupted over subdued topography. The units show interaction with water, and lacustrine sedimentary interbeds occur between some flows. These flows are assumed to underlie the entire sub-basin.

Master Basin and Range faulting commenced about 7 million years ago. This started erosion of fully emplaced basalt units creating low hills and broad valleys. Lacustrine mudstone and fluvial deltaic sandstone accumulated in the developing basins during a period of volcanic inactivity. The mudstone came from volcanic ash from nearby eruptive centers.

Volcanic activity in the sub-basin eventually resumed (5.4 million year maximum age date, 4.6 to 3.8 million year age for most samples), and non-master faults that produced buttes and other small uplands within the valleys commenced about 4.5 million years ago. Eruptions occurred along master graben-bounding faults and within the basins. Flows erupted onto the sediments, flowed into the basins and up against the basaltic highs, locally ponded, and/or interacted with water over large areas.

More recently during the Pleistocene, pluvial Lake Modoc purportedly inundated the sub-basin valleys in addition to the Upper Klamath Lake and Tule Lake valleys. The lake elevation apparently fluctuated rising to a maximum elevation of 4,240 ft. During this period, lacustrine deposition occurred within the lake, Miller Creek formed a gravel delta as it flowed into the lake, and other alluvial fans were deposited by other drainages. When Lake Modoc receded, it left behind Upper Klamath Lake, Tule Lake, Alkali Lake, and Swan Lake. Additionally, the Lost River was established. Subsequently, some sedimentary deposition has occurred. No evidence has been found for volcanism occurring in the sub-basin during the Pleistocene to the present.

### **Ground Water Occurrence**

Water well reports indicate ground water occurs in both basalt and basin fill sedimentary rocks and sediments. Despite the complex geology in the sub-basin, sufficient hydraulic connection exists between water bearing zones in predominantly basalt units to allow lumping them as undifferentiated basalt. Additionally, sufficient hydraulic connection exists between water bearing zones in predominantly basin fill sedimentary rock and sediment units to allow lumping them as undifferentiated sediments.

Ground water in basalt and the overlying basin fill is generally hydraulically interconnected, especially in Langell, Poe, and Yonna Valleys. Evidence includes similar ground water elevations and ground water level trends. In Swan Lake Valley and Pine Flat, ground water in the deeper portion of the basin fill has an efficient (direct) hydraulic connection to ground water in the basalt below. Ground water in the upper portion of the basin fill is either perched above deeper ground water or has a high vertical gradient to deeper ground water. Evidence includes anomalously high ground water elevations at a few wells surrounded by wells showing much lower ground water elevations and different ground water trends.

Data indicate four sub-areas exist in the eastern Lost River sub-basin: south Langell Valley, Lorella, Bonanza, and Swan Lake Valley to Poe Valley. In addition, nine compartments exist within the Lorella sub-area and three compartments exist in the Swan Lake Valley to Poe Valley sub-area adjoining the central portion of the sub-area. The compartment boundaries are poorly defined, but they likely correspond to buried geologic structures.

### **Ground Water Temperatures**

The temperature range of ground water in basalt and the basin fill is similar. The reported ground water temperatures for 157 wells completed in basalt range from 45 to 90°F. The reported ground water temperatures for 24 wells completed in sediments range from 45 to 80°F. The higher temperatures indicate the presence of water heated during deep circulation.

### **Hydraulic Properties of Basalt and Basin Fill**

Water well reports indicate the hydraulic properties of the basalt and basin fill generally differ. The reported yield of 199 wells completed in basalt range from 4 gal/min minimum to 5,500 gal/min maximum. The average and median yields are 1,470 and 1,500 gal/min respectively. The reported yield of 44 wells completed in basin fill sediments range from 2 gal/min minimum to 950 gal/min maximum. The average and median yields are 82 and 30 gal/min respectively.

Aquifer tests were conducted at various sub-basin locations to determine the hydraulic properties of basalt. The Oregon Water Resources Department, the U.S. Geological Survey, and CH2MHill consultants conducted the tests. The aquifer test data yielded a range of hydraulic property values. Transmissivity varies by sub-area and sub-area compartments, ranging from less than 50,000 ft<sup>2</sup>/d (375,000 gpd/ft) to over 100,000 ft<sup>2</sup>/d (750,000 gpd/ft). Storage coefficient values are generally less than 10<sup>-3</sup> with most close to 10<sup>-4</sup>. Many of the tests showed the influence of no-flow boundaries and/or responses from recharge boundaries, leaky confining layers, or delayed yield.

### **Ground Water Flow**

Ground water in basalt generally flows toward the valleys from the surrounding uplands and then flows down valley toward or parallel to the Lost River. Recharge appears to occur locally in both the uplands and valleys. Most discharge occurs at fault-related valley springs within or near the Lost River. Limited discharge occurs through the basin fill and stratigraphically controlled springs above the valley floors. The occasional hot springs present are fault controlled with water absorbing heat during deep circulation along faults.



The geologic influence upon horizontal ground water flow in basalt varies. As previously noted, data indicate four sub-areas exist in the eastern Lost River sub-basin: south Langell Valley, Lorella, Bonanza, and Swan Lake Valley to Poe Valley, and compartments exist within the Lorella sub-area and the Swan Lake Valley to Poe Valley sub-area. Water level data show relatively small horizontal hydraulic gradients (change in ground water elevation for a given horizontal distance) exist in most sub-area valleys. This indicates low resistance to flow within a given sub-area valley, even in areas with numerous geologic structures and geologic units that are discontinuous or changing in character. Structures in these areas are transparent to flow rather than impede flow. Steeper gradients exist at valley margins, neighboring uplands, and between sub-areas, sub-area compartments, and neighboring sub-basins. The larger gradients in these areas indicate higher resistance to flow by the geologic structures and units.

The vertical ground water gradient within the sediments, between the sediments and basalt, and within basalt range from downward to upward depending upon location relative to recharge or discharge areas.

Sets of relatively concurrent surface water flow measurements (seepage run data) confirm the ground water in basalt is hydraulically connected to the Lost River. Free flowing springs occur within and adjacent to the river at Bonanza and western Poe Valley. They respectively discharged about 60 and 20 ft<sup>3</sup>/s to the river in December 1997. Other springs located away from the river discharge to the river via ditches and/or overland flow. Elsewhere, discharge from the basalt to the river occurs as diffuse, low flow, seepage through the overlying basin fill.

### **Influences Upon Ground Water Elevations**

Climate influences the elevation of ground water in basalt. The annual ground water elevation trend generally declines during years of below average precipitation and rises during years of above average precipitation. Additionally, barometric pressure changes (expressed as feet of water) inversely changes the ground water elevation at some wells with 30 to 50 percent efficiency.

Investigation data also revealed earth tides can influence ground water in basalt causing the ground water elevation to fluctuate, generally less than 0.1 ft.

Canal leakage occurs within the sub-basin. It notably influences ground water in basalt in the Lorella sub-area in mid Langell Valley. The elevations rise when the canals flow and decline when canals are empty. In most areas, however, a canal influence upon ground water in basalt is not apparent in the water level data. This is because aquifer properties help dissipate the canal influence, and climate and ground water use masks the canal influence.

Lost River stage can influence the elevation of ground water in basalt. However, the influence appears limited.

Ground water use clearly influences ground water in both the basalt and sediments. Most ground water elevations decline during major ground water use periods (the irrigation season) and recover during periods of reduced or no use.

Limited data indicate ground water near land surface in basin fill responds to irrigation, precipitation, and snowmelt events. These events appear as short-term spikes on water level hydrographs. The influence of these short-term events upon ground water deeper in the basin fill is dampened and lost with depth.

### **Ground Water Response to Development**

Ground water use in the sub-basin has increased over the decades. The ADR permit condition D requires the Oregon water Resources Department to determine whether "excessively declining ground water levels" have occurred due to well use. The definition exists in Oregon Administrative Rule OAR 690-08-001 (6).

Water level measurements at nine state observation wells (generally from the 1960s through the 1990s) indicate ground water levels in the sub-basin decline and recover seasonally and over multiple years. The seasonal fluctuations correspond to the seasonality of ground water recharge and ground water use. The fluctuation over multiple years corresponds to long-term precipitation trend variations.

At eight of the nine sites, water levels during the late 1990s are similar to the initial levels. Over a 40-year period, a possible decline of 1 to 2 ft occurred in south Swan Lake Valley, Yonna Valley, and south Langell Valley, and a possible 3 ft decline may have occurred near Lorella. These declines are not considered "excessive" as defined by OAR 690-08-001 (6).

At the ninth site located in southeast Poe Valley, a 20 ft total decline occurred as two 10 ft steps, first in the 1960s and subsequently in the 1990s. The decline resulted from local aquifer properties and compartmentalization amplifying ground water use impacts during droughts. The decline is notable, a concern, and deserves continued monitoring. However, it is geographically limited and not considered "excessive" as defined by OAR 690-08-001 (6).

Under the rule, an "excessive" decline includes water quality deterioration as a result of "ongoing lowering" of the ground water level. Periodic ground water quality deterioration has occurred in the vicinity of Bonanza Big Springs as a result of drought, seasonal ground water use, and management of the Lost River. This situation is not considered an "excessive" decline under OAR 690-08-001 (6) since the deterioration is not related to an "ongoing lowering" of ground water levels.

## **Ground Water Drawdown Calculations**

To address ADR permit condition A, this investigation calculated the potential drawdown of ground water in basalt at the Lost River, Bonanza Big Springs, and other springs due to pumping ground water as allowed by the ADR permits. River and spring sites selected for the drawdown calculations were limited to sites within the same sub-area or compartment as the pumping well.

The interference affect on the Lost River and springs due to pumping ground water from basalt is directly proportional to the ground water drawdown in basalt at the river and springs. Larger drawdowns cause larger affects at the river and spring. The rate of ground water discharge to a river via springs and seepage decreases as the ground water level above river stage falls. Discharge ceases when the ground water level equals river stage. Then, the rate of reverse flow (river water loss to ground water) increases as the ground water level falls below river stage.

Drawdown from a pumping well at any location is dependent upon the pumping rate, aquifer transmissivity and storage coefficient, distance from the pumping well, and elapsed pumping time. Higher pumping rates, smaller transmissivity, and storage coefficient, shorter distance from the pumping well, and longer elapsed time lead to larger drawdown estimates. Conversely, smaller pumping rates, larger transmissivity and storage coefficient, greater distance from the pumping well, and shorter elapsed time lead to smaller drawdown estimates.

For each ADR permit, a drawdown was calculated at the closest Lost River site in the same sub-area or compartment as the ADR permit well, a different site for each permit. These individual drawdowns represent the maximum ground water drawdown pumping a given well will cause at the river.

Again for each ADR permit, a drawdown was calculated at one of three springs if present in the same sub-area or compartment as the ADR permit well. The springs are Bonanza Big Springs in the Bonanza sub-area, Kilgore Spring in the south Langell Valley sub-area, and High spring in the central portion of the Swan Lake Valley to Poe Valley sub-area. The ADR permit conditions address Bonanza Big Springs only. In addition to these individual drawdowns, the principle of superposition allowed calculating a cumulative drawdown at the spring sites, all the calculated drawdowns at a spring added together.

The drawdown calculations included using continuous pumping at the maximum rates allowed by the ground water permits and pumping at pro-rated rates. Given the permits specify a maximum pumping rate allowed, it was necessary to calculate ground water drawdowns using that rate. However, irrigators rarely use the maximum pumping rate for the entire period of use for a variety of reasons. Therefore, it was necessary to calculate ground water drawdowns using pro-rated pumping rates. The pro-rated pumping rates were obtained by dividing the total volume of water allowed by the total period of use allowed.

The calculated cumulative ground water drawdown in basalt at Kilgore Spring in the south Langell Valley sub-area for 30 and 184 days of continuous pumping at the maximum permitted rate ranged from nearly 3.00 ft to more than 3.50 ft respectively. The total drawdown for 30 and 184 days of pro-rated pumping ranged from nearly 1.75 ft to more than 2.00 ft respectively.

The calculated cumulative ground water drawdown in basalt at Bonanza Big Springs in the Bonanza sub-area for 30 and 184 days of continuous pumping at the maximum permitted rate ranged from more than 5.40 ft to nearly 7.25 ft respectively. The total drawdown for 30 and 184 days of pro-rated pumping ranged from nearly 3.10 ft to more than 4.10 ft respectively.

The calculated cumulative ground water drawdown in basalt at High spring in the central (main) portion of the Swan Lake Valley to Poe Valley sub-area for 30 and 184 days of continuous pumping at the maximum rate permitted ranged from nearly 3.00 ft to less than 5.00 ft respectively. The total drawdown for 30 and 184 days of pro-rated pumping ranged from over 1.50 ft to over 2.50 ft respectively.

All the calculation results by ADR permit and sub-area can be found in tables in the full report. Each calculation conducted can be found in the report appendices.

## **Conclusions**

1. Ground water occurs in both basalt and basin fill in the eastern Lost River sub-basin. However, wells with higher yields are generally located within the valleys and produce from basalt. Therefore, this investigation focused primarily upon the various influences affecting the behavior of ground water in basalt including pumping and climatic events.
2. No "excessively declining ground water levels", as defined in Oregon Administrative Rule OAR 690-08-001 (6), occurred before, or subsequent to, issuance of the ADR permits.
3. Long-term water level trends in basalt generally correlate with climatic trends. An exception is a step-wise decline in southeast Poe Valley.



4. Short-term ground water level fluctuations in basalt (annual decline and recovery) correspond to annual pumping and precipitation patterns.
5. The study area can be divided into four sub-areas based primarily on the behavior of ground water in basalt and in part on geology. At different locations within each sub-area, the ground water response to natural and anthropogenic stress is similar. Some sub-areas can be further divided into compartments based on the behavior of ground water affected by geologic structure.
6. Water level data from 1999 through 2002 indicate the impacts of summer ground water pumping from basalt did not propagate beyond sub-area or compartment boundaries during those years. This does not imply the sub-areas and compartments are hydraulically isolated or that any long-term effects, such as year-to-year declines, from future ground water uses will not propagate to neighboring areas in the long-term.
7. Ground water in basalt is hydraulically connected to the Lost River via springs and diffuse seepage through overlying basin fill.
8. Investigation data indicate springs showing an acute response to seasonal ground water pumping from basalt were located in the same sub-area or compartment as the seasonal ground water use. For example, Bonanza Big Springs responded to summer ground water use in the Bonanza sub-area only. This does not imply that long-term effects from any future ground water uses will not propagate in the long-term to affect springs in neighboring sub-areas or compartments.
9. The effect of pumping ground water from basalt upon surface water is proportional to the amount of ground water drawdown caused by the pumping and the efficiency of the interconnection between the ground water in basalt and surface water.
10. The most efficient interconnection between ground water in sub-basin basalt and the Lost River occurs at fault controlled valley floor springs where basalt is at or near land surface. The greatest ground water discharge from basalt to the Lost River occurs at Bonanza Big Springs and west Poe Valley springs located in or adjacent to the river. Additional discharge occurs at south Langell Valley springs located away from the river.
11. The least efficient interconnection between ground water in sub-basin basalt and the Lost River is through basin fill that overlies the basalt. Ground water discharge to the river occurs as diffuse, low flow, seepage.

12. High basalt transmissivities exist in the Bonanza and south Langell Valley sub-areas and the central portion of the Swan Lake Valley to Poe Valley sub-area. These transmissivities facilitate smaller, but very rapid ground water level responses at springs and other locations within the same sub-area or compartment where pumping ground water from basalt occurs. Even though the water level response at a spring is small, the impact upon spring discharge is large given the higher transmissivities and direct connection between the basalt and springs. Most of the ADR permit wells are located in these areas, especially the Bonanza sub-area.
13. Low basalt transmissivities and compartmentalization generally exist in the Lorella sub-area and in south and eastern Poe Valley. These facilitate greater ground water level drawdown when a well pumps from basalt in these areas. Despite the greater water level response, the short-term impact upon surface water is small in these areas. This is due to the lower transmissivities, compartmentalization, and/or thicker basin fill making the interconnection between the basalt and surface water inefficient. Fewer of the ADR permits are located in these areas.
14. From 1997 through 2002, the ground water level in the basalt at Bonanza Big Springs nearly met the river stage in the summer of 1997 and 2000, and dropped below the river stage in the summer of 2001 and 2002.
15. Under current management of the Lost River, the calculated total ground water drawdown in basalt by pro-rated pumping of the Bonanza sub-area ADR permit wells is sufficient to terminate Bonanza Big Springs flow (lower the ground water level to or below river stage) in most years.
16. Fewer ADR ground water permit wells are located in the central portion of the Swan Lake Valley to Poe Valley sub-area where a direct connection with High spring exists, and the south Langell Valley sub-area where a direct connection with Kilgore Spring exists. In 2001, both springs stopped flowing due the lowering of ground water levels in the basalt caused by drought and increased pumping.



Exhibit C: Permitted supplemental and primary irrigation water use related to 32 applications received from 1991 to 1993 and issued ADR permits in 1996 to appropriate ground water in the Langell, Yonna, and Poe Valleys

Application Number	Permit Number	Applicant Last Name	Priority Date	Water Well Driller's Report	Well Location T / R - sec abc	Annual Use (days)	Rate (feet <sup>3</sup> /sec)	Rate (gallons/min)	Duty (feet/acre)	Area Primary (acres)	Area Supplemental (acres)	Area Total (acres)	Primary Volume (acre-feet)	Supplemental Volume (acre-feet)	Total Volume (acre-feet)
<b>Bonanza Sub-Area</b>															
13013	12435	Jeld-Wen	29-Jun-1992	KLAM 10181	T37S/R11.5E-sec 25 baa	184	0.3900	175.04	2.50	31.00	0.00	31.00	77.50	0.00	77.50
13013	12435	Jeld-Wen	29-Jun-1992	KLAM 2373	T37S/R11.5E-sec 25 bda	184	0.4000	179.53	2.50	31.60	0.00	31.60	79.00	0.00	79.00
12618	12441	Haskins	22-Jul-1991	KLAM 12415	T38S/R11.5E-sec 24 cdc	184	6.4390	2,890.02	2.50	17.80	497.30	515.10	44.50	1,243.25	1,287.75
12618	12441	Haskins	same	no report	T38S/R11E-sec 19	same	same	same	same	same	same	same	same	same	same
12769	13178	Ritter	15-Aug-1994	KLAM 12261	T38S/R11E-sec 05 cdd	214	1.4810	664.72	2.50	172.10	26.40	198.50	430.25	66.00	496.25
12769	13178	Ritter	03-Feb-1992	no report	T38S/R11E-sec 08	same	same	same	same	same	same	same	same	same	same
12897	12456	Gorden	30-Apr-1992	KLAM 13458	T39S/R11.5E-sec 01 bba	184	3.6400	1,633.74	2.50	106.30	184.60	290.90	265.75	461.50	727.25
12897	12456	Gorden	same	no report	T38S/R11.5E-35	same	same	same	same	same	same	same	same	same	same
12617	12440	Newman	22-Jul-1991	KLAM 13462	T39S/R11.5E-sec 02 dcc	184	3.6560	1,640.93	2.50	525.30	0.00	525.30	1,313.25	0.00	1,313.25
12617	12440	Uecker	same	no report	T39S/R11.5E-sec 10	same	same	same	same	same	same	same	same	same	same
12746	12445	Horsley	31-Dec-1991	KLAM 13326	T39S/R11E-sec 02 dca	184	4.1600	1,867.14	2.50	139.00	193.20	332.20	347.50	483.00	830.50
12746	12445	Horsley	same	KLAM 10440	T39S/R11E-sec 11bdd	same	same	same	same	same	same	same	same	same	same
12735	12444	Teague	19-Dec-1991	KLAM 10352	T39S/R11E-sec 03 bdb	184	1.9470	873.87	2.50	35.30	120.80	156.10	88.25	302.00	390.25
12735	12444	Teague	same	KLAM 10357	T39S/R11E-sec 03 bdc	same	same	same	same	same	same	same	same	same	same
12876	12453	Masten	15-Apr-1992	KLAM 10461	T39S/R11E-sec 03 dac	184	3.3100	1,485.63	2.50	0.00	265.10	265.10	0.00	662.75	662.75
12955	12457	Brock	04-Jun-1992	KLAM 10421	T39S/R11E-sec 04 adb	184	4.4600	2,001.79	2.50	91.50	316.20	407.70	228.75	790.50	1,019.25
12877	12454	Masten	15-Apr-1992	KLAM 10475	T39S/R11E-sec 08 bad	184	7.0300	3,155.28	2.50	188.80	373.50	562.30	472.00	933.75	1,405.75
12877	12454	Masten	same	KLAM 10460	T39S/R11E-sec 09 bab	same	same	same	same	same	same	same	same	same	same
12518	12469	Wells	06-May-1991	KLAM 10242	T39S/R11E-sec 10 abc	184	0.5000	224.42	2.50	40.10	0.00	40.10	100.25	0.00	100.25
12814	12449	Manning	09-Mar-1992	KLAM 10416	T39S/R11E-sec 10 adc	184	1.4860	666.96	2.50	118.90	0.00	118.90	297.25	0.00	297.25
12766	12446	Hill	24-Jan-1992	no report	T39S/R11E-sec 11	184	1.2000	538.60	2.50	96.00	0.00	96.00	240.00	0.00	240.00
12507	12439	Babson	26-Apr-1991	KLAM 13403	T39S/R11E-sec 13 cba	184	2.8660	1,286.35	2.50	229.30	0.00	229.30	573.25	0.00	573.25
12732	12443	Wiersma	12-Dec-1991	KLAM 10378	T39S/R11E-sec 15 bad	184	4.3800	1,965.88	2.50	350.40	0.00	350.40	876.00	0.00	876.00
12768	12447	DeJong	03-Feb-1992	KLAM 10431	T39S/R11E-sec 16 dac	184	7.9600	3,572.69	2.50	93.70	543.20	636.90	234.25	1,358.00	1,592.25
12768	12447	DeJong	same	KLAM 10432	T39S/R11E-sec 17 dca	same	same	same	same	same	same	same	same	same	same
12874	12452	Masten	14-Apr-1992	KLAM 10498	T39S/R11E-sec 18 cdb	184	4.0100	1,799.81	2.50	68.30	180.40	248.70	170.75	451.00	621.75
12869	12451	Babson	10-Apr-1992	KLAM 51920	T39S/R12E-sec 19 aca	184	5.5000	2,468.57	2.50	116.10	324.20	440.30	290.25	810.50	1,100.75



Exhibit C: Permitted supplemental and primary irrigation water use related to 32 applications received from 1991 to 1993 and issued ADR permits in 1996 to appropriate ground water in the Langell, Yonna, and Poe Valleys

Application Number	Permit Number	Applicant Last Name	Priority Date	Water Well Driller's Report	Well Location T / R - sec abc	Annual Use (days)	Rate (feet <sup>3</sup> /sec)	Rate (gallons/min)	Duty (feet/acre)	Area Primary (acres)	Area Supplemental (acres)	Area Total (acres)	Primary Volume (acre-feet)	Supplemental Volume (acre-feet)	Total Volume (acre-feet)	
<b>Swan Lake Valley to Poe Valley Sub-Area</b>																
12644	12442	Kennedy	23-Aug-1991	KLAM 10252	T39S/R11.5E-sec 25 caa	184	18.5400	8,321.33	2.50	0.00	1,483.00	1,483.00	0.00	3,707.50	3,707.50	
12644	12442	Kennedy	same	KLAM 10292	T39S/R11.5E-sec 26 dba	same	same	same	same	same	same	same	same	same	same	
13019	12460	Wells	06-Jul-1992	KLAM 50623	T40S/R11E-sec 03 cda	184	3.4000	1,526.03	2.50	0.00	272.20	272.20	0.00	680.50	680.50	
13019	12460	Wells	same	not drilled		same	same	same	same	same	same	same	same	same	same	
<b>Lorella Sub-Area</b>																
12493	12624	Randall	22-Apr-1991	KLAM 13556	T39S/R12E-sec 26 aca	184	3.1300	1,404.84	2.50	5.50	244.50	250.00	13.75	611.25	625.00	
13387	12465	DeJong	03-May-1993	KLAM 10526	T39S/R12E-sec 27 bdc	184	4.1740	1,873.42	2.50	57.90	276.00	333.90	144.75	690.00	834.75	
13101	12461	Barrett	31-Aug-1992	KLAM 10634	T39S/R12E-sec 34 cac	184	4.8940	2,196.58	2.50	106.50	285.00	391.50	266.25	712.50	978.75	
13101	12461	Barrett	same	KLAM 10608	T39S/R12E-sec 34 cad	same	same	same	same	same	same	same	same	same	same	
12772	12448	Gibson	05-Feb-1992	KLAM 10699	T40S/R13E-sec 05 dbd	184	3.1800	1,427.28	2.50	94.40	153.40	247.80	236.00	383.50	619.50	
13198	12497	Gallup	25-Nov-1992	KLAM 14864	T40S/R13E-sec 09 bda	184	0.9030	405.29	2.50	72.20	0.00	72.20	180.50	0.00	180.50	
<b>South Langell Valley Sub-Area</b>																
12885	12455	Biaggi	20-Apr-1992	KLAM 14873	T40S/R13E-sec 26 aba	184	0.7580	340.21	2.50	62.60	165.00	227.60	156.50	412.50	569.00	
13011	12459	Hammerich	29-Jun-1992	KLAM 10641	T40S/R13E-sec 35 aaa	184	13.6150	6,110.83	2.50	108.00	981.20	1,089.20	270.00	2,453.00	2,723.00	
13011	12459	Hammerich	same	KLAM 10495	T40S/R13E-sec 35 daa	same	same	same	same	same	same	same	same	same	same	
13011	12459	Hammerich	same	KLAM 10764	T41S/R13E-sec 01 add	same	same	same	same	same	same	same	same	same	same	
12901	13743	Smith	04-May-1992	KLAM 10458	T40S/R14E-sec 16 bcb	184	2.0000	897.66	2.50	0.00	170.70	170.70	0.00	426.75	426.75	
13514	13775	Randall	13-Sep-1993	KLAM 10473	T40S/R14E-sec 32 caa	184	1.0950	491.47	4.56	87.60	0.00	87.60	399.46	0.00	399.46	
13184	12463	Balin	13-Nov-1992	KLAM 10748	T41S/R13E-sec 12 caa	184	7.1610	3,214.08	2.50	476.00	96.90	572.90	1,190.00	242.25	1,432.25	
13106	12462	Grohs	08-Sep-1992	KLAM 10575	T41S/R13E-sec 13 dac	184	4.4600	2,001.79	2.50	0.00	408.40	408.40	0.00	1,021.00	1,021.00	
12972	12458	Balin	05-Jun-1992	KLAM 10642	T41S/R14E-sec 18 bdc	184	3.5000	1,570.91	2.50	77.80	229.30	307.10	194.50	573.25	767.75	
<b>Totals</b>							<b>135.63</b>	<b>60,872.70</b>		<b>3,600.00</b>	<b>7,790.50</b>	<b>11,390.50</b>	<b>9,180.46</b>	<b>19,476.25</b>	<b>28,656.71</b>	
<b>Primary Use</b>							<b>42.86</b>	<b>(feet<sup>3</sup>/sec)</b>								
<b>Supplemental Use</b>							<b>92.76</b>	<b>(feet<sup>3</sup>/sec)</b>								
<b>Primary Use</b>							<b>85.02</b>	<b>(acre-feet/day)</b>								
<b>Supplemental Use</b>							<b>183.99</b>	<b>(acre-feet/day)</b>								

a report of water usage  
on my permit was mailed  
to you 12/1/03 -

this report will be a  
duplicate of that report

*Don Dandy*

**RECEIVED**

JAN 02 2004

WATER RESOURCES DEPT  
SALEM OREGON

May 3, 2002

MEMO TO FILE

From: Barry Norris

Re: ODFW & USBR Consultation on Bonanza Area GW Permits

A number of "five-year" ground water permits issued in the Klamath Basin in the vicinity of Bonanza were issued with a condition that requires consultation with the Bureau of Reclamation (USBR) and Oregon Department of Fish and Wildlife (ODFW) in making a determination about significantly diminished flow in the Bonanza Big Spring or river stage. This consultation must be completed before the five year permits may be certificated.

A consultation with ODFW and USBR was made by conference call on the afternoon of April 30, 2002. In Salem, Reed Marbut, Dwight French, and Barry Norris participated. Jim Bryant, USBR, and Roger Smith, ODFW participated by telephone. Prior to the consultation Smith and Bryant were sent via FAX copies of the conditions that are proposed for inclusion in the extensions that are under consideration of the five year permits. Reed Marbut explained to Smith and Bryant that Department staff believe there will be no significant diminishment of flow in the spring or river if the conditions are included in the extensions and certificates when they are issued. There was considerable discussion about the conditions and the intent of the Department in proceeding with the declaration of a critical ground water area.

After a thorough discussion all parties agreed that the proposed conditions would satisfy the concern over significant diminishment and that the Department should move ahead as proposed.

# 2002

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

APP-G1274G  
 USER-ID: 12445-17818

# 2003



37290

Facility POD-ID	Meter Reading		static water level		
October - 2002	553 291	-	26'		
November - 2002	553 291	-	26'		
December - 2002	553 291	-	26'		
January - 2003	553 291	-	26'		
February - 2003	553 291	-	26'		
March - 2003	553 291	-	26'		
April - 2003	553 291	-	26'		
May - 2003	553 865	574	26'		
June - 2003	594 095	40,220	26'		
July - 2003	615 234	21,149	26'		
August - 2003	646 028	30,794	26'		
September - 2003	658 680	total 12,652	26'		
TOTAL * Dec 2003	261 349	follow 109,059,000			

RECEIVED

JAN 02 2004

WATER RESOURCES DEPT  
 SALEM, OREGON

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

Describe method of measuring the water used: meter. If use is irrigation, total number acres irrigated 80

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

Donald J. Horsley owner  
 Signature Title

Reporting Entity \_\_\_\_\_ Date 12/1/03

Dorr Horsley  
 Name - Please Print

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





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

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



DONALD J            HORSLEY  
  
PO BOX 8  
BONANZA            OR    97623

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

User-ID            17818  
Password:        17818

37290

0 G 12445 G 12746 12/31/1991 IC L 39 S 11 E 2 SESW 4.15 C A WELL 2 LOST R

USER-ID            17818

RECEIVED

P.G. 12445

KLAM  
10440

DEC 02 2003

POD ID 37290

WATER RESOURCES DEPT  
SALEM, OREGON

12/0/03

Water Resources Dept.  
725 Summer St NE Suite A  
Salem OR - 97301 - 1271  
ATTN: R. Craig Kobanick

Well report Permit # G12445 issued to  
Donald + Helen Horsley  
Static water levels.

4/15/03 - 26'	5/15/03 - 22' ✓
5/15/03 26'	9/15/03 26'
6/15/03 26'	10/15/03 26'
7/15/03 26'	11/15/03 26'

Static water levels taken by tape measure - by  
Don Horsley

Well water readings in gallons

4/15/03 - 553,291,000	9/15/03 646,029,000
5/15/03 553,865,000	9/15/03 658,690,000
6/15/03 594,085,000	10/15/03 661,349,000
7/15/03 615,234,000	11/15/03 661,349,000

Total water usage 2003 - 108,099,000 gallons.  
In irrigation season -

Don Horsley



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**PLEASE NOTE OUR NEW ADDRESS AS SHOWN ABOVE**

November 25, 2003

DONALD AND HELEN HORSLEY  
PO BOX 8  
BONANZA OR 97623

Application G-12746, Permit G12445

Dear Permit Holder,

You are receiving this letter because Oregon Water Resources Department records indicate that you are the holder of a water right permit that contains several special conditions. The special conditions are included with this letter, along with contact information that I hope will be useful to you. This letter is intended to provide you with an update on the status of your permit with regard to its special conditions.

**The status of your permit with regard to its special conditions is as follows:**

You have filed an extension of time for your permit because the study was not completed within the development deadline (October 1, 2000) noted in your permit. Your extension application is awaiting action by the Department. After the report is final, the Department will take action on your extension request by issuing a proposed final order. Issuance of the proposed final order will be followed by a 45-day protest period.

In 1996, the Department began a study of the ground water resources of your area to aid the Director in determining whether your permit should receive a certificate or be canceled. The study is nearing completion. As required by the conditions of the study, a peer review is underway. After the peer review comments are received and considered, the Department intends to finalize the study with a report by January, 2004.

If you have questions regarding the ground water study, please contact Jerry Grondin. For questions regarding your extension of time, please contact Lisa Juul. Please feel free to contact me with any other questions you may have.

Sincerely,

Dwight French  
Water Rights Section Manager

cc: Application Number G12746  
Del Sparks, Watermaster District 17



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

### SPECIAL PERMIT CONDITIONS:

“The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.”

### CONTACT LIST FOR BONANZA AREA PERMIT HOLDERS:

<u>contact and e-mail</u>	<u>phone</u>	<u>fax</u>
Jerry Grondin Gerald.H.Grondin@wrd.state.or.us	503-986-0848	503-986-0902
Lisa Juul Lisa.J.Juul@wrd.state.or.us	503-986-0808	503-986-0901
Dwight French Dwight.W.French@wrd.state.or.us	503-986-0847	503-986-0901

November 25, 2003



App G-12746 / Permit G-12445

- X. Has a meter or other suitable measuring device, as approved by the Director, been installed yet?
- X. Your permit required a static water level measurement to be made and submitted to the Department before any water use commenced from the well(s).
- X. Once water use began, your permit required you to obtain a static water level measurement for each well during March and October of each year and report the measurements to the Department. The static water level report for the well(s) is to be submitted by April 15 and November 15, respectively, of each year.
- X. You must submit an annual report of the amount of water used each month since water use began under this permit. The annual report is to be submitted to the Department by April 15 of each year.
- X. You must submit a plan to the Department indicating potential economical sources for an alternative long-term water supply.


OK  
11-24-03

File # G-12746

Water Resources Department

MEMO

April 23, 2003

TO Lisa Juul  
FROM Fred   
SUBJECT Horsely Extension Request

Attached is a listing of the static water level measurement record submitted by Horsely. It is complete through this year.

We do not have a record of a pump test, however.

### Permit Condition Water Level Input

Logid	Date	Time	MP Hght	Reported WL BLS	Reported Method	Status	Measured By	Source Org	SourceOWRD
KLAM	10440	04/26/1992	+1	25.00	ETAPE	STATIC	DRILLER	DRILLER	WELL LOG
KLAM	10440	04/15/1998	+1	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	10/15/1998	+1	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	10/10/1999	+1	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	03/15/2000	+1	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	10/15/2000	+3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	04/15/2001	+3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	05/15/2001	+3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	06/15/2001	+3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	07.15.2001	+3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	08.15.2001	+3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	09.15.2001	+3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	10.15.2001	+3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI
KLAM	10440	03.13.2003	3	26.00	ETAPE	STATIC	DONALD HORSLEY	OWNER	PERMIT CONI

APP - 12740 (permit 9-12445) 17818  
 USER-ID 12445

# 2001

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

# 2002



37290

Facility POD-ID	Water Usage Meter Readings	Static Water Levels			
October - 2001	478,516,000	26'	1,381,000		
November - 2001	479,897,000	26'	—		
December - 2001	479,897,000	26'	—		
January - 2002	479,897,000	26'	—		
February - 2002	479,897,000		—		
March - 2002	479,897,000		—		
April - 2002	479,897,000	26'	—		
May - 2002	499,158,000	26'	19,291,000	) ml	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>             OCT 22 2002             WATER RESOURCES DEPT            SALEM, OREGON         </div>
June - 2002	507,818,000	26'	8,630,000		
July - 2002	517,811,000	26'	9,993,000		
August - 2002	535,298,000	26'	19,487,000		
September - 2002	583,291,000	26'	17,993,000		
TOTAL *	74,755,000	26'			

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

Describe method of measuring the water used: Meters. If use is irrigation, total number acres irrigated \_\_\_\_\_

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

[Signature]                      owner                      \_\_\_\_\_                      10/21/02  
 Signature                      Title                      Reporting Entity                      Date

\_\_\_\_\_  
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 158 12<sup>th</sup> Street NE; Salem, OR 97310-0210





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



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Grainey

DONALD J

HORSLEY

USER-ID

17818

PO BOX 8

BONANZA

OR

97623

POD-ID FACILITY

CERT PERMIT APPL PRIORITY USE L/S

TWP

RANGE

SEC Q/Q

RATE

SOURCE

TRIBUTARY TO

37290

0 G 12445 G 12746 12/31/1991 IC L

39 S

11 E

2 SESW

4.16 C A WELL 2

LOST R

USER-ID

17818

Appl # G-12746 / Permit # G-12445

5-21-02  
L. Juul

YEAR 2001 - Water Use (98,262,000 gallons)

$$98,262,000 \text{ (}\div\text{) } 183 \text{ days} = 536,950.\overset{8}{\text{}} \text{ gpd}$$

$$536,950.\overset{8}{\text{}} \text{ gpd (}\div\text{) } 24 \text{ hrs} = 22,373.\overset{0}{\text{}} \text{ gph}$$

$$22,373.\overset{0}{\text{}} \text{ gph (}\div\text{) } 60 \text{ min} = 372.\overset{9}{\text{}} \text{ gpm}$$

$$372.\overset{9}{\text{}} \text{ gpm (}\div\text{) } 448.\overset{83}{\text{}} = \boxed{0.\overset{83}{\text{}} \text{ cfs}}$$

Water Used  
in 2001

YEAR 2000 - Water Use (90,504,329 gal)

$$90,504,329 \text{ (}\div\text{) } 152^* \text{ days} = 595,423.\overset{2}{\text{}}$$

$$595,423.\overset{2}{\text{}} \text{ (}\div\text{) } 24 \text{ hrs} = 24,809.\overset{3}{\text{}} \text{ gph}$$

$$24,809.\overset{3}{\text{}} \text{ gph (}\div\text{) } 60 \text{ min} = 413.\overset{5}{\text{}} \text{ gpm}$$

$$413.\overset{5}{\text{}} \text{ gpm (}\div\text{) } 448.\overset{83}{\text{}} = \boxed{0.\overset{92}{\text{}} \text{ cfs}}$$

Used in  
2000

~~Water Used~~  
\* Water Used  
Apr. 18 - Sept 15

Appl # G-12746 / Permit # G-12445

5-21-02  
L. Judd

YEAR 1999 - Water Use (123,069,000 gallons)

$$123,069,000 \div 183 \text{ days} = 672,508.2 \text{ gpd}$$

$$672,508.2 \div 24 \text{ hrs} = 28,021.2 \text{ gph}$$

$$28,021.2 \div 60 \text{ min} = 467.0 \text{ gpm}$$

$$467.0 \div 448.83 = 1.04 \text{ cfs}$$

Max Use  
so far...

Water Used  
in 1999

1.04 cfs

---

YEAR 1998 = 91,254,000 gal = 0.772 cfs  
@ 183 days of use

---

YEAR 1997 = 36,586,000 gal. = 0.31 cfs  
@ 183 days of use

---

YEAR 1996 = 38,838,000 gal = 0.328 cfs  
@ 183 days of use



Donald J. Horsley  
P.O. Box 8  
Bonanza, OR 97623-0008



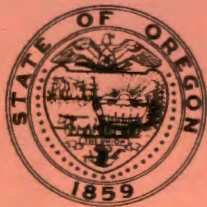
A G-12746

~~P G-12222 - cancelled~~

P G-12445

Water Rights Section  
Oregon Water Resources Dept.  
125 N.E. Summer St. Suite A  
Salem, Or. 97301-1271





# 2000

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

G12746

Permit # 17818  
USER-ID 12445

# 2001



Facility <input type="checkbox"/>	POD-ID <input type="checkbox"/>				
	State Water	37290			
October - 2000	Develo -				
November - 2000					
December - 2000					
January - 2001					
February - 2001					
March - 2001					
April - 2001	26'	380,254,000			
May - 2001	26'	425,467,000	45213000		
June - 2001	26'	445,695,000	20228000		
July - 2001	26'	452,329,000	10634000		
August - 2001	26'	427,935,000	11606000		
September - 2001	26'	477,069,000	9134000		
TOTAL * <sup>Oct</sup> 10/15/01	26	478,516,000	1,1443,000		

water use measured in  
gallons  
total gallons used 98,293,000

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MAR 11 2002  
WATER RESOURCES DEPT.  
SALEM, OREGON

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

Describe method of measuring the water used: meters. If use is irrigation, total number acres irrigated 100

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

[Signature]  
Signature

Owner  
Title

Reporting Entity

3/7/02  
Date

*Amplified*



# Water Use Reporting Database

DONALD J HORSLEY,

PO BOX 8  
BONANZA, OR 97623

**Jump to:**

- [home](#)
- [commission](#)
- [water law](#)
- [water rights](#)
- [surface water](#)
- [ground water](#)
- [maps](#)
- [programs](#)
- [publications](#)
- [links](#)
- [staff](#)
- [file pickup](#)
- [intranet](#)
  
- [about](#)
- [search](#)
- [oregon online](#)
- [comments](#)


Pod Id	Permit	Cert	Priority	Twnshp	Range	Sctn	Use	Rate	P/A/S	Source	Tributary To
37290	G 12445	0	12/31/1991	39S	11E	2	IC	4.16 C	A	WELL 2	LOST R

Water Year	Use	Units	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1996	IR	G	0	0	0	0	0	0	6473000	6473000	6473000	6473000	6473000	6473000
1997	IR	G	0	0	0	0	0	0	6097000	6098000	6098000	6098000	6098000	6097000
1998	IC	G	0	0	0	0	0	0	41421000	19906000	9639000	9634000	8300000	2354000
1999	IC	G	0	0	0	0	0	0	20511500	20511500	20511500	20511500	20511500	20511500
2000	IC	G	0	0	0	0	0	0	16395697	27625355	16892832	17468818	12121627	0
2001	IC	G	0	0	0	0	0	0	45213000	20228000	10634000	11606000	9134000	1447000

*Paul R. Cleary, Director*

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

# MEMORANDUM

**Date:** January 11, 2002  
**To:** Jerry Grondin, Ground Water Hydrology Section  
**From:** Lisa Juul, Permit Extensions   
**Subject:** SWL Measurement Data  
**CC:** Application #G-12746 / Permit #G-12445

---

The attached pump static water level measurement data was submitted as part of a response to the certified letter I recently sent out concerning ground water permit extensions in the Bonanza GW study area.

The attached information provides SWL data that was not represented on the Ground Water Level Data Report you provided me in mid-November 2001. The permit holder provided this information.

Thank you.

**COPY**

JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon Water Resources Dept  
Salem, OR



Attn: Lisa Jund - R.E. Certified letter 12/17/01

my Reply -

Condition #1 this condition was covered in our application for extension for 2 years - I have contacted every source I know of to obtain a long term alternative water supply - there is no source of water available at any price -

Condition #2 -

1 - Beneficial use of water began under this Permit 5/1/96

2 - monthly water use quantities for 1998 - was submitted to you 10/21/98 - I am copying this report again in this paragraph.

	meter Reading
4/98	75,424,000
5/98	116,845,000
6/98	136,751,000
7/98	146,390,000
8/98	156,026,000
9/98	164,326,000
10/98	166,690,000

total gallons used 1998  
irrigation season 91,251,000

Static water levels

4/15/98 - 26' ✓  
10/15/98 26' ✓

} Well 2  
(Klam 10440)



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JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGONCondition # 3

COPY


1 - Static water levels have been taken by April 15 + Nov 15 every year and submitted to your dept as requested. I also noted that the static water level submitted has always been 26'. If the water resources has any further about this static water level reading I invite a water resources dept employee <sup>contact me</sup> + I will be happy to take the water level reading in their presence.

2. Well #1 was abandoned 3/26/92 - (I hope we can finally put this issue to bed)

If I can be of further assistance to you to get this 2 year extension completed please contact me - P.O. Box 8 Bonanza Or - 97123 or phone 541-545 6641

Sincerely  
Don Horsley - 1/3/02

# MEMORANDUM

**Date:** January 11, 2002  
**To:** Jerry Grondin, Ground Water Hydrology Section  
**From:** Lisa Juul, Permit Extensions   
**Subject:** SWL Measurement Data  
**CC:** Application #G-12746 / Permit #G-12445

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Thank you.

RECEIVED

JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon Water Resources Dept  
Salem, OR  
User - ID  
17818

Attn Lisa Jund - - R.E. Certified letter 12/17/01

my Reply -

901 = 48316 1c  
→ 37290

Condition #1 This condition was covered in our application for extension for 2 years. I have contacted every source I know of to obtain a long term alternative water supply - there is no source of water available at any price -

Condition #2

1- Beneficial use of water began under this Permit 5/1/96

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	Water Reading
4/98	75,424,000
5/98	116,845,000
6/98	136,751,000
7/98	146,390,000
8/98	156,026,000
9/98	164,326,000
10/98	166,680,000

total gallons used 1998  
irrigation season 91,251,000

Static water levels

4/15/98 - 26'

10/15/98 24'

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JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGONCondition # 3

1 - Static water levels have been taken by April 15 + Nov 15 every year and submitted to your dept as requested. I also noted that the static water level submitted has always been 26'. If the water resources has any further about this static water level reading I invite a water resources dept employee <sup>called me</sup> + I will be happy to take the water level reading in their presence.

2. Well #1 was abandoned 3/22/92 - (I hope we can finally put this issue to bed)

If I can be of further assistance to you to get this 2 year extension completion please contact me - P.O. Box 8 Bonanza Or - 97123 or phone 541-545 6641

Sincerely  
Don Hovaley - 1/3/02



RECEIVED

JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon Water Resources Dept  
Salem, OR

17818

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My Reply -

701 = 48316 1c

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meter Reading

total gallons used 1998

4/98 75,424,000

irrigation season 91,252,000

5/98 116,845,000

6/98 136,751,000

Static water levels

7/98 146,390,000

4/15/98 - 26'

8/98 156,026,000

10/15/98 26'

9/98 164,326,000

10/98 166,680,000

RECEIVED

JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGONCondition # 3

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Sincerely  
Don Harsley - 1/3/02

RECEIVED

JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon Water Resources Dept  
Salem, OR

Attn Lisa Jund - - R.E. Certified letter 12/17/01

My Reply.

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9/98	164,326,000
10/98	146,690,000

total gallons used 1998  
irrigation season 91,251,000

Static water levels

4/15/98 - 26'  
10/15/98 26'

- ? Dude by 10?  
MB

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JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGONCondition # 3

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Sincerely  
Don Hovely - 1/3/02



RECEIVED

JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGONOregon Water Resources Dept  
Salem, OR

Attn Lisa Jund - - R.E. Certified letter 12/17/01

my Reply -

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Condition #2

1- Beneficial use of water began under this Permit 5/1/96

2- monthly water use quantities for 1998 - was submitted to you 10/21/98 - I am copying this report again in this paragraph.

	meter Reading	total gallons used 1998 irrigation season 91,252,000
4/98	75,424,000	
5/98	116,845,000	
6/98	176,751,000	Static water levels
7/98	146,390,000	4/15/98 - 26'
8/98	156,026,000	10/15/98 26'
9/98	164,326,000	
10/98	166,690,000	

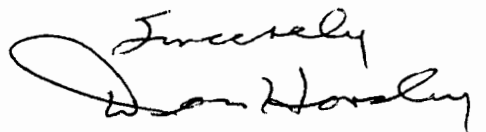
RECEIVED

JAN 07 2002


WATER RESOURCES DEPT.  
SALEM, OREGONCondition # 3

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Sincerely  
 - 1/3/02

# MEMORANDUM

**Date:** January 11, 2002  
**To:** Gary Ball, Water Use Reporting Program  
**From:** Lisa Juul, Permit Extensions   
**Subject:** Annual Water Use - Monthly Quantities Form  
**CC:** Application #G-12746 / Permit #G-12445

---

The attached water use reporting form was submitted as part of a permit extension request.

The form does not indicate that this information has been entered in your database. I am forwarding a copy of the water use reporting form to you for your use. I have placed the original in the water right file.

Thank you.

RECEIVED

JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGONOregon Water Resources Dept  
Salem, OR

Attn: Lisa Jund - - R.E. Certified letter 12/17/01

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8/98	156,026,000
9/98	164,326,000
10/98	166,690,000

total gallons used 1998  
irrigation season 91,252,000

Static water levels

4/15/98 - 26'  
10/15/98 26'



RECEIVED

JAN 07 2002

WATER RESOURCES DEPT.  
SALEM, OREGONCondition # 3

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Sincerely  
Don Hordley - 1/3/02

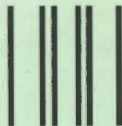


**Don Horsley**  
P.O. Box 8  
Bonanza, OR 97623-0008



Oregon Water Resources Dept  
Commerce Bldg.  
158.12<sup>th</sup> St N.E.  
Salem, OR 97301-4172

UNITED STATES POSTAL SERVICE



First-Class Mail  
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Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

OREGON WATER RESOURCES  
158 12<sup>th</sup> ST NE  
SALEM OR 97301-4172

AP

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G-12746

DONALD HORSLEY  
 HELEN E HORSLEY  
 PO BOX 8  
 BONANZA, OR 97623

Lisa J

2. Article Number (Copy from service label)

62104 9851

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

Donald Horsley

12-19-01

C. Signature

X

Don Horsley

Agent

Addressee

D. Is delivery address different from item 1?

Yes

If YES, enter delivery address below:

No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes





# Oregon

John A. Kitzhaber, M.D., Governor

**CERTIFIED LETTER**  
**Return Receipt Requested**

**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

December 17, 2001

Donald J and Helen E Horsley  
PO Box 8  
Bonanza, Oregon 97623

Reference: File #G-12746 (Permit #G-12445)

Dear Ground Water Permit Holder:

The Department is currently reviewing your permit extension request. As part of this review, the Department must determine whether or not you have complied with condition(s) contained in your permit. Please review the permit conditions listed below and explain how you have complied with the condition(s) and/or provide any data or evidence that may substantiate compliance with the condition(s).

**Condition #1:**

Within two years of permit issuance for primary use, the permittee/appropriator must submit a plan to the Department indicating potential economical sources for an alternative long-term water supply.

- ▶ The Department has not yet received this plan from you. You should submit this plan immediately.

**Condition #2:**

The permittee shall keep a complete record of the amount of water used each month and shall submit an annual report which includes the recorded water use measurements to the Department by April 15 of each year.

- ▶ Please indicate the date when beneficial use of water under this permit began.
- ▶ The Department has received monthly water use quantity totals from you for 1996, 1997, 1999 and 2000. Was any water used under this permit during 1998?

If water was used under this permit during 1998, you must complete an "Annual Water Use - Monthly Quantities Form." Water use records for any given year should be reported in the same fashion as the 2000/2001 water year form enclosed for your reference.



**Condition #3:**

Once water use begins, the permittee shall obtain a static water level measurement for each well during March and October of each year and report the measurements to the Department. The water user shall report the static water level(s) in the well(s) by April 15 and November 15, respectively, of each year.

- ▶ Enclosed for your review, please find the Department's report showing all static water level measurement data received by the Department for this permit. If you notice any missing or incorrect data on this report, please submit the information to the Department as soon as possible. We will then enter the data into the Department's ground water level tracking database.
- ▶ Information in the file indicates that Well #1 has been abandoned and Well #2 is the only well currently being used under this permit. Please verify whether or not this is accurate, and if so, please provide the date when the abandonment of Well #1 took place.

Please submit this information by **Wednesday, January 16, 2002**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

*If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.*

If you have questions about the extension of time, you may contact me at (503) 378-8455, extension 272. If you have questions concerning the Bonanza ground water study area, please contact Jerry Grondin at the same telephone number, extension 214.


Sincerely,

Lisa J. Juul  
Water Rights Specialist  
Water Rights Section

enclosures:   Static Water Level Data Report  
                  Annual Water Use/Monthly Quantities Form

cc:           File #G-12746 (Permit #G-12445)  
              Del Sparks, Watermaster Dist #17

# MEMORANDUM

**Date:** December 13, 2001  
**To:** Pump Test Program (Ground Water Hydrology Section)  
**From:** Lisa Juul, Permit Extension   
**Subject:** Pump Test Info / SWL Measurement Report  
**CC:** Application #G-12746 / Permit #G-12445

---

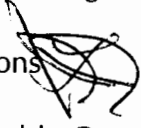
The attached pump test information/static water level measurement report was submitted as part of a permit extension request.

***Please advise whether or not the submitted information meets requirements?***

If you have any additional correspondence regarding this information, please forward a copy to me so that I may place it in the file.

Thank you.

# MEMORANDUM

**Date:** December 13, 2001  
**To:** Gary Ball, Water Use Reporting Program  
**From:** Lisa Juul, Permit Extensions   
**Subject:** Annual Water Use - Monthly Quantities Form  
**CC:** Application #G-12746 / Permit #G-12445

---


The attached water use reporting form was submitted as part of a permit extension request.

The form does not indicate that this information has been entered in your database. I am forwarding a copy of the water use reporting form to you for your use. I have placed the original in the water right file.

Thank you.



# MEMORANDUM

**Date:** December 13, 2001  
**To:** Pump Test Program (Ground Water Hydrology Section)  
**From:** Lisa Juul, Permit Extensions   
**Subject:** Pump Test Info / SWL Measurement Report  
**CC:** Application #G-12746 / Permit #G-12445

---

The attached pump test information/static water level measurement report was submitted as part of a permit extension request.

***Please advise whether or not the submitted information meets requirements?***

If you have any additional correspondence regarding this information, please forward a copy to me so that I may place it in the file.

Thank you.

Appl # G-12746  
 (Permit # G-12445)  
 12-12-2001

WORK COPY

Comprehensive SWL Data Report

Bonanza Project									
Bonanza ADR Ground Water Permit Water Level Data									
Owner Submitted and Other Data									
Application Number =	G-12746			2 wells	KLAM 13326	KLAM 10440			
Permit Number =	G-12445	G-12222							
Well Owner =	Horsley Greater Bonanza Vicinity								
Owner Well ID	OWRD KLAM	Date	Time	Feet	Inches	Measurement (feet)	Measured By	Flow Meter	Comment
	13326	04-Jan-1967				74.00	W.L. Hartley	no reading	well log
	13326	03-Oct-1969				71.30	A.B. Harris	no reading	oil, USGS measurement (blsd)
	13326	14-Apr-1970				70.29	A.B. Harris	no reading	oil, USGS measurement (blsd)
	13326	07-Nov-1970				71.16	A.B. Harris	no reading	USGS measurement (blsd)
	13326	09-Oct-1998	14:00:00			72.19	Grondin	no reading	OWRD measurement (blsd)
	13326	12-Oct-1998	13:55:00			73.10	Grondin	no reading	OWRD measurement (blsd), discharge column
	13326	09-Dec-1998	13:15:00			72.46	Gates	no reading	OWRD measurement (blsd), discharge column
	13326	10-Oct-1999				74.00	D. Horsley	no reading	owner measurement, static
	13326	16-Mar-1999	09:30:00			71.07	Gates	no reading	OWRD measurement (blsd), discharge column
	13326	26-Oct-1999	10:30:00			72.91	Norton	no reading	OWRD measurement (blsd), discharge column
	10440	17-Apr-1992				25.00	D. Storey	no reading	well log
	10440	15-Oct-1997					D. Horsley	75,424,000.00	owner reading
	10440	15-Apr-1998				26.00	D. Horsley	no reading	owner measurement, static
	10440	09-Oct-1998	10:25:00			25.97	Grondin	no reading	oil, e-tape, OWRD measurement (blsd)
	10440	09-Oct-1998	10:45:00			22.55	Grondin	no reading	oil, steel tape, OWRD measurement (blsd)
	10440	15-Oct-1998				26.00	D. Horsley	166,680,000.00	owner measurement, static
	10440	16-Mar-1999	10:40:00			20.41	Gates	no reading	oil, steel tape, OWRD measurement (blsd)
	10440	10-Oct-1999				26.00	D. Horsley	no reading	owner measurement, static
	10440	15-Oct-1999					D. Horsley	289,749,000.00	owner reading
	10440	26-Oct-1999	11:00:00			22.14	Norton	no reading	oil, steel tape, OWRD measurement (blsd)
	10440	15-Apr-2000				26.00	D. Horsley	no reading	owner measurement, static
	10440	15-Oct-2000				26.00	D. Horsley	380,254,000.00	owner measurement, static
	10440	15-Apr-2001				26.00	D. Horsley	380,254,000.00	owner measurement, static
	10440	15-May-2001				26.00	D. Horsley	425,467,000.00	owner measurement, static
	10440	15-Jun-2001				26.00	D. Horsley	445,695,000.00	owner measurement, static
	10440	15-Jul-2001				26.00	D. Horsley	456,329,000.00	owner measurement, static
	10440	15-Aug-2001				26.00	D. Horsley	467,935,000.00	owner measurement, static
	10440	15-Sep-2001				26.00	D. Horsley	477,069,000.00	owner measurement, static
	10440	15-Oct-2001				26.00	D. Horsley	478,516,000.00	owner measurement, static
Note: every measurement submitted by well owner is the same, 26 feet.									

\* See 1-7-2002 letter...  
 Well #1 abandoned 3-22-92

Three late SWL meas in: April 1998, April 2000, April 2001



pc	permit	ps	certificate	pod	status	priority	source	WE = well SU = sump	basin	county	Township	Range	S	QQ	Q
G	12445	0	2	V	12/31/1991	WE	14	KLAM	39.00	S/	11.00	E-	2	SE	SW
Condition type		SWL		Logid lookup		KLAM.10440		swl required		Y					
Action status		SWL		Userid lookup		17818		swl frequency		BIANN					
Date of last notice		2/15/2001		Main aquifer				swl month		MAR & OCT					
Impact plan submitted				Month / Yr use began				swl duration		NO LIMIT					
Impact plan approved				Ref level gw				decline trigger		N					
Compliance this yr		Y		Ref lvl det by				decl trigger shutoff		N					
Compliance overall				Trigger activated				reference level							
Compliance reviewed by				meter required		Y		ref level date							
App file checked				record water use		Y		impact plan		N					
File check date				report water use		Y		supply plan		N					
comments								limit duration		Y					
								limit date		7/31/2001					

**Current owner from pump\_test\_owners file:**

name f / i	DONALD J	HORSLEY	name other	
contact			email	
address	PO BOX 8		phone / fax	541-545-6641
city / st / zip	BONANZA	OR	97623	comment

**All points of diversions for the specified permit (pt\_of\_div file).**

ac	appl	cppn	srce	status	use	cat	pas	rate	units	permit	well name	County	Log #	
G	12746	0 G	12445	1	WE	V	IC	3	C	4.16	C	WELL 1	KLAM	13326 ▲
G	12746	0 G	12445	2	WE	V	IC	3	A	4.16	C	WELL 2	KLAM	10440
-	-	-	-	-	-	-	-	-	-	-	-	-	-	▼

**Permit\_conditions\_water\_level file. Shows all water levels for specified well.**  
**No water levels will be present if a well log has not been correlated to the water right.**

COUNTY	#	DATE	STATUS	METHOD	MP hgt	Rpt WL	MEASURED_BY	Source Entity	COMMENTS
KLAM	10440	04/26/1992	STATIC	ETAPE	+1	25	DRILLER	DRILLER	WELL LOG ▲
KLAM	10440	04/15/1998	STATIC	ETAPE	+1	26	DONALD HORSLEY	OWNER	
KLAM	10440	10/15/1998	STATIC	ETAPE	+1	26	DONALD HORSLEY	OWNER	
KLAM	10440	10/10/1999	STATIC	ETAPE	+1	26	DONALD HORSLEY	OWNER	
KLAM	10440	03/15/2000	STATIC	ETAPE	+1	26	DONALD HORSLEY	OWNER	
KLAM	10440	10/15/2000	STATIC	ETAPE	+3	26	DONALD HORSLEY	OWNER	IDLE 36 HRS
KLAM	10440	04/15/2001	STATIC	ETAPE	+3	26	DONALD HORSLEY	OWNER	IDLE 5 MTHS
KLAM	10440	05/15/2001	STATIC	ETAPE	+3	26	DONALD HORSLEY	OWNER	
KLAM	10440	06/15/2001	STATIC	ETAPE	+3	26	DONALD HORSLEY	OWNER	



Bonanza Project																				
Bonanza ADR Ground Water Permit Water Use Data																				
Research of OWRD Water Use Data Base																				
Owner Submitted Data																				
Research Date = 30 November 2001																				
NOTE: OWRD did not begin requesting and entering water use data related to these wells until water year 2000																				
NOTE: reporting water use for water year 2001 is generally not due or entered yet																				
	Application	Permit 1 (valid)	Permit 2 (cancelled)	Water Use Data Submitted												Well Owner	Well 1	Well 2	Well 3	Comment
				2001	2000	199	1998	1997	1996	1995	1994	1993	1992	1991	1990					
1	G-13013	G-12435	G-12250		X												Johnson	KLAM 10181	KLAM 2373	
2	G-12618	G-12441	G-12218														Haskins	KLAM 12415	no well log (KLAM 999991)	
3	G-12769	G-13178			X	X	X										Ritter	KLAM 12261	no well log (KLAM 999990)	
4	G-13349	G-12634															Watson	KLAM 10712		
5	G-12897	G-12456	G-12234														Gorden	KLAM 13458	no well log (KLAM 999995)	
6	G-12617	G-12440	G-12217														Newman/Uecker	KLAM 13462	no well log (KLAM 999997)	
7	G-12746	G-12445	G-12222		X												Horsley	KLAM 13326	KLAM 10440	
8	G-12735	G-12444	G-12221														Teague	KLAM 10352	KLAM 10357	
9	G-12876	G-12453	G-12231														C. Masten	KLAM 10461		
10	G-12955	G-12457	G-12235														Brock	KLAM 10421		
11	G-12877	G-12454	G-12232														S.C. Masten	KLAM 10475	KLAM 10460	
12	G-12518	G-12469			X												J. Wells	KLAM 10242		
13	G-12814	G-12449	G-12227	X	X												Manning	KLAM 10416		
14	G-12766	G-12446	G-12223		X												Hill & Buscher	no well log (KLAM 999976)		
15	G-12507	G-12439	G-12128														Babson	KLAM 13403		
16	G-12732	G-12443	G-12220		X												Wiersma	KLAM 10378		
17	G-12768	G-12447	G-12224														A. DeJong	KLAM 10431	KLAM 10432	
18	G-12874	G-12452	G-12230														K. Masten	KLAM 10498		
19	G-12869	G-12451	G-12229														Babson	KLAM 51920		
20	G-12493	G-12624															Randall	KLAM 13556		
21	G-13387	G-12465	G-12244		X												W. DeJong	KLAM 10526		
22	G-13101	G-12461	G-12028														Barrett	KLAM 10634	KLAM 10608	
23	G-13135	G-12973															U.S. BLM	KLAM 13602		5-year ADR permit?
24	G-13136	G-12974												X			U.S. BLM	KLAM 13601		5-year ADR permit?
25	G-13134	G-12710												X			U.S. BLM	KLAM 13609		5-year ADR permit?
26	G-12642	G-13506			X												R. Smith	KLAM 10364		5-year ADR permit?
27	G-12772	G-12448	G-12226		X												Gibson	KLAM 10699		
28	G-13198	G-12497			X												Gallup	KLAM 14864		
29	G-12885	G-12455	G-12233														Biaggi	KLAM 14873		
30	G-13011	G-12459	G-12237		X												Hammerich	KLAM 10641	KLAM 10495	KLAM 10764
31	G-12901	G-13743	G-11498		X												R. Smith	KLAM 10458		
32	G-13514	G-13775															Randall	KLAM 10473		
33	G-13184	G-12463	G-12241		X												Balin Ranch	KLAM 10748		
34	G-13106	G-12462	G-12240		X												P. Grohs	KLAM 10575		
35	G-12494	G-14029?															Randall	KLAM 15113		certificate?
36	G-13508	G-12857															Allison	KLAM 10803		
37	G-12972	G-12458	G-12236		X												Balin Ranch	KLAM 10642		
38	G-13430	G-12787															Lorenz	KLAM 12230		
39	G-12644	G-12442	G-12219		X												Kennedy	KLAM 10252	KLAM 10292	
40	G-13019	G-12460	G-12239	X	X												D. Wells	KLAM 50623	not drilled	

Water Use data for Water Year 2000 submitted  
 for File G-12746/ Permit G-12445

per WRD  
 Water Use Database  
 query on 11-30-01.

Appl # G-12746

Permit # G-12445  
11-20-2001

*[Signature]*

# Bonanza Ground Water Area Standard Permit Conditions

(NOTE: a check mark in the box next to the condition indicates that the condition has been met)

● Before Water Use Begins.....

Shall install a meter or other suitable measuring device; and  
- meter installed on discharge pipe of well.

Shall obtain a static water level measurement and submit to WRD.  
- initial SWL meas. taken when wells drilled.  
Well #1 - 1-4-1967 > see attached well logs  
Well #2 - 4-26-1992 > see attached well logs  
*Well #1 Abandoned. See GW SWL Data Report attached.*

● Within Two Years of Permit Issuance.....(for Primary Uses Only)

Shall submit a plan indicating potential economical sources for an alternative long-term water supply.  
*OK - see 1-7-2002 letter for this plan.*  
~~No plan in file (Use is Primary & Suppl)~~

● Each Year Once Water Use Begins.....

Shall keep and maintain a complete record of monthly water use and report annually by April 15 of each year to WRD; and  
- Have submitted Water Use Meter Readings for:  
• 1996 • 1999  
• 1997 • 2000  
*any water used in 1998?*  
*OK - 1998 water use submitted - see 1-7-2002 letter.*  
*OK - 1998? any water used*

Shall obtain static water level measurements in March and October of each year and report the results to WRD by April 15 and November 15, respectively, of each year.

Well #1 - existing (POD 1)  
1-4-1967 (well log)  
10-10-99

Well #2 - new (POD 2)  
4-26-92 (well log)  
• 4-15-98  
10-15-98  
3-16-99)  
10-10-99  
3-15-2000  
10-15-2000  
• 4-15-2001

See File - Corr.  
4-15-99  
4-15-97  
10-15-97  
4-15-96  
10-15-96

**WELL #1 Abandoned 3-22-92**  
... see 1-7-2002 letter  
Well #1 Still in Use? *No*  
(1967)

Owner ID 17818

APP 612746

RECEIVED

NOV 15 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Dept  
Commerce Bldg  
158 12<sup>th</sup> St N.E.

Salem, Oregon - 97310-0210

ATTN - R. Craig Kahonek

Well Report Permit # G12445 issued to  
Donald J + Helen E Horsley

Static Water Levels -

4/15/01 - 26'	8/15/01 26'
5/15/01 26'	9/15/01 26'
6/15/01 - 26'	10/15/01 26'
7/15/01 - 26'	

Static water levels taken by Don Horsley -  
measurement by tape -

Well meter reading in gallons

4/15/01 380,254,000	8/15/01 - 467,935,000
5/15/01 425,467,000	9/15/01 477,069,000
6/15/01 445,695,000	10/15/01 478,516,000
7/15/01 456,329,000	

Total water usage 2001 irrigation season 98,262,000  
gallons

Don Horsley

okmb

Attn Craig Kohanek

App 12746

RECEIVED

JUN 29 2001

WATER RESOURCES DEPT  
SALEM, OREGON

Water Resources Dept

Commerce Bldg

158 12<sup>th</sup> St N.E

Salem Oregon 970310-0210

Header - ID 17818

Well permit # A 12445 issued to Donald  
J + Helen E. Hensley

Static water levels -

4/15/01 - 26'

5/15/01 26'

6/15/01 26'

Static water levels taken by tape measure -  
tape measurements taken by Don Hensley

Well meter readings - water usage

4/15/01 380,254,000

5/15/01 425,467,000

6/15/01 445,695,000

Water usage from well was high 5/15/01 - Because  
Bureau would not deliver water until 5/10/01 - all irrigated  
water until that time come from well -

Don Hensley



COPY

**Gerald H. Grondin**

---

**From:** Gerald H. Grondin [Gerald.H.GRONDIN@wrd.state.or.us]  
**Sent:** Friday, November 30, 2001 2:47 PM  
**To:** Lisa Juul  
**Cc:** Fred Lissner; Dwight French; Jerry Grondin  
**Subject:** Bonanza Water Use Data

Hi Lisa,

I just finished querying the OWRD water use database (managed by Gary Ball) for water use data related to the Bonanza area 5-year ground water permits.

I found data entered for 18 of 40 permits. I will deliver what I found.

Note 1: OWRD did not send letters to permittees and did not begin enetering data related to private irrigation wells until water year 2000. So, data before water year 2000 is not to be expected in the OWRD water use database. However data for 1999, 1998, or 1992 were entered for 3 permits.

Note 2: reporting water use for water year 2001 is generally not due yet nor have letters been sent to private well owners reminding them to submit the data. However, water year 2001 data has been entered for 2 permits.

Note 3: I have already given you water use information found in miscellaneous files.

This should finish answering your request for data.

Contact me if you have any questions.

Jerry  
\*\*\*\*\*  
Jerry Grondin  
Hydrogeologist

Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 99301-4172

Phone: 503-378-8455 (ext 214)  
E-Mail: Gerald.H.Grondin@wrd.state.or.us  
\*\*\*\*\*

H

Mrs. Don Horsley  
PO Box 8  
Bonanza, OR 97623-0008

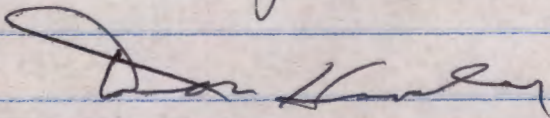


Water Right Permit Extensions  
Water Resources  
158 12th St NE  
Salem  
Or 97310

7/30/01

We drilled a well in 1992 and requested a permanent permit. That was denied and a drought permit was issued in 1992. It was good for only 1 year. In 1993, 1994 and 1995, we did not have a permit. On 7/31/96, a 5 year permit was issued. — # 8-12445 dated 7/31/96. It expires soon and we are requesting a permanent permit. Papers are attached and check in the amount of \$100.00.

Thank you.



**RECEIVED**

JUL 31 2001

WATER RESOURCES DEPT.  
SALEM, OREGON



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **47191**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Helen Horsley  
BY: \_\_\_\_\_

APPLICATION	G/12746
PERMIT	
TRANSFER	

CASH:  CHECK: #  96-455 OTHER: (IDENTIFY)

**TOTAL REC'D \$100.00**

**0417 WRD MISC CASH ACCT**

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

**REDUCTION OF EXPENSE**

CASH ACCT. \$

PCA AND OBJECT CLASS

VOUCHER #

**0427 WRD OPERATING ACCT**

*66111*

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$

*0240* OTHER (IDENTIFY) *Ext. of time* *9/100.00*

**0437 WELL CONST. START FEE**

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

**0539 LOTTERY PROCEEDS**

1302	LOTTERY PROCEEDS	\$
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**0467 HYDRO ACTIVITY**

LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HRDRO APPLICATION	\$

RECEIPT # **47191**

DATED: *7/31/01* BY: *C. Vance*



RECEIVED

JUL 31 2001

APPLICATION FOR EXTENSION OF TIME  
TO THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

I, Donald J. + Helen E. Horsley  
NAME

P.O. Box 8  
ADDRESS

Bonanza  
CITY

Or 97623 541-545-6641  
STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. W/2746, Permit No. W/2445, do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2001, be extended to October 1, 2002, ? ? See attached

and for the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2001, be extended to October 1, 2002. ?  
7/31/96, See attached

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

Yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

Yes

*Handwritten initials*

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

*Well measurement has been accomplished by taking static water level April 15 + Nov 15th each year. A meter has been installed on discharge pipe of well. Meter readings are taken monthly from April 15th thru Nov. 15th. Both static water level readings + meter readings are submitted to Dept. of Water Resources.*

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

*We have complied with all applicable conditions.*

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

*First static level taken 4/15/96 + 10/15/96 - submitted to Dept. of Water Resources. Flow Meter installed 5/1/96. Meter reading at installation - 68 gals. Meter reading 10/15/96 38,838,000 gals. Meter readings taken April 15 + Oct 15th each year + forwarded to Dept. of Water Resources.*

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

<i>1992 - Well Drilling</i>	<i>22,959.00</i>	<i>Panel + Wiring</i>	<i>1,477.00</i>
<i>Well testing</i>	<i>930.00</i>	<i>Meter</i>	<i>987.00</i>
<i>License</i>	<i>329.00</i>	<i>Total 1992</i>	<i>27,558.00</i>
<i>Pump + fittings</i>	<i>8,326.00</i>	<i>1996 - Pipe, valve, couplers, flow meter</i>	
<i>Pipe</i>	<i>2,550.00</i>	<i>1996 - 3,833.50</i>	
<i>Supply Line</i>	<i>1998 Pump/Wiring 5,551.00</i>	<i>Supply line + Dated Pipe 5,243.00 - 1998 10, 1994.00</i>	

*total  
1992  
1996  
1998  
52,185.50*

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

*Year 2000 - irrigated 48 acres new construction.  
Year 2000 irrigated 190 acres supplemental. Used 90,505,000 gals*

JUL 31 2001

4-Cost of project to date \$0,85,50. Estimated remaining cost to complete the project, unknown - just general maintenance WATER RESOURCES DEPT. SALEM, OREGON

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

Project assumed completed at this time.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

Financing & cash flow supplied by owners.

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

We were not 1992 Received Drought Permit. 1993-1994-1995 - No permits could be obtained from Dept. of Water Resources. 1996 Permit # 9 12445 was issued to Donald J and Helen E. Forsley.

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

No delays -

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

We expect the product base for food to expand due to population increase & global. This will expand the market for farm products raised on our ranch.

A) Has there been any change in this market since the permit was issued?

Yes - due to drought & population expansion Demand for the main products that we raise - alfalfa & cattle have expanded considerably in the last few years.

B) Have these changes, if any, affected the economic feasibility of your project?

Yes, more demand for farm products at a better price.

7-Are there other present competing demands for water in your community?

Yes - fish & wild life under the endangered species act.  
We provide water from our well for wild life on our ranch - deer, antelope, quail, pheasant, doves, owls & hawks - bald eagles & plus various birds & mammals.

A) Has there been any change in these demands for water since the permit was issued?

Yes - 2001 has been a very severe drought year water demand is increasing for all phases due to drought.

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

We have contacted Horsefly Irrigation Dist about obtaining an additional water right. They cannot extend more water at the present time or in the future. We have no suitable place on our ranch to build an alternative place of storage. There are no land owners within Horsefly Irrig. Dist. willing to sell any water rights at this time.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

No. We had no change of static level in our well - which is 26 ft.



8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?

*Yes, increase in property value. It will increase acres of irrigated land for farming + pasture. It is also an additional source of water to sustain wildlife.*

9-If the extension request is denied, is the current level of water use economically feasible?

*The permit is the sole water right for 48 acres of our property + for 191.5 acres of supplemental. If permit is denied, 48 acres would go dry and 191.5 acres would not have sufficient water to raise a crop.*

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

*Donald F. Dorsley*  
*John E. Dorsley*

Signature

*7/30/01*

Date

**MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES  
158 12TH ST NE  
SALEM, OREGON 97310



# Oregon

June 22, 2001  
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

DONALD AND HELEN HORSLEY  
PO BOX 8  
BONANZA OR 97623

RE: Application G-12746, Permit G12445

Dear Ground Water Permit Holder:

On July 31, 1996, the Oregon Water Resources Department (Department) issued approximately 40 ground water permits for irrigation in the greater Bonanza area. Included is a copy of your permit for your review.

The permit provides that it may expire, be extended, or be certificated five years from the date of issuance. Five years from the date of issuance is July 31, 2001. The permit also provides that before a water right certificate may be issued, the Director of the Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, must find that river stage or Bonanza Big Springs flows are not significantly diminished by use of water under the permit. The Director's decision must be based on quantifiable ground water and hydrologic science that stands up to peer review.

As you may know, the Department is conducting a study of the ground water resources of the Bonanza area. The Department will use the study results to help determine the final disposition of the permits, such as yours, that include the above condition. The study is not yet complete, and no certificates may be issued before the study is complete.

If you are interested in maintaining your permit, you will need to apply for an extension. The date for completing development under the permit passed on October 1, 2000. Filing for an extension will give you additional time to develop your permit, including additional time to comply with any permit conditions that you have not satisfied. I recommend that you request an extension until December 31, 2002. This will allow time for the study to be completed, allow you an opportunity to complete development under the permit and allow you to use water under the permit at least through the 2002 irrigation season. I have included an extension form with instructions for your use.

Once the ground water study is complete and peer-reviewed, the Director will propose findings that will indicate whether you will be able to receive a certificate and continue to use water under your permit beyond December 31, 2002, assuming that you request and receive an extension through December 31, 2002. The findings most likely will put your permit into one of the following two categories:

4. If the finding is favorable to you, and if you have completed development under the terms and conditions of your permit, you will be required to hire a Certified Water Rights Examiner to help you prepare and submit a claim of beneficial use and final proof map.



June 22, 2001 - page two  
DONALD AND HELEN HORSLEY

This information will need to arrive at the Water Resources Department in Salem no later than December 31, 2003, assuming that you request and receive an extension through December 31, 2002. Oregon law requires that the claim of beneficial use and map be received by the Department no later than one year after the completion deadline date, as that date may be extended.

5. If the finding is not favorable to you, the Department will take action to cancel your permit as provided under ORS 537.260. Notice of the Department's intent to cancel would be sent to you by certified mail.

**I strongly urge you to read your permit carefully and make sure that you are complying with all permit conditions, and to apply for an extension if you are interested in maintaining your permit.**

If you have questions, please contact Water Rights Section Manager Dwight French who will be available after July 2. His telephone number is 1-503-378-8455, extension 268. If you have questions regarding the ground water study in the Bonanza area, please contact Jerry Grondin at the same telephone number, extension 214. Thank you for your interest and assistance.

Sincerely,



Richard D. Bailey, Administrator  
Water Rights/Adjudication Division

cc: Del Sparks, Watermaster, Oregon Water Resources Department  
Bob Main, South Central Region Manager, Oregon Water Resources Department  
Dwight French and Jerry Grondin, Oregon Water Resources Department  
Rick Kepler and Roger Smith, Oregon Department of Fish and Wildlife  
Jerry Townsend, Jim Bryant, Karl Wirkus and Eric Glover, Bureau of Reclamation  
Karen Russell, WaterWatch of Oregon

enclosures: extension form and instructions  
copy of your permit

Bonanza Project									
Bonanza ADR Ground Water Permit Water Level Data									
Owner Submitted and Other Data									
Application Number =	G-12746			2 wells	KLAM 13326	KLAM 10440			
Permit Number =	G-12445	G-12222							
Well Owner =	Horsley Greater Bonanza Vicinity								
Owner Well ID	OWRD KLAM	Date	Time	Feet	Inches	Measurement (feet)	Measured By	Flow Meter	Comment
	13326	04-Jan-1967				74.00	W.L. Hartley	no reading	well log
	13326	03-Oct-1969				71.30	A.B. Harris	no reading	oil, USGS measurement (blsd)
	13326	14-Apr-1970				70.29	A.B. Harris	no reading	oil, USGS measurement (blsd)
	13326	07-Nov-1970				71.16	A.B. Harris	no reading	USGS measurement (blsd)
	13326	09-Oct-1998	14:00:00			72.19	Grondin	no reading	OWRD measurement (blsd)
	13326	12-Oct-1998	13:55:00			73.10	Grondin	no reading	OWRD measurement (blsd), discharge column
	13326	09-Dec-1998	13:15:00			72.46	Gates	no reading	OWRD measurement (blsd), discharge column
	13326	10-Oct-1999				74.00	D. Horsley	no reading	owner measurement, static
	13326	16-Mar-1999	09:30:00			71.07	Gates	no reading	OWRD measurement (blsd), discharge column
	13326	26-Oct-1999	10:30:00			72.91	Norton	no reading	OWRD measurement (blsd), discharge column
	10440	17-Apr-1992				25.00	D. Storey	no reading	well log
	10440	15-Oct-1997					D. Horsley	75,424,000.00	owner reading
	10440	15-Apr-1998				26.00	D. Horsley	no reading	owner measurement, static
	10440	09-Oct-1998	10:25:00			25.97	Grondin	no reading	oil, e-tape, OWRD measurement (blsd)
	10440	09-Oct-1998	10:45:00			22.55	Grondin	no reading	oil, steel tape, OWRD measurement (blsd)
	10440	15-Oct-1998				26.00	D. Horsley	166,680,000.00	owner measurement, static
	10440	16-Mar-1999	10:40:00			20.41	Gates	no reading	oil, steel tape, OWRD measurement (blsd)
	10440	10-Oct-1999				26.00	D. Horsley	no reading	owner measurement, static
	10440	15-Oct-1999					D. Horsley	289,749,000.00	owner reading
	10440	26-Oct-1999	11:00:00			22.14	Norton	no reading	oil, steel tape, OWRD measurement (blsd)
	10440	15-Apr-2000				26.00	D. Horsley	no reading	owner measurement, static
	10440	15-Oct-2000				26.00	D. Horsley	380,254,000.00	owner measurement, static
	10440	15-Apr-2001				26.00	D. Horsley	380,254,000.00	owner measurement, static
	10440	15-May-2001				26.00	D. Horsley	425,467,000.00	owner measurement, static
	10440	15-Jun-2001				26.00	D. Horsley	445,695,000.00	owner measurement, static
	10440	15-Jul-2001				26.00	D. Horsley	456,329,000.00	owner measurement, static
	10440	15-Aug-2001				26.00	D. Horsley	467,935,000.00	owner measurement, static
	10440	15-Sep-2001				26.00	D. Horsley	477,069,000.00	owner measurement, static
	10440	15-Oct-2001				26.00	D. Horsley	478,516,000.00	owner measurement, static
Note: every measurement submitted by well owner is the same, 26 feet.									



Application: G127410

Uenid 17818

RECEIVED

APR 13 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Dept

Commerce Bldg.

158 12<sup>th</sup> St NE.

Salem Oregon 97300 - 3739

Water usage for Permit # G12445 issued to Donald J + Helen Horsley.

Water used from well in 2000 was applied to 40 acres new construction & also 60 acres of land under permit.

Stake level + well.

Pod ids =

April 15, 2000 - 26'

37290 IC well 2

Oct 15, 2000 26'

48306 IC well 1

Water used -

April 15 - May 16	16,395, 697	gallons
May 16 - June 15	27,625, 355	gallons
June 15 - July 17	16,592, 532	gallons
July 17, Aug 14	17,468, 818	galls
Aug 16, Sept 15	12,121, 627	gallon
total usage -	90,504, 329	gallons or
111,699 acre ft.		

Report covers the irrigation season for the year 2000-

Don Horsley

Water Resources Dept

10/30/92

Commerce Bldg

158 12<sup>th</sup> St NE

Salem, Or 97310 - 0210

Well permit # G 12445 - Issued to  
Donald J + Helen E Horsley

Well was constructed in May 1992 -  
per Drought Permit - # G 11499

We started applying irrigation water  
from our well May 1, 1996. The # of acres  
we applied water to is only a estimate  
at this time as we more land <sup>is</sup> ready for  
irrigation - # of acres water applied 15 acre new  
construction + 60 acres of land already irrigated  
with water from Horsley irrigation dish.

Static water level of well -

April 15, 1996 - 26'

Oct 15 1996 - 26'

A flow meter was installed on the well  
May 1, 1996 - meter reading date of installation  
68 gallons

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NOV 28 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

11/6/97

Water Resources Dept  
Commerce Bldg  
158 12<sup>th</sup> St. NE  
Salem, Oregon 97310-0210

Well permit # G 12445- Issued to  
Donald J. + Helen E. Horsley

Water use from well in 1997 -

- water applied to 15 acres new construction
- water applied to 60 acres of land already  
under permit.

Static Level of Well -

✓ April 15 - 1992 - 26'

✓ Oct 15 - 1997 - 26'

Meter Readings - gallons used

Reading Oct 15, 1992 - 39,839,000 gallons

Reading Oct 15 1997 - 75,424,000 gallons

gallons used - 36,586,000 gallons

Well pump 2300 gal per minute

Well operated for approximately 11 days -

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NOV 28 2000

WATER RESOURCES DEPT  
SALEM, OREGON

stem Groundwater / Hydrology Div  
10/21/98

Water Resources Dept

Commerce Bldg  
159 12<sup>th</sup> St NE.

Salem, Oreg 97310-0210

Well permit # G 12445 issued to  
Donald J. + Helen E. Howley

Water use from well in 1998 -  
water applied to 40 acres new construction  
water applied to 60 acres of land under  
permit -

Static level of well

✓ April 15, 1998 - 26'

✓ Oct 15, 1998 - 26'

meter readings gallons used -

Reading Oct 15 1998 - 166,680,000 gallons

Reading Oct 15 1997 - 75,424,000 gallons

total used 91,256,000 gallons

or 28 acre ft -

well pumps 2,300 gals per minute

well operated for approximately ~~30~~<sup>27</sup> days

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NOV 28 2000

WATER RESOURCES DEPT  
SALEM, OREGON



Don Horsley

P.O. Box 8

Bonanza, Oregon 97623



Water Resources Dept

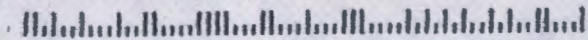
Commerce Bldg

158 12<sup>th</sup> St N. E.

Salem, Oregon 97631 0210

usage Report  
Permit # G12445

97310/0703



Water Resources Dept  
Commerce Bld  
158 12<sup>th</sup> St NE  
Salem, Oregon 976310-0210

Well permit # G 12445 issued to  
Donald J. + Helen E. Horsley

Water use from Well in 1999  
Water applied to 40 acres new construction  
Water also applied to 60 acres of land under  
permit.

Static level of Well  
✓ April 15, 1999 26'  
✓ Oct 10 1999 26'

meter reading gallons used  
Oct 11, 1999 289,749,000  
Oct 15, 1998 166,680,000  
Total Use - 123,069,000

Report covers 1999

RECEIVED

NOV 28 2000

WATER RESOURCES DEPT  
SALEM, OREGON

Don Horsley

68 gallons

meter reading Oct 15-1992 38,838.00 gallons.

Pumping Capacity of well 2300 gals per minute -

pumping at the rate of 2300 galls per minute over

well operated 11.7 days of the 1992 irrigation season

**RECEIVED**

NOV 28 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Dept  
Commerce Bldg  
158 12<sup>th</sup> St N.E  
Salem, OR 976310-0210

Well permit # G12445 issued to  
Donald J + Helen E Horsley

Water use from Well in 2000  
water applied to 40 acres new construction  
water also applied to 60 acres of land under  
permit

Static level of well  
✓ April 15, 2000 - 26'  
~~April~~  
✓ Oct 15 2000 - 26'

Meter reading gallons used

Oct 15, 2000	390,254,000	gallons
Oct 15, 1999	<u>289,749,000</u>	gallons
total use	90,505,000	gals

Report covers 2,000 -

Don Horsley

**RECEIVED**

NOV 28 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



app6-12746

17818

Water Resources Dept  
Commerce Bldg.  
158 12<sup>th</sup> St N.E.  
Salem, OR 97301 4172

Permit # 12445. issued to Donald J + Helen  
E Hensley.

Gary Ball.

In regards to your letter 11/9/2000. We  
have already submitted our water use report  
for the water year 2000. Copies of reports  
for permit # G 12445 for water years 1996 thru  
2000 - ~~submitted~~ <sup>submitted</sup> these reports are submitted per conditions  
of permit G 12445. ~~are enclosed.~~

At the present time I am in no position  
complete your water use reporting form.

The only measuring device in place is a  
flow meter installed on the discharge pipe  
from the well. The water use is recorded  
on the ~~per~~ reports submitted. In fact at this  
time it would be impossible to submit a  
accurate report to you that you have requested.

**RECEIVED**

NOV 28 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

Sincerely  
Don Hensley

6-12746

RECEIVED

OCT 14 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Dept.

Commerce Bldg

156 12 St N.E.

Salem, Oregon 976310 - 0210

Well Permit # G 12445 issued to  
Donald J + Helen E. Horsley

Water use from well 1999  
Water applied to 40 acres new construction  
water also applied to 60 of land under permit.

Static level of well  
April 15 1999 26'  
Oct 10 1999 26'

meter Reading gallons used.		
Oct 11 1999	289	749 000
Oct 15 1999	166	680 000
total used	123	069 000

Report covers 1999 -  
Don Horsley

G-12746

RECEIVED

OCT 14 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Dept  
Commerce Bldg  
15<sup>th</sup> 12 St N.E.  
Salmon, Oregon 976310 - 0210

Well Permit # G-12445 issued to  
Donald J + Helen E. Howaley

Water use from well 1999  
Water applied to 40 acres new construction  
water also applied to 60 of land under permit.

Static level of well  
April 15 1999 26'  
Oct 10 1999 26'

meter Reading gallons Used.

Oct 11 1999	289 749 000
Oct 15 1999	166 680 000
total used	123 069 00

Report covers 1999 -  
Don Howaley

6-12740

RECEIVED

OCT 14 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Dept

Commerce Bldg

158 12 St N.E.

Salem, Oregon 976310 - 0210

Well Permit # G-12445 issued to  
Donald J + Helen E. Horsley

Water use from well 1999  
Water applied to 40 acres new construction  
water also applied to 60 of land under permit.

Static level of well  
April 15 1999 26'  
Oct 10 1999 26'

meter Reading gallons Used.

Oct 11 1999	289 749 000
Oct 15 1999	<u>166 680 000</u>
total used	123 069 00

Report Covers 1999 -

Don Horsley



G-12746

RECEIVED

OCT 14 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Dept  
Commercial Bldg  
156 12 St N.E.  
Salem, Oregon 976310 - 0210

Well Permit # G 12445 issued to  
Donald J + Helen E. Howley

Water use from well 1999  
Water applied to 40 acres new construction  
water also applied to 60 of land under permit.

Static level of well  
April 15 1999 26'  
Oct 10 1999 26'

meter Reading gallons used.

Oct 11 1999	289 747 000
Oct 15 1999	<u>166 690 000</u>
total used	123 069 00

Report covers 1999 -

Don Howley

Don Horsley

P.O. Box 9

Bonanza, Oregon 97623



Water Resources Dept

Commerce Bldg.

158 12<sup>th</sup> St NE

Salem, Oregon 97631-0210

attn water Right Division

6-12746

11/6/97

Water Resources Dept

Commerce Bldg.

158 12<sup>th</sup> St NE

Salem, Ore 97316-0210

RECEIVED

NOV 17 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

Usage Report for well permit # G12445 - issued  
to Donald J + Helen E. Hensley

Water use from well in 1997 - water  
applied to 15 acres new construction - water  
applied to 60 acres of land already under  
permit -

Static level of well

April 15 - 1997 - 26'

Oct 15, 1997 26'

meter Reading - gallons used

Reading Oct 15 - 1992 - 38,839,000 gallons

Read Oct 15 1997 75,424,000 gallons

Gallons used 36,586,000 gallons

Well pumping capacity 2300 gal per minute

well operated for approximately 11 days -

Don Hensley

6-12746

11/6/97

Water Resources Dept

RECEIVED

Commerce Bldg.

NOV 17 1997

158 12<sup>th</sup> St NE

WATER RESOURCES DEPT.  
SALEM, OREGON

Salem, Oreg 97310-0210

Usage Report for well permit # G12445 - Issued to Donald J + Helen E. Hensley

Water use from well in 1997 - Water applied to 15 acres new construction - water applied to 60 acres of land already under permit.

Static level of well

April 15 - 1997 - 26'

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Well pumping capacity 2300 gal per minute

well operated for approximately 11 days -

Don Hensley



6-12746

11/6/97

Water Resources - Dept  
Commerce Bldg.  
158 12<sup>th</sup> St NE  
Salem, Ore 97310-0210

**RECEIVED**

NOV 17 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

Usage Report for well permit # G-12445 - issued  
to Donald J. & Helen C. Hensley

Water use from well in 1997. Water  
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applied to 60 acres of land already under  
Permit.

Static level of well

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Well pumping capacity 2300 gal per minute  
well operated for approximately 11 days -

Don Hensley

6-12746

11/6/97

Water Resources Dept.

Commerce Bldg.

158 12<sup>th</sup> St NE

Salem, Ore 97310-0210

**RECEIVED**

NOV 17 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

Usage Report for well permit # G12445 - Issued  
to Donald J. & Helen C. Hensley

Water use from well in 1997. Water  
applied to 15 acres new construction. Water  
applied to 60 acres of land already under  
permit.

Static level of well

April 15, 1997 - 26'

Oct 15, 1997 26'

meter Reading - gallons used

Reading Oct 15 - 1997 - 38,839,000 gallons

Read Oct 15 1997 75,424,000 gallons

Gallons used 36,586,000 gallons

Well pumping capacity 2300 gal per minute  
well operated for approximately 11 days.

Don Hensley

August 7, 1997

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WATER  
RESOURCES  
DEPARTMENT

---

DONALD AND HELEN HORSLEY  
PO BOX 8  
BONANZA OR 97623

RE: File G12746      Permit G12445

Dear Permittee:

The groundwater permit issued to you on July 31, 1996 contains a condition that complete application of water should be made by October 1, 2000. Under normal circumstances you would be required to submit a Claim of Beneficial Use and Final Proof Report within one year of complete application of water.

As you are aware, five years after permit issuance the permit may expire or be extended. A water right certificate will be issued if the Director finds that the conditions and criteria in your permit have been met.

This letter is to inform you that it will *not* be necessary to submit a Claim of Beneficial Use and Final Proof Report until the Department determines that the permit can be extended or that a certificate of water right can be issued. The Department will notify you if and when it is necessary to submit the Claim of Beneficial Use and Final Proof Report.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,



Dallas Miller  
Natural Resource Specialist 2

cc: Del Sparks, Watermaster



---

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

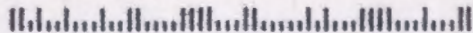
Don & Helen Horsley  
33833 McCurtain Lane  
P.O. Box 6  
Bonanza, Or 97623



State of Oregon  
Water Resources Dept  
Commercial Bldg  
158 12<sup>th</sup> St N.E.  
Salem Or - 97310-0210

with permit #  
C 12445-

97310/0210



C-12746  
RECEIVED

NOV - 4 1996

Water Resources Dept.

WATER RESOURCES DEPT. 6 130192  
SALEM, OREGON

Commerce Bldg.

258 12<sup>th</sup> St NE

Salem, Or 97310-0210

Well permit # C 12445 - Issued to  
Donald & Helen E. Horsley.

Well constructed in May 1992 per Drought  
Permit # C 11499 -

We started applying irrigation water from our  
well May 1, 1996 - the # of acres we applied  
water to is only an estimate at this time as we  
have more land to apply water to at a later date -  
we applied water to approximately 15 acres of  
new land - at the balance to 60 acres of land already  
irrigated from Horsley Irrigation dist.

Static water levels of well -

April 15, 1996 - 26'

Oct 15 1996 26'

A flow meter was installed on the well

May 1, 1996 - meter reading date of installation  
68 gallons -

meter reading Oct 15, 1996 - 35,839,000 gallons

pumping at the rate of 2300 gallons per minute  
we operated our well 11.7 days during the 1996  
irrigation season.

If further info is required please contact  
me + I will get it to you

Don Horsley

A- OK  
DSM



C-12746  
RECEIVED

NOV - 4 1996

Water Resources Dept.  
Commerce Bldg.

WATER RESOURCES DEPT. 6 130192  
SALEM, OREGON

158 12<sup>th</sup> St NE.

Salem, Or 97310-0210

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C-12746  
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Water Resources Dept.  
Commerce Bldg.

WATER RESOURCES DEPT. 6 130/92  
SALEM, OREGON

258 12<sup>th</sup> St NE.

Salem, Or 97310-0210

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me + I will get it to you

Dean Horsley

A- OK  
DSM

August 2, 1996

Dear Permittee:

The enclosed final order and permit replaces those that were mailed to you in early February of this year.

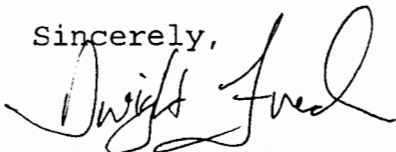
The Department feels this new permit more accurately reflects the agreements made between a majority of groundwater applicants in your area, Oregon Department of Fish and Wildlife, and the Bureau of Reclamation.

Please read the entire permit carefully.

I want to thank you for your patience during this long permitting process. If you should need to file another application in the future, you should know that the process has been streamlined so that final decisions are made on applications within eight months on over 90% of the applications.

If you have questions, please call me at 1 (800) 624-3199 extension 268.

Sincerely,



Dwight French  
Water Right Section Manager

Enclosure



STATE OF OREGON  
COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DONALD J. & HELEN E. HORSLEY  
P.O. BOX 8  
BONANZA, OREGON

97623

541-545-6641

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

APPLICATION FILE NUMBER: G-12746

SOURCE OF WATER: TWO WELLS IN THE LOST RIVER BASIN

PURPOSE OR USE: PRIMARY AND SUPPLEMENTAL IRRIGATION OF 332.2 ACRES

RATE OF USE: 4.16 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: APRIL 15 THROUGH OCTOBER 15

DATE OF PRIORITY: DECEMBER 31, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SE 1/4 SW 1/4, SECTION 2, T39S, R11E, W.M.; EXISTING WELL - 980 FEET NORTH AND 1320 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 2, PROPOSED WELL - 660 FEET NORTH AND 2450 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 2.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>LOCATION</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
EXISTING WELL		
NE 1/4 SW 1/4	18.9 ACRES	
SE 1/4 SW 1/4	2.8 ACRES	
Section 2		
TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.		
PROPOSED WELL		
NE 1/4 SW 1/4	16.0 ACRES	5.1 ACRES
NW 1/4 SW 1/4		35.7 ACRES
SE 1/4 SW 1/4	27.6 ACRES	9.6 ACRES
SW 1/4 SE 1/4	1.2 ACRES	0.6 ACRE
Section 2		

SEE NEXT PAGE



NE 1/4 NE 1/4		13.3 ACRES
NW 1/4 NE 1/4	20.5 ACRES	17.9 ACRES
SW 1/4 NE 1/4	16.5 ACRES	23.5 ACRES
SE 1/4 NE 1/4		38.7 ACRES
NE 1/4 NW 1/4	28.2 ACRES	11.8 ACRES
SE 1/4 NW 1/4	7.3 ACRES	32.7 ACRES

## Section 11

TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.

The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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 by April 15, 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.

Application G-12746 Water Resources Department

PERMIT G-12445

- 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.

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.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the permittee/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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

The permit is for the beneficial use of water without waste.

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

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

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.

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.

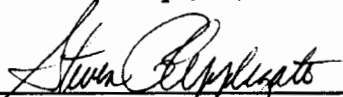
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Actual construction work shall begin on or before January 18, 1997 and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 2000.

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

This permit is issued to correctly describe the dates for measuring and reporting static water level, beginning and completion of construction, complete application of the water to the use allowed herein, and water use conditions relating to practical technologies or conservation practices. Permit G-12222 is superseded by this instrument and is of no further force or effect.

Issued July 31, 1996



*for* Water Resources Department  
Martha O. Pagel  
Director

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-12746

**Final Order**

*Application History*

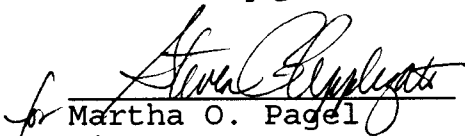
On DECEMBER 31, 1991, DONALD J. & HELEN E. HORSLEY submitted an application to the Department for a water use permit. The Department issued a permit on January 18, 1996.

The Department's continuing evaluation reveals that the permit requires modification to correctly describe the dates for measuring and reporting static water level, beginning and completion of construction, complete application of the water to the use allowed, and water use conditions relating to practical technologies or conservation practices.

**Order**

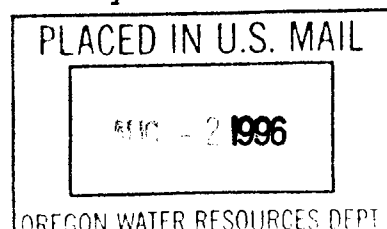
Permit G-12222 is superseded by Permit G-12445 and is of no further force or effect.

DATED July 31, 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.



STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DONALD J. & HELEN E. HORSLEY  
P.O. BOX 8  
BONANZA, OREGON

97623

541-545-6641

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

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PURPOSE OR USE: PRIMARY AND SUPPLEMENTAL IRRIGATION OF 332.2 ACRES

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PERIOD OF ALLOWED USE: APRIL 15 THROUGH OCTOBER 15

DATE OF PRIORITY: DECEMBER 31, 1991

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Section 2		

SEE NEXT PAGE



NE 1/4 NE 1/4		13.3 ACRES
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## Section 11

TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.

The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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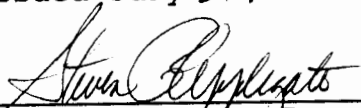
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The Director finds that the proposed use(s) of water described by this permit will not impair or be detrimental to the public interest.

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Issued July 31, 1996

  
Water Resources Department  
for Martha O. Pagel  
Director

STATE OF OREGON

COUNTY OF KLAMATH

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## Measurement, recording and reporting conditions:

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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.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the permittee/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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

The permit is for the beneficial use of water without waste.

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

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

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.

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.

Actual construction work shall begin on or before January 18, 1997 and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 2000.

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

This permit is issued to correctly describe the dates for measuring and reporting static water level, beginning and completion of construction, complete application of the water to the use allowed herein, and water use conditions relating to practical technologies or conservation practices. Permit G-12222 is superseded by this instrument and is of no further force or effect.

Issued July 31, 1996



*for* Water Resources Department  
Martha O. Pagel  
Director

July 31, 1996

Karen Russell  
WaterWatch of Oregon  
213 SW Ash St., Suite 208  
Portland, OR 97204

---

WATER  
RESOURCES  
DEPARTMENT

---

RE: Lost River Basin Groundwater Permits

Dear Karen:

This is to confirm our July 22, 1996, conversation on the above subject, and to respond to Kimberley's letter of April 26, 1996.

As we discussed, the Department made some errors when the permits were issued. Pursuant to a request from the applicants, the permits are being reissued to be consistent with the agreement between the applicants, Oregon Department of Fish and Wildlife and the Bureau of Reclamation.

Your letter lists five concerns:

Period of use- The period of use described in the new permits will be April 15 through October 15, consistent with the agreement.

Supplemental versus primary irrigation- This condition was not a part of the agreement and is being removed from the permits.

Habitat impacts- This issue is not specifically referred to in the agreement, and thus is not in reissued permits. The permits do contain a condition limiting the use to five years if significant impacts to the flows of Lost River or the Bonanza springs are identified.

Notice & Opportunity for Comment- The department must "consult" with BOR and ODFW at the end of the 5-year use period, and comments from others would also certainly be considered as part of that process. It will be incumbent on you to submit your comments as that time approaches. Public notice of the 5-year review is not contemplated at this time.



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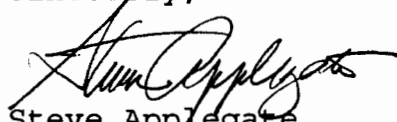
Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

Hydrologic Connection- We believe that the final order does reflect the fact that some degree of connection exists between the wells and the Lost River. The entire agreement reflects the understanding, however, that the degree of connection and thus the potential impact to surface water is unknown. This will be further determined during the ensuing 5-year period through monitoring and data collection.

You asked whether the permit language might preclude a permittee from being granted an extension of time at the end of the 5-year period. We think not. At the end of 5 years, consultation will occur to determine whether the permits will expire, or whether the use will be allowed to continue. If the decision is the latter, and a permit holder has not completed all of the use contemplated in the permit by then, I believe they could request a time extension rather than a certificate.

As we also discussed, we will send copies of the superseding permits to you once they are completed. Please contact me or Dwight French if you have further questions on this issue.

Sincerely,



Steve Applegate  
Acting Administrator, Water Rights Division

cc: Martha Pagel  
Dwight French  
Glen Barrett  
Bill Kennedy  
Bureau of Reclamation, Klamath Project  
Roger Smith, ODFW

SPA:dpc.368

# Lost River Ranch LLC

25400 North Poe Valley Road  
Klamath Falls, Oregon 97603  
(503) 884-7963

**RECEIVED**

MAR 18 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Martha O. Pagel  
Water Resource Department  
Commerce Building  
158 12th Street N.E.  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

March 15, 1996

Dear Martha

In reviewing the final orders for G-12644 I find several variances from the ADR conditions agreed upon.

1. Period of allowed use in ADR conditions is April 15 through October 15. This was to mitigate concerns from BOR and ODFW relative to potential benefit to listed fish.
2. Duty of water is not consistent throughout permits. Is it 2.5 af or 3.0 af?
3. Dates for static water level measurement is not consistent. ADR dates are March and October, with reports due April 15 and November 15.
4. ADR condition # 13. does not include language regarding new regulations and best practical technologies.
5. I am not clear on the language of Findings of Fact and Conclusions of Law, number three. Please explain issue of total quantity diverted.....

It is imperative that these issues be resolved so that the permit conditions are consistent with the conditions agreed to, and signed by the participants in the ADR process.

Sincerely,

  
William D. Kennedy via Fax



G-1274 ~~G-1274~~

# Oregon

WATER  
RESOURCES  
DEPARTMENT

January 24, 1996

DONALD J. & HELEN E. HORSLEY  
P.O. BOX 8  
BONANZA, OREGON 97623

RE: Permit G-12222

Dear Mr. & Mrs. Horsley,

You should have recently received your permit to use groundwater (G-12128). This letter is to emphasize the water use development requirements listed in the Final Order that accompanied your permit.

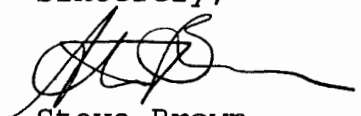
As stated in PERMIT CONDITION number 4 of your Final Order, it is necessary to begin actual construction of your well(s) within one year of the date of issuance of your permit (the "A" date). Because your application indicates that you have already constructed your well(s), you have satisfied this requirement. If this assumption is not correct, you must advise us when you have met the requirement.

In addition, construction of your water system must be completed by October 1, 1997 (the "B" date), and the water must be fully applied to beneficial use by October 1, 2000 (the "C" date) except upon approval of a request for extension of these time limits.

Please use Forms B and C (enclosed) to notify us upon completion of these requirements. When you have completed construction of your water system, complete and send Form B; send Form C after you have used your water to the full extent intended under by the permit.

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

Sincerely,



Steve Brown  
Water Rights Program Analyst  
Water Right/Adjudication Division

cc: Steve Applegate

cce



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

STATE OF OREGON  
COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DONALD J. & HELEN E. HORSLEY  
P.O. BOX 8  
BONANZA, OREGON 97623

Phone No. 541-545-6641

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

APPLICATION FILE NUMBER: G-12746

SOURCE OF WATER: TWO WELLS IN THE LOST RIVER BASIN

PURPOSE OR USE: Primary and supplemental irrigation of 332.2 acres.

Rate of use: 4.16 CUBIC FEET PER SECOND

Period of allowed use: MARCH 1 THROUGH SEPTEMBER 30 OF EACH YEAR.

DATE OF PRIORITY: DECEMBER 31, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SE 1/4 SW 1/4, SECTION 2, T39S, R11E, W.M.; EXISTING WELL - 980 FEET NORTH AND 1320 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 2, PROPOSED WELL - 660 FEET NORTH AND 2450 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 2.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>LOCATION</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
EXISTING WELL		
NE 1/4 SW 1/4	18.9 ACRES	
SE 1/4 SW 1/4	2.8 ACRES	
Section 2		
TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.		
PROPOSED WELL		
NE 1/4 SW 1/4	16.0 ACRES	5.1 ACRES
NW 1/4 SW 1/4		35.7 ACRES
SE 1/4 SW 1/4	27.6 ACRES	9.6 ACRES
SW 1/4 SE 1/4	1.2 ACRES	0.6 ACRE
Section 2		

SEE NEXT PAGE

NE 1/4 NE 1/4		13.3 ACRES
NW 1/4 NE 1/4	20.5 ACRES	17.9 ACRES
SW 1/4 NE 1/4	16.5 ACRES	23.5 ACRES
SE 1/4 NE 1/4		38.7 ACRES
NE 1/4 NW 1/4	28.2 ACRES	11.8 ACRES
SE 1/4 NW 1/4	7.3 ACRES	32.7 ACRES

## Section 11

TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.

The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

## 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

SEE NEXT PAGE

shall submit a report which includes the recorded water use measurements to the Department annually by April 15, 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.

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.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March and September of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the permittee/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and October 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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

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.

SEE NEXT PAGE

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

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

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.

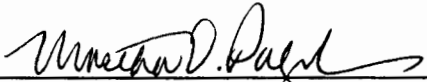
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The lands described herein as supplemental irrigation may, due to the status of the inchoate underlying primary right, be exercised for primary irrigation, provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

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.

Issued January 18, 1996



Water Resources Department  
Martha O. Pagel  
Director



STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department (Department)

Marion County

In the matter of ) FINAL  
Groundwater Application ) ORDER  
G-12746 submitted by )  
DONALD J. & HELEN E. HORSLEY )

**BACKGROUND**

Application G-12746 in the name of DONALD J. & HELEN E. HORSLEY was received in the office of the Water Resources Director on DECEMBER 31, 1991. The application proposes the use of 4.16 cubic feet per second of groundwater from the Klamath Basin for irrigation purposes. The Director now makes the following Findings of Fact, Conclusions of Law and Order with respect to said Application G-12746:

*Water Use Request*

DONALD J. & HELEN E. HORSLEY requested use of 4.16 cubic feet per second of groundwater from two wells for primary irrigation of 140.7 acres and supplemental irrigation of 191.5 acres within the Klamath Basin.

The area of proposed use is in Klamath County within Sections 2 and 11, Township 39 South, Range 11 East, W.M.

The water delivery system is described by the applicant as utilizing sprinkler and flood irrigation.

*Affected Waters*

The proposed use of groundwater is not within or above a State Scenic Waterway.

There are no senior water rights from these points of appropriation.

*Department Actions*

The application was determined to be complete and not defective.

A technical review of the application was completed and a report of the results of that review was mailed to the applicant, and parties that had commented on the proposed use of water, on AUGUST 11, 1993.

The technical review determined:

The use is not prohibited by Statute;  
Water for the proposed use is available in the amounts requested; and  
The proposed use would not injure existing water rights, provided the conditions proposed by the report of technical review were included in any permit issued in approval of the application.

Objections to the Satisfactory Report of Technical review were submitted to the Department by the applicant, Oregon Department of Fish and Wildlife, U.S. Bureau of Reclamation and WaterWatch of Oregon.

The Department retained the services of Dr. Ron Hathaway and Dr. Ray William to facilitate alternative dispute resolution (ADR) discussions in an attempt to resolve the objections to the report of technical review.

The ADR discussions resulted in the Oregon Department of Fish and Wildlife and U.S. Bureau of Reclamation agreeing not to oppose the issuance of a permit in approval of the application if conditions were included in the permit to address their concerns as follows:

PERMIT CONDITIONS.

Water use under the permits shall be conditioned as follows:

1. Period of allowed use: MARCH 1 THROUGH SEPTEMBER 30 of each year.
2. Rate (cfs or gpm) and/or Volume (acre/feet or gallons) of use: 4.16 cubic feet per second.
3. The use of water is limited to primary and supplemental irrigation of 332.2 acres.
4. Water use development requirements:
  - A. Begin construction within one year from issuance of permit.
  - B. Complete construction by October 1, 1997.
  - C. Completely apply the water to beneficial use by October 1, 2000.

5. The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:
  - A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
  - B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
  - C. Periodic water level reports have been submitted; and
  - D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.
6. The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
7. 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 by April 15, 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.
8. 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.
  9. A static water level measurement shall be made and submitted before any use of water may commence from the well.
  10. The permittee shall obtain a static water-level measurement for each well during March and September of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the permittee/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and October 15, respectively, of each year.
  11. If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.
  12. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
  13. 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.
  14. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

WaterWatch did not agree to the proposed permit conditions listed above. The Department responded by letter to WaterWatch addressing the issues raised and their objections were denied. A protest of the denial of objections was filed with the Department on June 8, 1995.

The WaterWatch protest raises the same issues contained in the previously filed objections. These issues were considered as part of the ADR process and conditions were added to the proposed permit to reflect the parties' and Department's determination of how the concerns should be addressed.

Given the previous ADR process and agreement reached by all parties except WaterWatch, the protest is denied.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Department has determined the appropriate step in the application process is to issue a final order as provided under ORS 537.170 (6).
2. Pursuant to ORS 537.170 (6), If, after the contested case hearing or, if a hearing is not held, after the close of the period allowed to file a protest, the Director determines that the proposed use would not impair or be detrimental to the public interest, the Director shall issue a final order approving the application or otherwise modifying the proposed final order.
3. The lands under this application described as supplemental irrigation, do not have underlying water rights of record as evidenced by certificates. The primary rights are being claimed in the Klamath Adjudication currently in process. The following condition is to be included in any permit issued in approval of the application:

The lands described herein as supplemental irrigation may, due to the status of the undetermined underlying primary right, be exercised for primary irrigation, provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

4. In proceeding with evaluation of Application G-12746 required pursuant to ORS 537.170, the criteria found to be relevant by the Department is as follows:
  - a. The Klamath Basin does not have a basin program established pursuant to ORS 536.300;



- b. The Department has determined water would likely be available, as conditioned; and
  - c. The proposed use, as conditioned, will not injure other water rights; and
  - d. The use complies with other rules of the Commission.
5. The Department has determined that, if exercised as conditioned in the attached permit, neither substantial interference with existing rights, nor harm to fishery resources or water quality will occur.

The period of allowed use is MARCH 1 THROUGH SEPTEMBER 30 OF EACH YEAR.

The Department finds that no more than 4.16 CUBIC FEET PER SECOND would be necessary for the proposed use. The amount of water requested is allowed.

Klamath 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 Klamath County Comprehensive Land Use Plan.


The proposed use complies with all other rules of the Commission.

The Department finds that a non-rebutted presumption has been established and the proposed use would not impair or be detrimental to the public interest pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly if exercised in the manner described in PERMIT G-12222.

ORDER

IT IS HEREBY ORDERED that Application G-12746 in the name of DONALD J. & HELEN E. HORSLEY be approved for primary and supplemental irrigation of 332.2 acres as provided in PERMIT G-12222.

DATED January 18, 1996



Martha O. Page  
Director  
Water Resources Department

**NOTICE:**

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

This Final Order has modified the Department's prior findings or conditions, therefore, the applicant may request a contested case hearing within 14 days from the date of this order. Issues on which a contested case hearing may be requested and conducted are limited to issues based on modifications to the Proposed Settlement Agreement.

Requests for a contested case hearing must be made in proper form, submitting the information required under Section 11(6), Chapter 416, Oregon Laws, 1995.

**Requests for a contested case hearing must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on February / , 1996.**

Only the applicant and any persons who timely filed a protest may appeal the provisions of this final order in the manner established in ORS 183.310 to 183.550 for appeal of order other than contested cases.

**Water Right Conditions  
Tracking Slip**

*Groundwater/Hydrology Section*

FILE ## G-12746

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T39S/R11E-2

CONDITIONS ATTACHED?  Yes  No

REMARKS OR FURTHER INSTRUCTIONS:

Recommend condition 7B

Reviewer: Michael Zwart



# WaterWatch

Hand Delivered

June 8, 1995

**RECEIVED**

JUN 08 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

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

Re: Protest of Application:  
G-12746, Horsley, Primary and Supplemental Irrigation, Lost River Basin

Dear Water Rights Section:

On May 17, 1995, WaterWatch received the Department's denial of WaterWatch's and ONRC's objections to the above referenced application. The public interest and policy issues raised in WaterWatch's objections were either not addressed, or not satisfactorily addressed, by the Department's denial letter. WaterWatch files this protest and a \$25 fee pursuant to OAR 690-11-175(5) and 690-02-030 to 080. ONRC supports our protest of this application. We incorporate by reference our objection to this application.

## A. Facts

This application is one of approximately 40 applications pending in the Lost River Basin. The applicant proposes to divert **4.16 cfs** for primary and supplemental irrigation from two wells in the Lost River Basin. The Department found that this use is in hydraulic connection with the Lost River and that this use **will have the potential to cause substantial interference with surface water.** See technical review.<sup>1</sup>

### The Resource

#### The Ground Water Resource

Ground water in the Bonanza area is directly connected to the Lost River. WRC Agenda Item E, October 1, 1993 at 3 (hereinafter Agenda Item E). The most prominent ground water discharge is Bonanza Big Springs. Id. Ground water pumping from **already**

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<sup>1</sup>The applicant received a letter from the Department on 10/4/94 stating that if the applicant could prove that the use of groundwater would not interfere with the Lost River surface water, this information should be submitted to the Department. We found no such information in the file.



existing permitted and exempt ground water uses in the area has been found to reduce Bonanza Springs discharges to the Lost River. Id. at 4.

Existing ground water use has, at times, resulted in reversal of the hydraulic gradient of the aquifer flow such that the Lost River is actually drawn into the ground water through Bonanza Springs. Agenda Item E at 2. This has been identified by the Oregon Health Division as one of the causes of ground water contamination in the area. Id. See also Preliminary Assessment of Occurrence of Bacterial Contamination of Ground Water in Bonanza, Oregon, Nelson, Oregon Health Division at 2. This ground and surface water quality contamination problem is an **ongoing** chronic problems that has been aggravated in the past few years by the area wide drought. Oregon Department of Human Resources - Sanitary Survey Report, City of Bonanza.

### **The Surface Water Resource**

#### Quantity

The flow in the Lost River arises from storage releases of BOR projects and groundwater discharges. Agenda Item E, at 3. The Lost River is overappropriated and "much of the flow of the Lost River is due to storage releases." Id. and Letter to Water Resources Department, from Bureau of Reclamation, 11/10/93. Concern over the overappropriated condition of the resource lead the Klamath Project to request that the Commission close the Lost River to further appropriations in January of 1991. Id. The Commission declined to initiate withdrawal proceedings in June of 1992. The Bureau of Reclamation has a policy of protesting all new surface water applications for use during the irrigation season because of concerns that further depletions of streamflows would have to be replaced with stored water. Id.

#### Quality

The Department of Environmental Quality (DEQ) has identified the Lost River from river mile 0 to 65 as water quality limited. See Oregon's 1994 Water Quality Status Assessment Report, 305(b) Report, A-17, A-18. From river mile 0 to river mile 7.7 the Lost River's water quality violates dissolved oxygen level standards. It is incapable of supporting the designated beneficial use of aquatic life during the summer months. This section of the river also violates water quality parameters for pH, nutrients and algae rendering only partially able to support the listed beneficial uses of aquatic life and aesthetics during the summer months. From river mile 7 to 60 (the segment containing Bonanza Springs) the water quality violations are year round for dissolved oxygen and fecal coliform parameters such that the listed beneficial uses of aquatic life and water contact are not supported. Agricultural practices have been identified by DEQ as a possible cause of these water quality problems.

### The Fish Resource

The Lost River supports two endangered suckers, the short nose and lost river suckers. The United States Fish and Wildlife Service (USFWS) Lost River (*Deltistes luxatus*) and Shortnose (*Chasmistes brevirostris*) Sucker Recovery Plan provides a good description of the history of these suckers:

Lost River and shortnose suckers are endemic to the upper Klamath Basin of Oregon and California (Map, page 11). Within their range, early records indicate that the Lost River and shortnose suckers were widespread and abundant. Cope (1884) noted that Upper Klamath Lake sustained "a great population of fishes" and was "more prolific in animal life" than any body of water known to him at that time. Gilbert (1898) noted that the Lost River sucker was "the most important food-fish of the Klamath Lake region." At that time, spring sucker runs "in incredible numbers" (Gilbert 1898) were relied upon as a food source by the Klamath and Modoc Indians and were taken by local settlers for both human consumption and livestock feed (Cope 1879, Coots 1965, Howe 1968). Sucker runs were so numerous that a cannery was established on the Lost River (Howe 1968) and several other commercial operations processed "enormous amounts" of suckers into oil, dried fish, and other products (Andreasen 1975).

Recovery Plan at 4. The decline of these suckers has been recognized since the mid-1960's, but the severity of the decline was not recognized until the 1980's. Recovery Plan Executive Summary.

In 1988 both species were listed under the federal Endangered Species Act as endangered. Executive summary. These species are also listed under the Oregon Endangered Species Act. By that time, entire stocks had already disappeared from sections of the Klamath Basin. *Id.* Both species of sucker are found in the Lost River. The Lost River and shortnose suckers are lake dwelling but spawn in tributary streams or springs. Recovery plan at 9, Executive Summary. Recent studies indicate that Bonanza Big Springs provides critical spawning habitat to at least some of these sucker populations. Recovery Plan at 9.

The USFWS has identified water diversion and water quality problems associated with agricultural practices as some of the causes of the decline of these species. *Id.* "Reduction and degradation of lake and stream habitat in the Upper Klamath Basin has been proposed by the (USFW) Service as the major factor in the decline of both species." Executive. Summ. The recovery actions identified by the USFWS in the recovery plan for the suckers include improving habitat conditions by, among other things, developing and achieving water quality and water quality goals, improving fish habitat and improving land management practices. Executive summary. To date, no streamflow goals have been established for suckers in the Lost River.

### The Proposed Use

This application is one of approximately 40 pending applications in the Lost River Basin, bringing the total amount of proposed new groundwater uses to 166.3 cfs of water for irrigation use in the basin (approximately 43 cfs for primary irrigation use, approximately 47 cfs for supplemental irrigation use and the remainder is for both primary and supplemental irrigation use). These applicants are likely looking to ground water as a source of water supply because existing surface water supplies, whether from natural flow or Bureau of Reclamation (BOR) projects in the basin, are insufficient to meet new and existing irrigation needs. This surface water shortage is due, in part, to changes in reservoir operations made to protect habitat for Lost River and shortnose sucker species listed as endangered under both the federal and state Endangered Species Acts.

The Department conducted its own study of surface water/ground water interaction in the Lost River Basin and found that there is a direct hydraulic connection between ground and surface waters. See WRD Groundwater Open File Report, Groundwater Investigation of Bonanza Springs Yonna, Poe and Langell Valleys Klamath County, OR, Kyle G. Gorman, Report 94-01. Based on information in its study, the Department, in completing a technical review for this application, found that the proposed use had the potential to cause substantial interference with the resource. The Department issued a satisfactory technical review to this application acknowledging the connection but concluding that the use could go forward if a number of specific conditions were attached to the proposed permit. The Department invited all applicants, including this one, to submit information that might refute their findings regarding surface water/groundwater interference. No such information rebutting this finding has been submitted by this or any other applicant. Thus, based on the Department's own study, the use of water under this application will affect surface water flows in the Lost River.

WaterWatch filed objections to this permit because of documented resource problems in the basin and concerns that the Department's conditions did not protect instream flows and water quality needed for endangered suckers and other instream uses. Among other things, our objections criticized the proposed permit conditions because:

- The issuance of temporary permits does **nothing** to halt the further degradation of the resources in the Lost River. The fact that the water use is "temporary" ignores the fact that the resource, **without** these new uses of water, is already in critical condition.
- The permit only allows the permittee to be shut off if the use harms **existing senior** water right holders. There are not water rights, senior or otherwise, that protect instream values in this river system. Thus, these conditions do not allow the Commission to regulate the new permittee to protect instream values such as water quality or endangered species.

- There is no public notice or opportunity to comment on permit renewals.
- There are not clear standards for renewal. The conditions allows renewal of the temporary permits if the surface flows are not "significantly diminished"; requires a "plan" for alternative long-term water supply; if ground water levels have not "excessively declined"; and water level reports have been "timely submitted."

The Department acknowledged that our objections raised valid public interest issues. See WRD letter to applicant dated 1/13/95, re: ADR proceedings.

In March, WaterWatch participated in alternative dispute resolution proceedings with the applicants and other objectors. In this process new permit conditions were proposed which did not receive support from all the parties in the negotiations. Specifically, WaterWatch did not agree to the newly proposed conditions because we found that they failed to address the public interest issues raised in our objections, issues that were acknowledged by the Department to be valid.

The new conditions are even less protective of the resource than the Department's original conditions. For example, the original conditions required expiration of the permit at the end of five years. At the permit's expiration the conditions allowed, upon the determination of a number of findings, for permit extension. The new conditions delete the provision requiring automatic expiration of the permit at the end of the five years. Instead it states that the permit may expire or be extended five years from the date of the issuance of the permit.<sup>2</sup> Moreover, this condition now requires the permit be certificated at the end of five years upon the determination of a number of findings.

The new conditions also alter language that is attached to every permit, including those at issue in the Lost River basin, that states that:

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

This condition now reads:

This permit is for the beneficial use without waste.

See Attachments, the Department's original conditions and the newly proposed conditions.

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<sup>2</sup> This language is not as stringent as the Department's originally proposed conditions because the new language allows the extension of the permit without any findings with regards to the resource.

Despite the fact WaterWatch found that the Department's original conditions were not resource protective enough, the Department has since changed its original position by accepting the new less resource protective conditions and concluding that our concerns had been addressed.

**B. Relief Requested**

WaterWatch requests that this application be denied, or in the alternative, sent to contested case. If a contested case is scheduled, we request that review of this application be consolidated with review of other pending applications for the Lost River Basin. These applications raise issues of basin wide significance that should be resolved before decisions are made on each individual application.

**C. Name and address of Persons having Interest in Proceeding**

The following people are known to WaterWatch as having an interest in this proceeding:

DONALD J HORSLEY  
HORSLEY, HELEN E  
PO BOX 8  
BONANZA, OR 97623

Stephanie Birchfield/Albert Mirati  
ODFW  
2501 SW First Ave.  
PO Box 59  
Portland, OR 97207

Roger Smith  
ODFW, Klamath Falls  
1400 Miller Island Road West  
Klamath Falls, OR 97603

Teena Baker  
Bureau of Reclamation  
6600 Washburn Way  
Klamath Falls, OR 97603

Klamath Tribes  
Bud Ullman  
Box 957  
Chiloquin, OR 97624



Wendall Wood  
ONRC  
Box 667  
Chiloquin, OR 97624

Kip Lombard  
Attorney for City of Bonanza  
Lombard Knudsen & Holtey  
622 Siskiyou Blvd  
Ashland, OR 97520

#### **D. Legal Authority and Basis for Claim**

This protest is filed pursuant to OAR 690-11-175(5) and 690-01-030 to 080. Under Oregon law the Department/Commission must deny applications unless the agency can ensure that the use will not impair or be detrimental to the public interest. ORS 537.170. When making the public interest determination, the agency must consider, among other things, conserving the water for all purposes including fish, wildlife and recreation, the control of the water resource, water availability and Oregon's water resources policies. ORS 537.170(5). The Division 11, Division 400 and Division 410 rules further refine the public interest standards set out in the statute. In addition, when considering this application, the agency has a duty to ensure that water is available for the proposed use in light of other competing uses and that the quality of surface waters will not be impaired. ORS 537.170(5)(a) & (c), ORS 537.525(9), (11), ORS 468B.155, and ORS 468B.015.

The federal and state Endangered Species Acts also place a burden on the Commission. Under the state act the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species, or, if no plan is in place, that the action will not "reduce the likelihood of the survival or recovery" of the state listed species. ORS 496.182(2). Under the federal Act, there is a prohibition against "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above referenced Palilia case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection. Listing under these Acts is a sign, not only of the health of a particular species, but also a warning signal for the health of the human environment.

The proposed use will harm the public interest in the ground and surface water resource because:

- The newly proposed conditions are not in the public interest because they fail to protect surface flows needed for endangered species and other resource values, fail to protect the surface water resource from contamination, fail to ensure efficient and beneficial uses of water and are even less stringent than those originally proposed by the Department. WaterWatch's original objections raised, among other things, concerns about the Department's original proposed permit conditions because they did not protect the resource and the endangered suckers that rely upon it. The conditions submitted by the applicant, and now proposed by the Department, are a step backwards from the original conditions.

The Department, on numerous occasions, invited the applicants' to submit information refuting the findings of interference upon which these conditions were based. No such information was submitted by any of the applicants, including this one. The facts remain the same as they did when the Department formulated their original conditions. The surface and ground water resources are hydraulically connected. There are endangered fish species present. The Lost River is so polluted it has been designated by DEQ as water quality limited. Groundwater pumping has reversed the gradient between ground and surface water causing polluted surface water to flow into the ground and contaminate the ground water resource. The Lost River is over allocated. Faced with these facts, that the Department has agreed to less resource protective conditions is not only not in the public interest, but exhibits a shirking of their responsibilities to both the resource and the public at large.

In their denial letter, the Department again acknowledged that the "Department's Groundwater/Hydrology Section determined that use of water from the wells described in the Technical Reviews for the Applications would have the potential to interfere with the Lost River." See Denial letter to WaterWatch/ONRC, 5/15/95, p. 2. No evidence has been submitted, either by the applicants or by other state agencies, to refute the Department's findings. Thus, to accept changes to the conditions, without proof that there was not potential for interference or that streamflows and springflows needed for fish would in fact be protected, goes against the Department's duty to protect and manage the public resource for the people of the entire state, not just the agricultural interests of the Lost River Basin.

- Neither the original nor the newly proposed conditions do anything to protect the actual streamflows and springflows needed for fish. Nor do they protect flows needed for pollution abatement. The conditions only allow regulation of the use if needed to protect senior water rights. Since there are no senior instream water rights, these conditions do nothing to protect the resource. In addition, even if instream flows were established some time in the future, they would not be senior and thus no regulation of this use would occur, regardless of its effect on the resource.

● This proposed use has the potential to reduce streamflows, thus the Department must do a surface water availability analysis of the Lost River. No such analysis was done. This is contrary to the statewide policy and the public health, safety and welfare. ORS 537.620(5), 537.525. Any analysis must take into account the overappropriated state of the river system and the flows needed to protect endangered fish populations. This is required by the statewide allocation and instream flow polices which require protection of instream flow needs when considering applications for out-of-stream uses. OAR 690-410-070(2) and 690-410-030. There was no analysis in the files evaluating the harmful effects of the proposed use on fish and wildlife petitioned for listing under the state and federal endangered species act. Given the direct effect streamflows and springflows have on the endangered suckers, this omission is not in the public interest.

Moreover, rights of record were not adequately addressed, and the analysis of groundwater availability appears to ignore existing and possible future uses of ground water that are exempt from Oregon's permitting requirements. See WaterWatch/ONRC objection for further explanation.

● This and other pending applications in the Lost River raise a policy issue that the Commission must address: What, if any, new uses of water will be allowed in river systems that support threatened or endangered species? The policy that is reflected in the Departments's proposal to issue these applications with conditions that don't protect the resource is that endangered species will not be protected even if it is shown that the resource that they depend upon is being harmed. Such a policy will inevitably lead the state into conflict with the Endangered Species Act.

Action taken on these Lost River applications will set a precedent for how this issue will be handled in Basins throughout the state. As the Commission is well aware, there are other fish species petitioned for listing throughout the state, which if listed, will present the Commission with the problems similar to those in this situation. In many of these cases, as is the case here, flows to ensure the recovery and survival of the species have not yet been determined. It is not good policy, nor is it in the public interest, to allow new uses of water in streams supporting endangered, threatened or sensitive fish species without knowing what flows are needed for those fish.

● There is no consideration of the cumulative effects this application, along with the many other pending applications, will have on the Lost River Basin. Given the endangered species in this river, the documented pollution problems, the large number of applicants, and the connection between groundwater and surface waters, any decision made must address the cumulative impacts of these applications on the resource. This use, both on its own, and in connection with other pending applications and existing permitted uses will significantly impair the public's interest in the surface water resource.

- There is insufficient water in the system to support this proposed use together with other pending applications, existing water rights and other public uses of water in this area. OAR 690-11-195(3). As noted, the onslaught of groundwater applications in the Lost River Basin is due, in large part, to the regulation of flows by the Bureau of Reclamation. Basically, there are insufficient surface flows to meet agricultural needs. Given the fact that, as noted in the Department's own study, the existing hydraulic connection between the groundwater and surface water resources, depletion of the groundwater resource will lead to further depletion of the surface water resource. The Department has acknowledged this in their finding that use of water contemplated under this permit will have the potential to cause substantial interference. Thus, this use will harm water quality, fish, aquatic life, wildlife, and recreational use in the area by depleting streamflows in the Lost River Basin. OAR 690-11-195(4)(c)(A), (d), (e), (f), (h). Allowing such a use is not in the public interest.
- Measuring and reporting conditions are not adequate to protect the resource. It is our understanding that the Department is proposing to issue the five year permits so that they can collect and analyze information before any final determinations are made. Given this, it is imperative that measuring and reporting be as accurate as possible. Thus, to adequately evaluate water use, there needs to be mandatory measuring and reporting of both rate and duty.
- Measuring and reporting of the static water level may be compromised by the new condition that allows the well constructor, pump installer, and/or the permittee to measure static water levels. The point of the five year temporary permit, as we understand it, is to allow the Department to gather unbiased information on the effect of groundwater pumping on the surface water resource. To allow the permittee, and/or others who may not have the expertise and/or who may be biased, to take these measurements risks the unbiased nature of the data collection procedures.
- The proposed conditions fail to promote water conservation and ensure elimination of waste and improved efficiency of use. OAR 690-410-060(1), ORS 537.460(2). Given the documented resource problems in the basin, the original conditions were inadequate with regards to conservation and efficiency requirements because they didn't require conservation and water management plans to be developed and implemented as a condition of use. The new conditions are most certainly not in the public interest because they omit language that states that "the water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end." In addition, the new conditions only require an alternative long term supply plan for primary uses, rather than all uses, both supplemental and primary, as originally proposed by the Department.

- The new conditions which mandate that a certificate be issued if certain findings can be made is inconsistent with Oregon law because Oregon law only allows a use to be certificated to the extent that the permittee has proven beneficial use without waste within the terms of the permit.
- The proposed use is contrary to other Oregon policies including the Statewide Allocation Policy which requires use within the capacity of the resource and requires that instream flow needs be considered when reviewing applications for new uses. OAR 690-410-070.
- The proposed use is contrary to other statewide policies including those that require protection of native fish, water quality riparian areas and other public uses of water and call for integrated and coordinated water management. ORS 496.435, OAR 690-410-030, OAR 690-410-070, OAR 690-410-050(1), ORS 536.220(1), (2).

In addition, the following requirements of Division 11 and other procedural requirements were not followed:

- The Department's denial states that "(a) public interest determination must be made before a decision is made whether to issue a permit." This statement essentially makes it impossible for WaterWatch, or any interested party, that has raised public interest issues, to determine whether or not their public interest concerns will be addressed at some future date. It also makes it impossible for an interested party that has determined that the proposed conditions do address their public interest to determine whether their concerns will continue to be addressed if the public interest determination is made and when a permit is issued.

The public interest determination should be made before the parties are required to respond to the Department's proposal to issue so that the parties can determine whether their concerns are addressed. This "moving target" approach to public participation does not provide the public with the ability to participate meaningfully in water allocation decisions.

There is nothing in the rules that allow the Department to make changes to conditions without notice to interested parties. While we agree that as new information comes forward, the agency has a duty to ensure that conditions are modified to protect the resource, the Department should give parties in the proceeding notice and an opportunity to comment on any changes.

- The technical report failed to contain many of the elements and evaluations required in OAR 690-11-160(1). The Department's response in the denial letter, these elements were not included in the report in order to "maintain



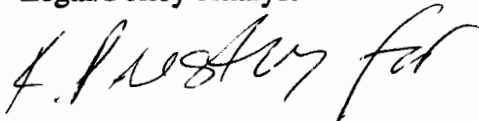
clarity and simplicity" is not supported in the rules. The purpose of the technical report is to give interested parties information that is crucial in order to evaluate whether or not the application is of concern.

For the reasons outlined above and in our objections, which we hereby incorporate by reference, we file this protest.

Sincerely,



Kimberley Priestley  
Legal/Policy Analyst



Karen Russell  
Assistant Director

attachments

Certificate of Service

I certify that on this 8th day of June, 1995, a copy of WaterWatch's Protest of Application G-12746 was served on each of the following by first class mail, postage paid, in the United States Mail from Portland, Oregon, enclosed in a sealed envelope and addressed as follows:

DONALD J HORSLEY  
HORSLEY, HELEN E  
PO BOX 8  
BONANZA, OR 97623

Stephanie Birchfield/Albert Mirati  
ODFW  
2501 SW First Ave.  
PO Box 59  
Portland, OR 97207

Roger Smith  
ODFW, Klamath Falls  
1400 Miller Island Road West  
Klamath Falls, OR 97603

Teena Baker  
Bureau of Reclamation  
6600 Washburn Way  
Klamath Falls, OR 97603

Klamath Tribes  
Bud Ullman  
Box 957  
Chiloquin, OR 97624

Wendall Wood  
ONRC  
Box 667  
Chiloquin, OR 97624

Kip Lombard  
Attorney for City of Bonanza  
Lombard Knudsen & Holtey  
622 Siskiyou Blvd  
Ashland, OR 97520

Signed this 8th day of June, 1995

A handwritten signature in cursive script, appearing to read "K. Priestley", written over a horizontal line.

Kimberley Priestley

## **WaterWatch Attachments to Protest**

- 1. Excerpt from Lost River and Short Nosed Sucker Recovery Plan**
- 2. WRD Letter to Applicants, re: WaterWatch raised valid public interest issues**
- 3. Department's Original Permit Conditions**
- 4. Newly Proposed Permit Conditions**
- 5. Staff Reports for Water Resources Commission Meetings on Lost River Basin, June 2, 1994; October 1, 1993; June 5, 1992**

May 15, 1995

Karen Russell, Assistant Director  
WaterWatch of Oregon  
213 SW Ash Street, Suite 208  
Portland, Oregon 97204

Re: Denial of Objections to Application File Numbers:

G 12493	G 12494	G 13514	Circle Five Ranch
G 12618			Haskins & Co Inc
G 12644			Lost River Ranch
G 12732			Earl Weirsma
G 12735			George Teague
[REDACTED]			Donald Horsley
G 12766			William B. Hill
G 12768			Elso DeJong
G 12772			Carl Gibson
G 12777	G 12808		Halousek Brothers
G 12811			Lynn R. Pope
G 12814			Donald R. Manning
G 12860			Weyerhaeuser Co.
G 12874			Kenneth Masten
G 12876			Charles Masten and Ned Goecken
G 12885			S. C. Masten
G 12885			Gary Williams (Peggy Biaggi)
G 12935			John Dark
G 12955			B. Bennett & J. Connelly
G 12972	G 13184		Balin Ranches
G 12994			Charles Cheyne
G 13011			W. E. Hammerich
G 13019			Wells Farms Inc.
G 13101			Barrett Livestock
G 13106			Grohs Ranch
G 13387			William DeJong

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed the Objections filed jointly by WaterWatch and Oregon Natural Resources Congress to the proposed water use reported in the Satisfactory Report of Technical Review announced for the application files listed above. In light of the agreement that was reached between the Oregon Department of Fish and Wildlife (ODFW), Bureau of Reclamation (BOR) and the above-listed applicants, the Director has determined that all of your Objections to the proposed uses are hereby denied.



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



Karen Russell, Assistant Director  
May 15, 1995  
Page Three

public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department in Salem, Oregon, no later than 5:00 p.m. on or before June 15, 1995. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,

 FOR

Steven P. Applegate, Administrator  
Water Rights and Adjudications Division

Enclosures: Conditions

cc: Applicants  
Michael Ryan, Bureau of Reclamation  
Roger Smith, Oregon Department of Fish and Wildlife  
Kip Lombard, Attorney, City of Bonanza  
files

May 15, 1995

Karen Russell, Assistant Director  
WaterWatch of Oregon  
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Portland, Oregon 97204

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Karen Russell, Assistant Director  
May 15, 1995  
Page Two

Attached is a list of conditions that will be included on each permit for the Applications. The conditions numbered two and three are specific to each application and will be excluded and/or individually tailored as appropriate.

These conditions were agreed to by the BOR, ODFW and the Applicants during the Alternative Dispute Resolution meetings.

As a part of the settlement agreement, the ODFW and BOR have withdrawn their objections to all of the Applications listed.

The Department's Groundwater/Hydrology Section determined that use of water from the wells described in the Technical Reviews for the Applications would have the potential to interfere with the Lost River. However, the ODFW and BOR agreed that if the permits for these uses included the conditions set out in the settlement agreement, the surface flows of the Lost River would be protected.

Given the fact that the proposed conditions include a requirement for site specific monitoring for both surface and groundwater, the Department has determined that the settlement agreement conditions will adequately address the public interest issues raised by the objectors, including the issues raised in the objections of WaterWatch and ONRC.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

Your objections do not meet the requirements of OAR 690-11-170(1). The Director has determined that you have not established that the Technical Review is defective. In addition, given the fact that each application will be conditioned in accordance with the settlement agreement, you have not identified elements of the proposed water use that may impair or be detrimental to the

Karen Russell, Assistant Director  
May 15, 1995  
Page Three

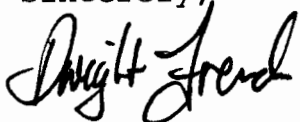
public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department in Salem, Oregon, no later than 5:00 p.m. on or before June 15, 1995. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,

 FOR

Steven P. Applegate, Administrator  
Water Rights and Adjudications Division

Enclosures: Conditions

cc: Applicants  
Michael Ryan, Bureau of Reclamation  
Roger Smith, Oregon Department of Fish and Wildlife  
Kip Lombard, Attorney, City of Bonanza  
files

January 13, 1995

DONALD AND HELEN HORSLEY  
PO BOX 8  
BONANZA OR 97623

Reference: File number(s) 12746

Dear Bonanza Area Groundwater Applicant:

Enclosed is a list of applications filed for use of groundwater in the Lost River Basin. Technical reviews have been issued for each of these applications. Objections have been filed in opposition to each of the technical reviews. Department staff met with the applicants on August 15, 1994. In addition, Department staff participated in the Health Division "Bonanza Summit" on November 1, 1994.

As we stated at the August 15, 1994, meeting we have determined that the objections filed by the Bureau of Reclamation, Oregon Department of Fish and Wildlife and WaterWatch of Oregon raise valid public interest issues. (Copies of these objection letters are enclosed.) Department rules allow for voluntary alternative dispute resolution (ADR) to resolve public interest issues if possible. The dispute resolution discussions are specifically intended to address these public interest issues. The purpose of the August 15 meeting was to initiate the ADR discussions.

However, at the August 15 meeting a number of individuals indicated that they felt they could prove that use of water from their wells located within the study area described in the "Groundwater Open File Report" (Gorman Report # 94-01) would not have the potential for interference with the surface water of the Lost River. Department staff encouraged individuals to submit any additional information they had or could develop concerning the interference question. At the request of a number of applicants, we transmitted a letter on October 4, 1994, outlining the examples of the type of information that would be of value to either confirm the Gorman Report or modify its conclusions. In our October 4 letter we agreed to put the ADR discussions on hold pending receipt of additional groundwater information.





January 13, 1995

Page Two

At the November 1 Bonanza Summit we met with a number of applicants, representatives of the City of Bonanza, Bureau of Reclamation staff, Health Division staff and other interested parties to understand how all parties could participate in discussions concerning the impact of development of the pending groundwater applications. A number of individuals indicated that it would take a few months for the parties to develop options for solutions to the City of Bonanza water quality problems. However, to date we have not received any additional groundwater information, nor have we received details as to the status of the Bonanza Summit discussions.

We are aware of the potential for great expense associated with gathering and analyzing additional data relative to the groundwater/surface water connection. Nevertheless, we do not feel we can further delay our ADR discussions. We would like to schedule the first discussion for 7:00 p.m., February 7, 1995, at the Oregon State Extension Service Building, 3328 Vandenberg RD, in Klamath Falls.

We are required to address all public interest issues raised by the objectors and would like to resolve as many as possible by way of the ADR process. However, if you elect not to participate in the ADR discussions we propose to schedule a contested case proceeding to address the issues set out in the objections. Therefore, if you do not wish to participate in the ADR discussions, please send me a written statement to that effect before the February 7, 1995 meeting. Be sure to include your file number on any correspondence.

If you elect to participate in the ADR discussions please attend the February 7, 1995 meeting. If you have questions please call Dwight French at (503) 378-8455, Ext. 268 or Bob Main at 388-6669.

Sincerely,



A. Reed Marbut, Administrator  
Water Rights/Adjudication Division

ARM/dpc

Enclosures

cc: Martha O. Pagel  
Bob Main  
Dwight French  
Fred Lissner  
Steve Sanders

January 13, 1995

DONALD AND HELEN HORSLEY  
PO BOX 8  
BONANZA OR 97623

Reference: File number [REDACTED]

Dear Bonanza Area Groundwater Applicant:

Enclosed is a list of applications filed for use of groundwater in the Lost River Basin. Technical reviews have been issued for each of these applications. Objections have been filed in opposition to each of the technical reviews. Department staff met with the applicants on August 15, 1994. In addition, Department staff participated in the Health Division "Bonanza Summit" on November 1, 1994.

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

January 13, 1995

Page Two

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Sincerely,



A. Reed Marbut, Administrator  
Water Rights/Adjudication Division

ARM/dpc

Enclosures

cc: Martha O. Pagel  
Bob Main  
Dwight French  
Fred Lissner  
Steve Sanders

October 4, 1994

DONALD AND HELEN HORSLEY  
PO BOX 8  
BONANZA OR 97623

Reference: File number(s) 12746

Dear DONALD AND HELEN HORSLEY:

At our August 15, 1994, meeting in Bonanza a number of individuals indicated that they could prove that use of water from their wells located within the study area described in the "Groundwater Open File Report" (Gorman Report # 94-01) would not have the potential for interference with the surface water of the Lost River. Naturally, if such information is available, it should be submitted to the Water Resources Department as soon as possible. Information concerning the characteristics of the Lost River area groundwater reservoir and the relationship between the groundwater and surface water are critical to our evaluation of the use of water in the area.

In addition, a number of individuals at the meeting suggested that some form of groundwater test could prove that use of groundwater does not interfere with the Lost River surface water. These individuals asked if Department staff could assist with design of a groundwater test. Specifically, it was asked "what kind of information could we develop that would allow you to grant our permits."

While it is not possible to set out the precise parameters of a successful test, we can provide some general concepts of the type of information that would be of value in either a confirmation of the Gorman Report or a modification of its conclusions.

Staff in our Groundwater/Hydrology Section suggest that the following information could be useful:

1. Geologic mapping or aquifer testing showing physical barriers to the movement of groundwater to the river from the source your well taps;
2. Interpretation of existing geologic data demonstrating the groundwater underlying the study area is a different source of water than that discharging to the Lost River surface water;



October 4, 1994  
Page Two

3. A well by well analysis demonstrating that the specific aquifer being tapped is different than the one that discharges to Lost River (e.g., the Lorrella project well); and
4. Water level head analysis demonstrating that the particular groundwater to be pumped from the well is at a different level than the aquifers known to be in connection with the Lost River surface water.

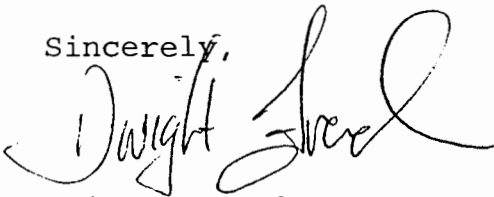
If a test includes actual test pumping, the pumping must be for a substantial period of time to demonstrate that there is no effect on the aquifer known to be in hydraulic connection with the Lost River.

It is essential that any test be designed and supervised by a qualified groundwater hydrologist. We suggest that the hydrologist review our files before the test is designed. In addition, the hydrologist should be in contact with Fred Lissner before beginning design of the test.

Given the interest in the groundwater test matter, we have put the alternative dispute resolution schedule on hold for the time being. We will not initiate our dispute resolution program until we have heard from you and other applicants concerning the test suggestion.

If you have questions concerning the groundwater test matter, please give Fred Lissner a call at (503) 378-3739. If you have questions concerning the dispute resolution, please give Reed Marbut a call (same number).

Sincerely,



Dwight French, Manager  
Water Rights Section

cc: Senator Gene Timms  
Martha Pagel, Director  
Bob Main, SC Region Manager  
Del Sparks, Watermaster



August 5, 1994

DONALD AND HELEN HORSLEY  
PO BOX 8  
BONANZA OR 97623

Reference: File number(s) 12746

Dear Bonanza Area Groundwater Applicant:

Staff of the Water Resources Department will hold an applicant information meeting concerning certain pending groundwater applications in the Bonanza Springs, Yonna, Poe and Langell Valleys on Monday, August 15, 1994 at 6:00 pm. The meeting will be held at Bonanza High School.

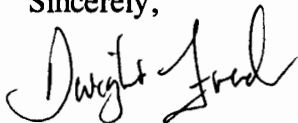
The purpose of the meeting is to provide information concerning the water right application review procedure to you and other applicants.

It is important that each applicant have a clear understanding of the application review process, how the issues are developed and how objections are handled. Therefore, we propose to follow a strict agenda at the August 15 meeting. It is not our intent to debate the issues related to approval or denial of individual applications.

A copy of the agenda is enclosed.

If you have any questions about the meeting, please feel free to give me a call.

Sincerely,



Dwight French  
Manager  
Water Rights Section



G	12768	-	Filed 2/3/1992	-	Elso and Arie DeJong	a
G	12493		4/22/91		CIRCLE FIVE RANCH INC.	a
G	12494		4/22/91		CIRCLE FIVE RANCH INC.	a
G	12507		4/26/91		BABSON (see G-12869)	a
G	12617		7/22/91		UECKER	a
G	12618		7/22/91		HASKINS AND CO. INC.	a
G	12644		8/23/91		LOST RIVER RANCH	b
G	12732		12/12/91		WIERSMA	a
G	12735		12/19/91		TEAGUE	a
G	12746		12/31/91		HORSLEY	a
G	12766		1/24/92		HILL	a
G	12769		4/7/95		RITTER	c
G	12772		2/05/92		GIBSON	a
G	12814		3/09/92		MANNING	a
G	12860		4/03/92		WEYERHAEUSER CO.	b
G	12869		4/10/92		BABSON	a
G	12874		4/14/92		MASTEN	a
G	12876		4/15/92		MASTEN	a
G	12877		4/15/92		MASTEN	a
G	12885		4/20/92		WILLIAMS*	a
G	12897		4/30/92		GORDEN	a
G	12955		6/05/92		BENNETT	a
G	12972		6/05/92		BALIN RANCH	a
G	12994		6/19/92		CHEYNE**	a
G	13011		6/29/92		HAMMERICH	a
G	13019		7/06/92		WELLS	b
G	13096		8/27/92		STASTNY JR	b
G	13101		8/31/92		BARRETT LIVESTOCK	b
G	13106		9/08/92		GROHS RANCH	a
G	13184		11/13/92		BALIN RANCHES	a
G	13198		11/25/92		GALLUP	a
G	13387		5/03/93		DEJONG	a

*Bonanza  
Appls.*

\*Assigned to Biaggi, no notice of the protest was given to the applicant.

\*\* Application withdrawn by letter

# Lost River Ranch LLC

#363

25400 North Poe Valley Road  
Klamath Falls, Oregon 97603  
(503) 884-7963

**RECEIVED**

MAR 18 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Martha O. Pagel  
Water Resource Department  
Commerce Building  
158 12th Street N.E.  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

March 15, 1996

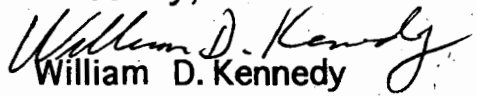
Dear Martha

I am responding to some concerns of several groundwater applicants that have taken part in the Bonanza ADR process and have received their final orders on their applications.

After your conversation this morning with Glenn Barrett we have reviewed our final orders and find similar concerns.

Please accept these comments on behalf of myself and in the interest of the other groundwater applicants in the Bonanza area.

Sincerely,

  
William D. Kennedy

cc  
Steve Applegate  
Dwight French

RECEIVED

OCT 15 1993

By FAX and regular mail

WATER RESOURCES DEPT.  
SALEM, OREGON



DEPARTMENT OF  
FISH AND  
WILDLIFE

October 13, 1993

Steve Brown  
Water Rights Section  
Water Resources Department  
3850 Portland Rd., NE  
Salem, OR 97310

RE: Groundwater Application #s 12567, 12617, 12618, 12642, 12732, 12735, 12746, 12766, 12772, 12777, 12711, 12814, 12869, 13101, 13041, 13019, 13013, 13012, 13011, 12994, 12979, 12955, 12935, 12897, 12885, 12877, 12507, 12876, 12874, 13096, 13106, 12972, 12901, 12493, 12494, 12860, and 12644; Reports of Technical Review

Generally, ODFW does not review or comment on applications to use groundwater. This decision to not review is based on the following:

- ▶ A belief that groundwater withdrawals from confined aquifers generally have little or no direct short-term impacts on surface flows, and
- ▶ Groundwater withdrawals do not present fish passage or screening problems.

However, in cases where groundwater has been shown to have a significant hydraulic connection with surface water, we are concerned that groundwater withdrawals will impact instream flows. This appears to be the case with the 37 subject applications in the Lost River basin.

According to a WRD staff report presented to WRC June 5, 1992,<sup>1</sup> there is considerable speculation and some evidence that ground water and surface water in the Lost River area

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<sup>1</sup>Agenda Item L; Request for authorization to initiate withdrawal proceedings for a Lost River groundwater reservoir, Klamath County.



2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-5400  
TDD (503) 229-5459

WRD

October 13, 1993

Page 2

are interconnected to a significant degree. Because the proposed groundwater withdrawals appear to have a strong potential for reducing flows in Lost River and other area streams, ODFW harbors serious reservations regarding project impacts on streamflows and fish populations that depend on them.

Lost River sucker ("mullet") (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*) are indigenous to the Klamath Lake watershed. Recent surveys by BOR personnel<sup>2</sup> have verified that the latter species, at least, is reproducing in Lost River in the areas that would potentially be impacted by some or all of the proposed appropriations. Because these aging populations are showing very little or no annual juvenile recruitment over much of their historical range, Oregon and the federal government (USFWS) have listed them as "endangered" throughout their historic range. Numerous large and small unscreened BOR, PGE and irrigation diversions and marsh drainage for agriculture have profoundly modified the historic habitat base for these unique fish. Continued diminishment of surface water resources could easily push these species to extinction before recovery efforts can improve the situation.

Steve, I admittedly have not reviewed all of the subject applications. But because Lost River and its tributary creeks and springs contain 2 listed T&E species, ODFW is concerned that permitting these appropriations will exacerbate instream flow problems that already exist. There is considerable information on Lost River and short-nose suckers that indicates these species rely heavily on springs in the Lost River basin for spawning and some rearing. Several isolated and genetically distinct populations of suckers have already been lost, arguably due to dewatering or destruction of critical spring habitats.

With the above in mind, ODFW hereby objects to the issuance of permits for any of the listed groundwater applications where there is reason to believe that groundwater withdrawals will deplete surface flows in this basin. We believe that development of these permits could have serious negative impacts on local fish populations, especially the 2 listed species of suckers, and would, therefore, be contrary to the public interest.

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<sup>2</sup>Buettner, personal communication--(503) 883-6935, Klamath Falls



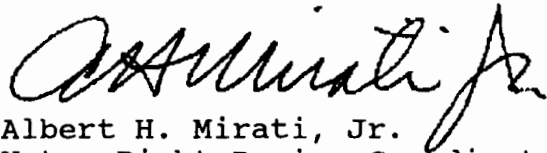
WRD

October 13, 1993

Page 3

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati, Jr.", written in black ink.

Albert H. Mirati, Jr.  
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)  
Stephanie Burchfield  
Fortune, Klamath Falls

FILE: G\_WATER.TEC

# WaterWatch

O F O R E G O N

RECEIVED

OCT 18 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

By FAX 378-8130 and Regular Mail

October 13, 1993

Oregon Water Resources Department  
Water Rights Section  
3850 Portland Road NE  
Salem, Oregon 97310

Re: Objections to Technical Reports for: G-12567, Rookhuyzen  
G-12617, Uecker; G-12618, Haskins & Co.; G-12642, Smith;  
G-12732, Wiersma; G-12735, Teague; G-12746, Horsley;  
G-12766, Hill; G-12772, Gibson; G-12777, Halousek; G-12811, Pope;  
G-12814, Manning; G-12869, G-12507, Babson; G-13101, Livestock;  
G-13041, Cheyne; G-13019, Wells; G-13013, Jeld-Wen; G-13012, Mendiboure;  
G-13011, Hammerich; G-12994, Cheyne; G-12979, Unruh; G-12955, Bennett;  
G-12935, Dark; G-12897, Gorden; G-12885, Williams; G-12877, G-12876, G-12874  
Masten; G-13096, Stastny; G-13106, Ranch; G-12972, Ranch; G-12901, Smith;  
G-12493, G-12494, Circle Five Ranch; G-12860, Weyerhaeuser  
Applications for Irrigation in the Lost River Basin

---

## Overview

The above referenced applications, when viewed as a whole, propose to pump approximately 131 cfs of ground water for irrigation use in the Lost River Basin (approximately 20 cfs is for primary irrigation use, approximately 36 cfs is for supplemental irrigation use and the remainder is for both primary and supplemental irrigation use). Most, if not all of these applicants are located within irrigation districts in the basin which receive water from federal reclamation projects. In many cases these applicants are looking to ground water as a source of water supply because existing surface water supplies whether from natural flow or Bureau of Reclamation (BOR) projects in the basin, are insufficient to meet irrigation needs. This surface water shortage is due, in part, to changes in reservoir operations made to protect habitat for Lost River and shortnose sucker species listed as endangered under both the federal and state Endangered Species Acts. The recent drought has aggravated the existing water supply problems.

Unfortunately for these applicants, there is growing evidence that the ground water resource is not capable of supporting existing ground water pumping, much less these proposed uses of water. The Water Resources Department's own analysis is that ground water pumping has exceeded the capacity of the ground water resource and that the pumping is having substantial effects on surface water flows in the Lost River. The Lost River system supports two endangered suckers and currently suffers from severe water quality problems. Any solution to these applicants water supply problems will not come from ignoring existing

water supply and environmental problems and issuing permits for these application, whether temporary or permanent. The solution must come from increasing efficiencies in water use and achieving a better balance in water use in the basin. It is for these and other reasons that WaterWatch of Oregon and the Oregon Natural Resources Council (ONRC) submit these objections pursuant to OAR 690-11-170.

### **The Ground Water Resource**

Ground water in the Bonanza area is directly connected to the Lost River. WRC Agenda Item E, October 1, 1993 at 3 (hereinafter Agenda Item E). The most prominent ground water discharge is Bonanza Big Springs. Id. Ground water pumping from already existing permitted and exempt ground water uses in the area has been found to reduce Bonanza Springs discharges to the Lost River. Id. at 4. The applications referenced above propose to tap the very same aquifer that feeds Bonanza Springs. See Id., and Water Availability Report-Surface Water Application, filled out by Watermaster Sparks for G-12617, December of 1991. It is hard to imagine a more clear case of ground water/surface water interaction.

Existing ground water use has, at times, resulted in reversal of the hydraulic gradient of the aquifer flow such that the Lost River is actually drawn into the ground water through Bonanza Springs. Agenda Item E at 2. This has been identified by the Oregon Health Division as one of the causes of ground water contamination in the area. Id. See also Preliminary Assessment of Occurrence of Bacterial Contamination of Ground Water in Bonanza, Oregon, Nelson, Oregon Health Division at 2. This ground and surface water quality contamination problems is an ongoing chronic problems that has been aggravated in the past few years by the area wide drought. Oregon Department of Human Resources - Sanitary Survey Report, City of Bonanza.

### **The Surface Water Resource**

#### Quantity

The flow in the Lost River arises from storage releases of BOR projects and groundwater discharges. Agenda Item E, at 3. According to the Water Resources Department, "much of the flow of the Lost River is due to storage releases." Id.

#### Quality

The Department of Environmental Quality (DEQ) has identified the Lost River from river mile 0 to 65 as water quality limited. See Oregon's 1992 Water Quality Status Assessment Report, 305(b) Report, A-79. From river mile 0 to river mile 5 the Lost River's water quality violates dissolved oxygen level standards. It is incapable of supporting the designated beneficial use of aquatic life during the summer months. This section of the river also violates water quality parameters for pH, nutrients and algae rendering only partially

able to support the listed beneficial uses of aquatic life and aesthetics during the summer months. From river mile 5 to 65 (the segment containing Bonanza Springs) the water quality violations are year round for dissolved oxygen and fecal coliform parameters such that the listed beneficial uses of aquatic life and water contact are not supported. Agricultural practices have been identified by DEQ as a possible cause of these water quality problems.

#### The Fish Resource

The Lost River supports two endangered suckers, the short nose and lost river suckers. The United States Fish and Wildlife Service (USFWS) Lost River (*Deltistes luxatus*) and Shortnose (*Chasmistes brevirostris*) Sucker Recovery Plan provides a good description of the history of these suckers:

Lost River and shortnose suckers are endemic to the upper Klamath Basin of Oregon and California (Map, page 11). Within their range, early records indicate that the Lost River and shortnose suckers were widespread and abundant. Cope (1884) noted that Upper Klamath Lake sustained "a great population of fishes" and was "more prolific in animal life" than any body of water known to him at that time. Gilbert (1898) noted that the Lost River sucker was "the most important food-fish of the Klamath Lake region." At that time, spring sucker runs "in incredible numbers" (Gilbert 1898) were relied upon as a food source by the Klamath and Modoc Indians and were taken by local settlers for both human consumption and livestock feed (Cope 1879, Coots 1965, Howe 1968). Sucker runs were so numerous that a cannery was established on the Lost River (Howe 1968) and several other commercial operations processed "enormous amounts" of suckers into oil, dried fish, and other products (Andreasen 1975).

Recovery Plan at 4. The decline of these suckers has been recognized since the mid-1960's, but the severity of the decline was not recognized until the 1980's. Recovery Plan Executive Summary.

In 1988 both species were listed under the federal Endangered Species Act as endangered. Executive summary. These species are also listed under the Oregon Endangered Species Act. By that time, entire stocks had already disappeared from sections of the Klamath Basin. *Id.* Both species of sucker are found in the Lost River. The Lost River and shortnose suckers are lake dwelling but spawn in tributary streams or springs. Recovery plan at 9, Executive Summary. Recent studies indicate that Bonanza Big Springs provides critical spawning habitat to at least some of these sucker populations. Recovery Plan at 9.

The USFWS has identified water diversion and water quality problems associated with agricultural practices as some of the causes of the decline of these species. *Id.* "Reduction

and degradation of lake and stream habitat in the Upper Klamath Basin has been proposed by the (USFW) Service as the major factor in the decline of both species." Executive. Summ. The recovery actions identified by the USFWS in the recovery plan for the suckers include improving habitat conditions by, among other things, developing and achieving water quality and water quality goals, improving fish habitat and improving land management practices. Executive summary. To date, no streamflow goals have been established for suckers in the Lost River.<sup>1</sup>

◆ **The Technical Reports are Defective.**

The technical reports fail to include many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The reports fail to assess whether the proposed uses are restricted by statute. OAR 690-11-160(1)(b).
- The reports fail to assess the proposed uses with respect to conditions on other permits from the same source or the same type of use. OAR 690-11-160(1)(c).
- The reports fail to assess the uses with respect to all applicable administrative rules. OAR 690-11-160. For example, the reports do not assess the uses with respect to the applicable basin plan.
- The reports fail to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the section entitled CONFLICTS WITH OTHER WATER RIGHTS does not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the applications. The rules are not that limited. The technical report must evaluate the potential for conflict with existing rights -- rights that use the same source of water and rights that use other sources that may be affected by the proposed withdrawals.
- The reports fail to evaluate water availability from the proposed source pursuant to OAR 690-11-160(f).
- The reports do not evaluate whether the amount requested is necessary to meet the proposed use. OAR 690-11-160(1)(g).

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<sup>1</sup> The Oregon Department of Fish and Wildlife has developed recommended flows for trout habitat. See attachment 1. However, these may not be appropriate for suckers needs.



- Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).

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

The proposed uses fail to pass the public interest considerations in ORS 537.525, 537.620 and 537.170 and the policies of Oregon's laws calling for the protection of native and anadromous fish, ORS 496.430 et sec. *See also*, OAR 690-11-195(3)(b), (d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f). The State holds the waters from all sources of supply, in trust for the public. ORS 536.310(1), ORS 537.110, ORS 537.334(2), ORS 537.535, OAR 690-410-010(1) and OAR 690-410-070(1). Use of Oregon's ground water can generally only allowed by permit or certificate. The Ground Water Act of 1955 (ORS 537.505 to 537.795) requires the Commission to deny permit requests unless it can ensure that the "public welfare, safety and health" are protected. ORS 537.620. Thus, when evaluating the above referenced applications the Commission has a duty to ensure that the uses will not harm the quality of the ground and surface waters (*See* ORS 468B.015(1), 468B.015(2), (4) OAR 690-410-070(2)(e)), and instream flow needs for fish populations (ORS 496.430, OAR 690-410-070(2)(h)). *See also* OAR 690-11-195(4)(c), (d) and (h).

The state and federal Endangered Species Acts also place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival of recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. *See Palilia v. Hawaii Department of Land and Natural Resources*, 649 F.Supp. 1070 (D. Hawaii 1986), *aff'd*, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above reference *Palilia* case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

Listing under the state and federal endangered species act is a sign not only of the health of a particular species but also a warning signal for the health of the human environment. It has been a goal of Governor Roberts and the state not to allow resource conflicts to reach the level where federal intervention removes the state control. The

proposed approval of these applications will inevitably lead to these issues being resolved in Washington D.C. not in Oregon.

**1. The Water Availability Analysis is Defective**

The analysis is defective for the following reasons:

- There was no analysis of surface water availability. The technical reports did not have any analysis of the status of water availability in the Lost River. As of September 29 there was no such analysis in any of the above referenced Department files. Since the uses in these applications will substantially interfere with Lost River flows, a surface water availability analysis is crucial to the water availability analysis for these ground water permits.

In addition, any such analysis must adequately consider rights-of-record. At any given moment there may be valid, but unexercised, water rights in a basin. Water users may at any time use the water to which they are legally entitled up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights-of-record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The analysis appears to ignore existing and possible future uses of ground water that are exempt from Oregon's permitting requirements. We understand that there is no municipal water supply system in the City of Bonanza and most if not all residential uses of water in the City is diverted through exempt ground water wells. Thus, existing and future exempt wells have a cumulative impact on the resource and should be factored into the water availability analysis.

- The water availability analysis for surface flows in the Lost River must differentiate between natural flows and regulated flows (water released from upstream storage). There are many storage facilities in the Lost River system which contribute a majority of the water in the Lost River System. The flow releases from these federal projects are likely to be going through alterations in response to endangered species habitat concerns in the reservoirs. This will mean that flow regimes in the Lost River will be changing. If these proposed ground water uses in these applications essentially draw from surface waters then they may be using stored water. Failure to differentiate between natural flows and regulated flows in the analysis overestimates the amount of natural flow available for use, leads to unrealistic expectations on the part of the applicant and will result in the over-allocation of the resource. This is

contrary to the statewide Water Allocation Policy. OAR 690-400-010. As a legal and policy matter, the Department must differentiate between stored water and natural flow in its water availability analysis for new permits and in its regulation of existing permits.

- The analysis fails to take into account flows needed to protect endangered fish populations in the Lost River. This is contrary to the statewide allocation and instream flow policies which require protection of instream flow needs when considering applications for out-of-stream uses. OAR 690-410-070(2) and 690-410-030.

2. **The proposed conditions are not sufficient to protect the public's interest in the resource.**

#### Temporary Permits

The technical reports propose to issue temporary permits for these proposed uses that will only be issued if certain conditions are met. WaterWatch and ONRC object to the use of temporary permits for the following reasons:

- The issuance of temporary permits does **nothing** to halt the further degradation of the resources in the Lost River. The fact that the water use is "temporary" ignores the fact that the resource, **without** these new uses of water, is already in critical condition.
- The permit only allows these permittees to be shut off if the use harms existing senior water right holders. There are no water rights, senior or otherwise, that protect instream values in this river system. Thus, these conditions do not allow the Commission to regulate these new permittees to protect instream values such as water quality or endangered species.
- There is no public notice or opportunity to comment on permit renewals.
- There are no clear standards for renewal. The condition allows renewal of the temporary permits if the surface flows are not "significantly diminished"; requires a "plan" for alternative long-term water supply; if ground water levels have not "excessively declined"; and water level reports have been "timely submitted"<sup>2</sup>.

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<sup>2</sup> If temporary permits were issued, the permittee should be required to show that they complied with measurement and reporting requirements relating to water use and to periodic water level reports.

Other Permit Conditions

In addition, the proposed permit conditions relating to measurement and reporting of water use would not be sufficient if by some stretch of the imagination these applications were in the public interest.

- 3. The proposed uses are not in the public interest because they will deplete and adversely affect quantity and quality of water needed to meet the needs for endangered species uses of the Lost River.**

The proposed uses would deplete spring flows needed for endangered suckers in the Lost River. Adequate quantity and quality of water needed for migration and spawning are critical for the survival and restoration of sucker species in the basin. Reduced streamflows caused by depletion of springs by groundwater pumping contribute to higher water temperatures, reduced water quality and loss of aquatic habitat. Low flows impede passage and rearing in the mainstem Lost River. In addition, this water is proposed to be diverted for agricultural uses which have identified by DEQ as causing water quality problems. In addition, agricultural practices in the area have been identified by the USFWS as one of the causes of decline of the endangered suckers. The continued issuance of water use permits, whether temporary or permanent, in the face of the duty to protect critical habitat for threatened and endangered fish species, is contrary to the requirements of state and federal law.

- 4. The proposed uses are contrary to Oregon policy.**

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. Instead of spending valuable state resources processing these applications, the state should be working to protect instream flows in this basin through the adoption of instream water rights. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). The Commission's review relating to instream needs is not limited to existing instream water rights or applications for water rights, it must also consider instream flow needs that are not specifically protected. OAR 690-410-070(2)(h). No such consideration has been done.

Instream water rights are an essential tool that must be utilized if Oregon is to achieve equitable allocation of water. Instream water rights not only protect unallocated waters instream, they serve as a management objective for obtaining the amount of instream flows needed to support public uses. OAR 690-77-015(2). The presence of endangered sucker

populations in the Klamath River system makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in the basin and throughout the state.

Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Protection of streamflows is also necessary in order to carry out the state policy of restoring native fish stocks. Oregon law states that "it is declared to be a goal of the people of the State of Oregon to restore native stocks of salmon and trout to their historic levels of abundance." ORS 496.435.

Oregon statutes and rules also call for 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). Proposed condition #8 does little to further these policies. Given the critical status of fish populations in the basin, the water quality problems and the fact that the proposed use is the type of use known to cause these existing problems, it is imperative that any use allowed be held to a strict efficiency standard prior to issuance of any new permits.

Oregon's statewide storage policy recognizes that storage is an "integral part" of the State's "strategy to enhance the public" benefits resulting from instream uses of Oregon's waters. OAR 690-410-080(1). The policy also recognizes that "(s)orage can provide increased water management flexibility and control." *Id.* One of the principles of the policy is to require that storage projects be managed in a way that will "protect and enhance the public health, safety and welfare, and the state's natural resources." OAR 690-410-080(2)(d). The Department's historic failure to manage stored water once it is released from storage and to distinguish between natural and regulated flows is not consistent with these policy mandates. Until the state begins to differentiate between natural and stored, and then begins to manage the resource consistent with that management strategy it will be ill-equipped to address the management and resource protection issues that it faces in the Klamath River Basin.<sup>3</sup>

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<sup>3</sup> This failure also undermines efforts of the BOR and other federal agencies to obtain water needed for fish in the Lost River basin. The endangered suckers rely both on lakes and on stream and spring habitat. This means the BOR and the state will have to develop a management strategy for the suckers that protect certain reservoir levels and instream flows. Unless and until the Department differentiates between natural flow and stored water, the Department is creating yet another situation where a person who does not have a rights to use stored water is diverting ground water which affects stored water flows - potentially the stored water that the public is paying to have released into the river for fish needs. This is



Finally, the Commission's statewide policy on ground water management states that "(g)roundwater and surface water shall be managed conjunctively where to do so will protect the water resources, existing water rights, and the public interest." OAR 690-410-010(2)(a). The Policy also requires that "(i)nterference between groundwater uses and competing ground and surface water uses shall be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1). The policy recognizes the state's duty to prevent ground water overdraft or contamination in order to avoid environmental damage. Id. For the reasons outlined above, the proposed issuance of these pending applications are not consistent with any of the parts of this statewide policy.

◆ Conclusion

We are open to discussion with the Department and the applicants on all of the issues raised in this objection letter. However, in order to protect the public's interest in the resource, and the endangered fish species which rely on this resource, these and other applications for permits for water from the Lost River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. It is bad public policy to issue water rights based upon limited information when there is clearly a biological crisis in this critical river system.

Sincerely,  
  
Karen A. Russell  
Assistant Director  
WaterWatch

Wendel Wood  
ONRC

encl.

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not only contrary to Oregon water law, it undermines the efforts of federal, state, and local governments, tribal governments and concerned citizens who have been working to protect one of Oregon's, and the nations, most precious resources.

Attachment 1

**OREGON DEPARTMENT OF FISH & WILDLIFE  
MINIMUM FLOW RECOMMENDATIONS FOR LOST RIVER**

<b>PERIOD</b>	<b>MERRILL</b>	<b>BONANZA</b>	<b>RM 64.0</b>
January	30	25	15
February	30	30	15
March	30	30	15
April	50	35	20
May	50	35	20
June	50	35	20
July	20	10	10
August	15	10	5
September	15	10	5
October	15	10	5
November	15	10	5
December	20	15	10

Flow recommendations in cubic feet per second.  
Estimates for Trout habitat.

Fax Transmittal Memo 7672

Steve Brown  
WRD

Company  
Location  
Fax #

Telephone #

Comments

(13) No. of Pages 3

Today's Date 10/13

Time 3:15 P

From

Al Smith  
ODFW

Company

Location

Dept. Charge

Fax #

Telephone #

Original Disposition:

Destroy

Return

Call for pickup

# Oregon

DEPARTMENT OF  
FISH AND  
WILDLIFE



By FAX and regular mail

October 13, 1993

Steve Brown  
Water Rights Section  
Water Resources Department  
3850 Portland Rd., NE  
Salem, OR 97310

RE: Groundwater Application #s 12567, 12617, 12618, 12642, 12732, 12735, 12746, 12766, 12772, 12777, 12711, 12814, 12869, 13101, 13041, 13019, 13013, 13012, 13011, 12994, 12979, 12955, 12935, 12897, 12885, 12877, 12507, 12876, 12874, 13096, 13106, 12972, 12901, 12493, 12494, 12860, and 12644; Reports of Technical Review

Generally, ODFW does not review or comment on applications to use groundwater. This decision to not review is based on the following:

- ▶ A belief that groundwater withdrawals from confined aquifers generally have little or no direct short-term impacts on surface flows, and
- ▶ Groundwater withdrawals do not present fish passage or screening problems.

However, in cases where groundwater has been shown to have a significant hydraulic connection with surface water, we are concerned that groundwater withdrawals will impact instream flows. This appears to be the case with the 37 subject applications in the Lost River basin.

According to a WRD staff report presented to WRC June 5, 1992, there is considerable regulation and some evidence

instream flows. This appears to be the case with the 3,  
subject applications in the Lost River basin.

According to a WRD staff report presented to WRC June 5,  
1992,<sup>1</sup> there is considerable speculation and some evidence  
that ground water and surface water in the Lost River area

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<sup>1</sup>Agenda Item L; Request for authorization to initiate  
withdrawal proceedings for a Lost River groundwater reservoir,  
Klamath County.



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2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-5400  
TDD (503) 229-5459

WRD  
October 13, 1993  
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are interconnected to a significant degree. Because the proposed groundwater withdrawals appear to have a strong potential for reducing flows in Lost River and other area streams, ODFW harbors serious reservations regarding project impacts on streamflows and fish populations that depend on them.

Lost River sucker ("mullet") (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*) are indigenous to the Klamath Lake watershed. Recent surveys by BOR personnel<sup>2</sup> have verified that the latter species, at least, is reproducing in Lost River in the areas that would potentially be impacted by some or all of the proposed appropriations. Because these aging populations are showing very little or no annual juvenile recruitment over much of their historical range, Oregon and the federal government (USFWS) have listed them as "endangered" throughout their historic range. Numerous large and small unscreened BOR, PGE and irrigation diversions and marsh drainage for agriculture have profoundly modified the historic habitat base for these unique fish. Continued diminishment of surface water resources could easily push these species to extinction before recovery efforts can improve the situation.

Steve, I admittedly have not reviewed all of the subject applications. But because Lost River and its tributary creeks and springs contain 2 listed T&E species, ODFW is concerned that permitting these appropriations will exacerbate instream flow problems that already exist. There is considerable information on Lost River and short-nose suckers that indicates these species rely heavily on springs in the Lost River basin for spawning and some rearing. Several isolated and genetically distinct populations of suckers have already been lost, arguably due to dewatering or destruction of critical spring habitats.

With the above in mind, ODFW hereby objects to the issuance of permits for any of the listed groundwater applications where there is reason to believe that groundwater withdrawals will deplete surface flows in this basin. We believe that development of these permits could have serious negative impacts on local fish populations, especially the 2 listed species of suckers, and would, therefore, be contrary to the public interest.

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<sup>2</sup>Buettner, personal communication--(503) 883-6935, Klamath Falls



WRD  
October 13, 1993  
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Thank you for the opportunity to comment.

Sincerely,



Albert H. Mirati, Jr.  
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)  
Stephanie Burchfield  
Fortune, Klamath Falls

FILE: Q\_WATWR.TEC

# WaterWatch

O F O R E G O N

- Water Quality  
- Proposed ~~use~~ not a public interest.

By FAX 378-8130 and Regular Mail

October 13, 1993

Oregon Water Resources Department  
Water Rights Section  
3850 Portland Road NE  
Salem, Oregon 97310

- Temporary Permits  
not in public interest

Other (APP.) 5 year permit not long enough.  
- not surface water

Re: Objections to Technical Reports for: G-12567, Rookhuyzen; G-12617, Uecker; G-12618, Haskins & Co.; G-12642, Smith; G-12732, Wiersma; G-12735, Teague; G-12736, Horsley; G-12766, Hill; G-12772, Gibson; G-12777, Halousek; G-12811, Pope; G-12814, Manning; G-12869, G-12507, Babson; G-13101, Livestock; G-13041, Cheyne; G-13019, Wells; G-13013, Jeld-Wen; G-13012, Mendiboure; G-13011, Hammerich; G-12994, Cheyne; G-12979, Unruh; G-12955, Bennett; G-12935, Dark; G-12897, Gorden; G-12885, Williams; G-12877, G-12876, G-12874 Masten; G-13096, Stastny; G-13106, Ranch; G-12972, Ranch; G-12901, Smith; G-12493, G-12494, Circle Five Ranch; G-12860, Weyerhaeuser  
Applications for Irrigation in the Lost River Basin

## Overview

The above referenced applications, when viewed as a whole, propose to pump approximately 131 cfs of ground water for irrigation use in the Lost River Basin (approximately 20 cfs is for primary irrigation use, approximately 36 cfs is for supplemental irrigation use and the remainder is for both primary and supplemental irrigation use). Most, if not all of these applicants are located within irrigation districts in the basin which receive water from federal reclamation projects. In many cases these applicants are looking to ground water as a source of water supply because existing surface water supplies whether from natural flow or Bureau of Reclamation (BOR) projects in the basin, are insufficient to meet irrigation needs. This surface water shortage is due, in part, to changes in reservoir operations made to protect habitat for Lost River and shortnose sucker species listed as endangered under both the federal and state Endangered Species Acts. The recent drought has aggravated the existing water supply problems.

Unfortunately for these applicants, there is growing evidence that the ground water resource is not capable of supporting existing ground water pumping, much less these proposed uses of water. The Water Resources Department's own analysis is that ground water pumping has exceeded the capacity of the ground water resource and that the pumping is having substantial effects on surface water flows in the Lost River. The Lost River system supports two endangered suckers and currently suffers from severe water quality problems. Any solution to these applicants water supply problems will not come from ignoring existing

water supply and environmental problems and issuing permits for these application, whether temporary or permanent. The solution must come from increasing efficiencies in water use and achieving a better balance in water use in the basin. It is for these and other reasons that WaterWatch of Oregon and the Oregon Natural Resources Council (ONRC) submit these objections pursuant to OAR 690-11-170.

### The Ground Water Resource

Ground water in the Bonanza area is directly connected to the Lost River. WRC Agenda Item E, October 1, 1993 at 3 (hereinafter Agenda Item E). The most prominent ground water discharge is Bonanza Big Springs. *Id.* Ground water pumping from already existing permitted and exempt ground water uses in the area has been found to reduce Bonanza Springs discharges to the Lost River. *Id.* at 4. The applications referenced above propose to tap the very same aquifer that feeds Bonanza Springs. *See Id.*, and Water Availability Report-Surface Water Application, filled out by Watermaster Sparks for G-12617, December of 1991. It is hard to imagine a more clear case of ground water/surface water interaction.

Existing ground water use has, at times, resulted in reversal of the hydraulic gradient of the aquifer flow such that the Lost River is actually drawn into the ground water through Bonanza Springs. Agenda Item E at 2. This has been identified by the Oregon Health Division as one of the causes of ground water contamination in the area. *Id.* *See also* Preliminary Assessment of Occurrence of Bacterial Contamination of Ground Water in Bonanza, Oregon, Nelson, Oregon Health Division at 2. This ground and surface water quality contamination problems is an ongoing chronic problems that has been aggravated in the past few years by the area wide drought. Oregon Department of Human Resources - Sanitary Survey Report, City of Bonanza.

### The Surface Water Resource

#### Quantity

The flow in the Lost River arises from storage releases of BOR projects and groundwater discharges. Agenda Item E, at 3. According to the Water Resources Department, "much of the flow of the Lost River is due to storage releases." *Id.*

#### Quality

The Department of Environmental Quality (DEQ) has identified the Lost River from river mile 0 to 65 as water quality limited. *See* Oregon's 1992 Water Quality Status Assessment Report, 305(b) Report, A-79. From river mile 0 to river mile 5 the Lost River's water quality violates dissolved oxygen level standards. It is incapable of supporting the designated beneficial use of aquatic life during the summer months. This section of the river also violates water quality parameters for pH, nutrients and algae rendering only partially

able to support the listed beneficial uses of aquatic life and aesthetics during the summer months. From river mile 5 to 65 (the segment containing Bonanza Springs) the water quality violations are year round for dissolved oxygen and fecal coliform parameters such that the listed beneficial uses of aquatic life and water contact are not supported. Agricultural practices have been identified by DEQ as a possible cause of these water quality problems.

#### The Fish Resource

The Lost River supports two endangered suckers, the short nose and lost river suckers. The United States Fish and Wildlife Service (USFWS) Lost River (*Deltistes luxatus*) and Shortnose (*Chasmistes brevirostris*) Sucker Recovery Plan provides a good description of the history of these suckers:

Lost River and shortnose suckers are endemic to the upper Klamath Basin of Oregon and California (Map, page 11). Within their range, early records indicate that the Lost River and shortnose suckers were widespread and abundant. Cope (1884) noted that Upper Klamath Lake sustained "a great population of fishes" and was "more prolific in animal life" than any body of water known to him at that time. Gilbert (1898) noted that the Lost River sucker was "the most important food-fish of the Klamath Lake region." At that time, spring sucker runs "in incredible numbers" (Gilbert 1898) were relied upon as a food source by the Klamath and Modoc Indians and were taken by local settlers for both human consumption and livestock feed (Cope 1879, Coots 1965, Howe 1968). Sucker runs were so numerous that a cannery was established on the Lost River (Howe 1968) and several other commercial operations processed "enormous amounts" of suckers into oil, dried fish, and other products (Andreasen 1975).

Recovery Plan at 4. The decline of these suckers has been recognized since the mid-1960's, but the severity of the decline was not recognized until the 1980's. Recovery Plan Executive Summary.

In 1988 both species were listed under the federal Endangered Species Act as endangered. Executive summary. These species are also listed under the Oregon Endangered Species Act. By that time, entire stocks had already disappeared from sections of the Klamath Basin. *Id.* Both species of sucker are found in the Lost River. The Lost River and shortnose suckers are lake dwelling but spawn in tributary streams or springs. Recovery plan at 9, Executive Summary. Recent studies indicate that Bonanza Big Springs provides critical spawning habitat to at least some of these sucker populations. Recovery Plan at 9.

The USFWS has identified water diversion and water quality problems associated with agricultural practices as some of the causes of the decline of these species. *Id.* "Reduction

and degradation of lake and stream habitat in the Upper Klamath Basin has been proposed by the (USFW) Service as the major factor in the decline of both species." Executive. Summ. The recovery actions identified by the USFWS in the recovery plan for the suckers include improving habitat conditions by, among other things, developing and achieving water quality and water quality goals, improving fish habitat and improving land management practices. Executive summary. To date, no streamflow goals have been established for suckers in the Lost River.<sup>1</sup>

◆ **The Technical Reports are Defective.**

The technical reports fail to include many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The reports fail to assess whether the proposed uses are restricted by statute. OAR 690-11-160(1)(b).
- The reports fail to assess the proposed uses with respect to conditions on other permits from the same source or the same type of use. OAR 690-11-160(1)(c).
- The reports fail to assess the uses with respect to all applicable administrative rules. OAR 690-11-160. For example, the reports do not assess the uses with respect to the applicable basin plan.
- The reports fail to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the section entitled CONFLICTS WITH OTHER WATER RIGHTS does not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the applications. The rules are not that limited. The technical report must evaluate the potential for conflict with existing rights – rights that use the same source of water and rights that use other sources that may be affected by the proposed withdrawals.
- The reports fail to evaluate water availability from the proposed source pursuant to OAR 690-11-160(f).
- The reports do not evaluate whether the amount requested is necessary to meet the proposed use. OAR 690-11-160(1)(g).

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<sup>1</sup> The Oregon Department of Fish and Wildlife has developed recommended flows for trout habitat. See attachment 1. However, these may not be appropriate for suckers needs.



- Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).

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

The proposed uses fail to pass the public interest considerations in ORS 537.525, 537.620 and 537.170 and the policies of Oregon's laws calling for the protection of native and anadromous fish, ORS 496.430 et sec. See also, OAR 690-11-195(3)(b), (d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f). The State holds the waters from all sources of supply, in trust for the public. ORS 536.310(1), ORS 537.110, ORS 537.334(2), ORS 537.535, OAR 690-410-010(1) and OAR 690-410-070(1). Use of Oregon's ground water can generally only allowed by permit or certificate. The Ground Water Act of 1955 (ORS 537.505 to 537.795) requires the Commission to deny permit requests unless it can ensure that the "public welfare, safety and health" are protected. ORS 537.620. Thus, when evaluating the above referenced applications the Commission has a duty to ensure that the uses will not harm the quality of the ground and surface waters (See ORS 468B.015(1), 468B.015(2), (4) OAR 690-410-070(2)(e)), and instream flow needs for fish populations (ORS 496.430, OAR 690-410-070(2)(h)). See also OAR 690-11-195(4)(c), (d) and (h).

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proposed approval of these applications will inevitably lead to these issues being resolved in Washington D.C. not in Oregon.

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In addition, any such analysis must adequately consider rights-of-record. At any given moment there may be valid, but unexercised, water rights in a basin. Water users may at any time use the water to which they are legally entitled up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights-of-record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The analysis appears to ignore existing and possible future uses of ground water that are exempt from Oregon's permitting requirements. We understand that there is no municipal water supply system in the City of Bonanza and most if not all residential uses of water in the City is diverted through exempt ground water wells. Thus, existing and future exempt wells have a cumulative impact on the resource and should be factored into the water availability analysis.

- The water availability analysis for surface flows in the Lost River must differentiate between natural flows and regulated flows (water released from upstream storage). There are many storage facilities in the Lost River system which contribute a majority of the water in the Lost River System. The flow releases from these federal projects are likely to be going through alterations in response to endangered species habitat concerns in the reservoirs. This will mean that flow regimes in the Lost River will be changing. If these proposed ground water uses in these applications essentially draw from surface waters then they may be using stored water. Failure to differentiate between natural flows and regulated flows in the analysis overestimates the amount of natural flow available for use, leads to unrealistic expectations on the part of the applicant and will result in the over-allocation of the resource. This is

contrary to the statewide Water Allocation Policy. OAR 690-400-010. As a legal and policy matter, the Department must differentiate between stored water and natural flow in its water availability analysis for new permits and in its regulation of existing permits.

- The analysis fails to take into account flows needed to protect endangered fish populations in the Lost River. This is contrary to the statewide allocation and instream flow policies which require protection of instream flow needs when considering applications for out-of-stream uses. OAR 690-410-070(2) and 690-410-030.

2. The proposed conditions are not sufficient to protect the public's interest in the resource.

#### Temporary Permits

The technical reports propose to issue temporary permits for these proposed uses that will only be issued if certain conditions are met. WaterWatch and ONRC object to the use of temporary permits for the following reasons:

- The issuance of temporary permits does nothing to halt the further degradation of the resources in the Lost River. The fact that the water use is "temporary" ignores the fact that the resource, without these new uses of water, is already in critical condition.
- The permit only allows these permittees to be shut off if the use harms existing senior water right holders. There are no water rights, senior or otherwise, that protect instream values in this river system. Thus, these conditions do not allow the Commission to regulate these new permittees to protect instream values such as water quality or endangered species.
- There is no public notice or opportunity to comment on permit renewals.
- There are no clear standards for renewal. The condition allows renewal of the temporary permits if the surface flows are not "significantly diminished"; requires a "plan" for alternative long-term water supply; if ground water levels have not "excessively declined"; and water level reports have been "timely submitted"<sup>2</sup>.

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<sup>2</sup> If temporary permits were issued, the permittee should be required to show that they complied with measurement and reporting requirements relating to water use and to periodic water level reports.

Other Permit Conditions

In addition, the proposed permit conditions relating to measurement and reporting of water use would not be sufficient if by some stretch of the imagination these applications were in the public interest.

3. **The proposed uses are not in the public interest because they will deplete and adversely affect quantity and quality of water needed to meet the needs for endangered species uses of the Lost River.**

The proposed uses would deplete spring flows needed for endangered suckers in the Lost River. Adequate quantity and quality of water needed for migration and spawning are critical for the survival and restoration of sucker species in the basin. Reduced streamflows caused by depletion of springs by groundwater pumping contribute to higher water temperatures, reduced water quality and loss of aquatic habitat. Low flows impede passage and rearing in the mainstem Lost River. In addition, this water is proposed to be diverted for agricultural uses which have identified by DEQ as causing water quality problems. In addition, agricultural practices in the area have been identified by the USFWS as one of the causes of decline of the endangered suckers. The continued issuance of water use permits, whether temporary or permanent, in the face of the duty to protect critical habitat for threatened and endangered fish species, is contrary to the requirements of state and federal law.

4. **The proposed uses are contrary to Oregon policy.**

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. Instead of spending valuable state resources processing these applications, the state should be working to protect instream flows in this basin through the adoption of instream water rights. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). The Commission's review relating to instream needs is not limited to existing instream water rights or applications for water rights, it must also consider instream flow needs that are not specifically protected. OAR 690-410-070(2)(h). No such consideration has been done.

Instream water rights are an essential tool that must be utilized if Oregon is to achieve equitable allocation of water. Instream water rights not only protect unallocated waters instream, they serve as a management objective for obtaining the amount of instream flows needed to support public uses. OAR 690-77-015(2). The presence of endangered sucker

populations in the Klamath River system makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in the basin and throughout the state.

Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Protection of streamflows is also necessary in order to carry out the state policy of restoring native fish stocks. Oregon law states that "it is declared to be a goal of the people of the State of Oregon to restore native stocks of salmon and trout to their historic levels of abundance." ORS 496.435.

Oregon statutes and rules also call for 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). Proposed condition #8 does little to further these policies. Given the critical status of fish populations in the basin, the water quality problems and the fact that the proposed use is the type of use known to cause these existing problems, it is imperative that any use allowed be held to a strict efficiency standard prior to issuance of any new permits.

Oregon's statewide storage policy recognizes that storage is an "integral part" of the State's "strategy to enhance the public" benefits resulting from instream uses of Oregon's waters. OAR 690-410-080(1). The policy also recognizes that "(s)torage can provide increased water management flexibility and control." *Id.* One of the principles of the policy is to require that storage projects be managed in a way that will "protect and enhance the public health, safety and welfare, and the state's natural resources." OAR 690-410-080(2)(d). The Department's historic failure to manage stored water once it is released from storage and to distinguish between natural and regulated flows is not consistent with these policy mandates. Until the state begins to differentiate between natural and stored, and then begins to manage the resource consistent with that management strategy it will be ill-equipped to address the management and resource protection issues that it faces in the Klamath River Basin.<sup>3</sup>

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<sup>3</sup> This failure also undermines efforts of the BOR and other federal agencies to obtain water needed for fish in the Lost River basin. The endangered suckers rely both on lakes and on stream and spring habitat. This means the BOR and the state will have to develop a management strategy for the suckers that protect certain reservoir levels and instream flows. Unless and until the Department differentiates between natural flow and stored water, the Department is creating yet another situation where a person who does not have a rights to use stored water is diverting ground water which affects stored water flows - potentially the stored water that the public is paying to have released into the river for fish needs. This is



Finally, the Commission's statewide policy on ground water management states that "(g)roundwater and surface water shall be managed conjunctively where to do so will protect the water resources, existing water rights, and the public interest." OAR 690-410-010(2)(a). The Policy also requires that "(i)nterference between groundwater uses and competing ground and surface water uses shall be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1). The policy recognizes the state's duty to prevent ground water overdraft or contamination in order to avoid environmental damage. *Id.* For the reasons outlined above, the proposed issuance of these pending applications are not consistent with any of the parts of this statewide policy.

◆ Conclusion

We are open to discussion with the Department and the applicants on all of the issues raised in this objection letter. However, in order to protect the public's interest in the resource, and the endangered fish species which rely on this resource, these and other applications for permits for water from the Lost River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. It is bad public policy to issue water rights based upon limited information when there is clearly a biological crisis in this critical river system.

Sincerely,  
  
Karen A. Russell  
Assistant Director  
WaterWatch

Wendel Wood  
ONRC

encl.

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not only contrary to Oregon water law, it undermines the efforts of federal, state, and local governments, tribal governments and concerned citizens who have been working to protect one of Oregon's, and the nations, most precious resources.

Attachment 1

**OREGON DEPARTMENT OF FISH & WILDLIFE  
MINIMUM FLOW RECOMMENDATIONS FOR LOST RIVER**

<b>PERIOD</b>	<b>MERRILL</b>	<b>BONANZA</b>	<b>RM 64.0</b>
January	30	25	15
February	30	30	15
March	30	30	15
April	50	35	20
May	50	35	20
June	50	35	20
July	20	10	10
August	15	10	5
September	15	10	5
October	15	10	5
November	15	10	5
December	20	15	10

Flow recommendations in cubic feet per second.  
Estimates for Trout habitat.

# WaterWatch

O F O R E G O N

By FAX 378-8130 and Regular Mail

October 13, 1993

Oregon Water Resources Department  
Water Rights Section  
3850 Portland Road NE  
Salem, Oregon 97310

Re: Objections to Technical Reports for: G-12567, Rookhuyzen  
G-12617, Uecker; G-12618, Haskins & Co.; G-12642, Smith;  
G-12732, Wiersma; G-12735, Teague; G-12746, Horsley;  
G-12766, Hill; G-12772, Gibson; G-12777, Halousek; G-12811, Pope;  
G-12814, Manning; G-12869, G-12507, Babson; G-13101, Livestock;  
G-13041, Cheyne; G-13019, Wells; G-13013, Jeld-Wen; G-13012, Mendiboure;  
G-13011, Hammerich; G-12994, Cheyne; G-12979, Unruh; G-12955, Bennett;  
G-12935, Dark; G-12897, Gorden; G-12885, Williams; G-12877, G-12876, G-12874  
Masten; G-13096, Stastny; G-13106, Ranch; G-12972, Ranch; G-12901, Smith;  
G-12493, G-12494, Circle Five Ranch; G-12860, Weyerhaeuser  
Applications for Irrigation in the Lost River Basin

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## Overview

The above referenced applications, when viewed as a whole, propose to pump approximately 131 cfs of ground water for irrigation use in the Lost River Basin (approximately 20 cfs is for primary irrigation use, approximately 36 cfs is for supplemental irrigation use and the remainder is for both primary and supplemental irrigation use). Most, if not all of these applicants are located within irrigation districts in the basin which receive water from federal reclamation projects. In many cases these applicants are looking to ground water as a source of water supply because existing surface water supplies whether from natural flow or Bureau of Reclamation (BOR) projects in the basin, are insufficient to meet irrigation needs. This surface water shortage is due, in part, to changes in reservoir operations made to protect habitat for Lost River and shortnose sucker species listed as endangered under both the federal and state Endangered Species Acts. The recent drought has aggravated the existing water supply problems.

Unfortunately for these applicants, there is growing evidence that the ground water resource is not capable of supporting existing ground water pumping, much less these proposed uses of water. The Water Resources Department's own analysis is that ground water pumping has exceeded the capacity of the ground water resource and that the pumping is having substantial effects on surface water flows in the Lost River. The Lost River system supports two endangered suckers and currently suffers from severe water quality problems. Any solution to these applicants water supply problems will not come from ignoring existing

water supply and environmental problems and issuing permits for these application, whether temporary or permanent. The solution must come from increasing efficiencies in water use and achieving a better balance in water use in the basin. It is for these and other reasons that WaterWatch of Oregon and the Oregon Natural Resources Council (ONRC) submit these objections pursuant to OAR 690-11-170.

### The Ground Water Resource

Ground water in the Bonanza area is directly connected to the Lost River. WRC Agenda Item E, October 1, 1993 at 3 (hereinafter Agenda Item E). The most prominent ground water discharge is Bonanza Big Springs. *Id.* Ground water pumping from already existing permitted and exempt ground water uses in the area has been found to reduce Bonanza Springs discharges to the Lost River. *Id.* at 4. The applications referenced above propose to tap the very same aquifer that feeds Bonanza Springs. *See Id.*, and Water Availability Report-Surface Water Application, filled out by Watermaster Sparks for G-12617, December of 1991. It is hard to imagine a more clear case of ground water/surface water interaction.

Existing ground water use has, at times, resulted in reversal of the hydraulic gradient of the aquifer flow such that the Lost River is actually drawn into the ground water through Bonanza Springs. Agenda Item E at 2. This has been identified by the Oregon Health Division as one of the causes of ground water contamination in the area. *Id.* *See also* Preliminary Assessment of Occurrence of Bacterial Contamination of Ground Water in Bonanza, Oregon, Nelson, Oregon Health Division at 2. This ground and surface water quality contamination problems is an ongoing chronic problems that has been aggravated in the past few years by the area wide drought. Oregon Department of Human Resources - Sanitary Survey Report, City of Bonanza.

### The Surface Water Resource

#### Quantity

The flow in the Lost River arises from storage releases of BOR projects and groundwater discharges. Agenda Item E, at 3. According to the Water Resources Department, "much of the flow of the Lost River is due to storage releases." *Id.*

#### Quality

The Department of Environmental Quality (DEQ) has identified the Lost River from river mile 0 to 65 as water quality limited. *See* Oregon's 1992 Water Quality Status Assessment Report, 305(b) Report, A-79. From river mile 0 to river mile 5 the Lost River's water quality violates dissolved oxygen level standards. It is incapable of supporting the designated beneficial use of aquatic life during the summer months. This section of the river also violates water quality parameters for pH, nutrients and algae rendering only partially

**Water Resources Department**

**Lost River Applications**

**Page 3**

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able to support the listed beneficial uses of aquatic life and aesthetics during the summer months. From river mile 5 to 65 (the segment containing Bonanza Springs) the water quality violations are year round for dissolved oxygen and fecal coliform parameters such that the listed beneficial uses of aquatic life and water contact are not supported. Agricultural practices have been identified by DEQ as a possible cause of these water quality problems.

The Fish Resource

The Lost River supports two endangered suckers, the short nose and lost river suckers. The United States Fish and Wildlife Service (USFWS) Lost River (*Deltistes luxatus*) and Shortnose (*Chasmistes brevirostris*) Sucker Recovery Plan provides a good description of the history of these suckers:

Lost River and shortnose suckers are endemic to the upper Klamath Basin of Oregon and California (Map, page 11). Within their range, early records indicate that the Lost River and shortnose suckers were widespread and abundant. Cope (1884) noted that Upper Klamath Lake sustained "a great population of fishes" and was "more prolific in animal life" than any body of water known to him at that time. Gilbert (1898) noted that the Lost River sucker was "the most important food-fish of the Klamath Lake region." At that time, spring sucker runs "in incredible numbers" (Gilbert 1898) were relied upon as a food source by the Klamath and Modoc Indians and were taken by local settlers for both human consumption and livestock feed (Cope 1879, Coots 1965, Howe 1968). Sucker runs were so numerous that a cannery was established on the Lost River (Howe 1968) and several other commercial operations processed "enormous amounts" of suckers into oil, dried fish, and other products (Andreasen 1975).

Recovery Plan at 4. The decline of these suckers has been recognized since the mid-1960's, but the severity of the decline was not recognized until the 1980's. Recovery Plan Executive Summary.

In 1988 both species were listed under the federal Endangered Species Act as endangered. Executive summary. These species are also listed under the Oregon Endangered Species Act. By that time, entire stocks had already disappeared from sections of the Klamath Basin. *Id.* Both species of sucker are found in the Lost River. The Lost River and shortnose suckers are lake dwelling but spawn in tributary streams or springs. Recovery plan at 9, Executive Summary. Recent studies indicate that Bonanza Big Springs provides critical spawning habitat to at least some of these sucker populations. Recovery Plan at 9.

The USFWS has identified water diversion and water quality problems associated with agricultural practices as some of the causes of the decline of these species. *Id.* "Reduction



and degradation of lake and stream habitat in the Upper Klamath Basin has been proposed by the (USFW) Service as the major factor in the decline of both species." Executive. Summ. The recovery actions identified by the USFWS in the recovery plan for the suckers include improving habitat conditions by, among other things, developing and achieving water quality and water quality goals, improving fish habitat and improving land management practices. Executive summary. To date, no streamflow goals have been established for suckers in the Lost River.<sup>1</sup>

◆ **The Technical Reports are Defective.**

The technical reports fail to include many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The reports fail to assess whether the proposed uses are restricted by statute. OAR 690-11-160(1)(b).
- The reports fail to assess the proposed uses with respect to conditions on other permits from the same source or the same type of use. OAR 690-11-160(1)(c).
- The reports fail to assess the uses with respect to all applicable administrative rules. OAR 690-11-160. For example, the reports do not assess the uses with respect to the applicable basin plan.
- The reports fail to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the section entitled CONFLICTS WITH OTHER WATER RIGHTS does not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the applications. The rules are not that limited. The technical report must evaluate the potential for conflict with existing rights -- rights that use the same source of water and rights that use other sources that may be affected by the proposed withdrawals.
- The reports fail to evaluate water availability from the proposed source pursuant to OAR 690-11-160(f).
- The reports do not evaluate whether the amount requested is necessary to meet the proposed use. OAR 690-11-160(1)(g).

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<sup>1</sup> The Oregon Department of Fish and Wildlife has developed recommended flows for trout habitat. See attachment 1. However, these may not be appropriate for suckers needs.

- Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).

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

The proposed uses fall to pass the public interest considerations in ORS 537.525, 537.620 and 537.170 and the policies of Oregon's laws calling for the protection of native and anadromous fish, ORS 496.430 et sec. *See also*, OAR 690-11-195(3)(b), (d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f). The State holds the waters from all sources of supply, in trust for the public. ORS 536.310(1), ORS 537.110, ORS 537.334(2), ORS 537.535, OAR 690-410-010(1) and OAR 690-410-070(1). Use of Oregon's ground water can generally only allowed by permit or certificate. The Ground Water Act of 1955 (ORS 537.505 to 537.795) requires the Commission to deny permit requests unless it can ensure that the "public welfare, safety and health" are protected. ORS 537.620. Thus, when evaluating the above referenced applications the Commission has a duty to ensure that the uses will not harm the quality of the ground and surface waters (See ORS 468B.015(1), 468B.015(2), (4) OAR 690-410-070(2)(e)), and instream flow needs for fish populations (ORS 496.430, OAR 690-410-070(2)(h)). See also OAR 690-11-195(4)(c), (d) and (h).

The state and federal Endangered Species Acts also place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival or recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above reference Palilia case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

Listing under the state and federal endangered species act is a sign not only of the health of a particular species but also a warning signal for the health of the human environment. It has been a goal of Governor Roberts and the state not to allow resource conflicts to reach the level where federal intervention removes the state control. The

proposed approval of these applications will inevitably lead to these issues being resolved in Washington D.C. not in Oregon.

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The analysis is defective for the following reasons:

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<sup>3</sup> This failure also undermines efforts of the BOR and other federal agencies to obtain water needed for fish in the Lost River basin. The endangered suckers rely both on lakes and on stream and spring habitat. This means the BOR and the state will have to develop a management strategy for the suckers that protect certain reservoir levels and instream flows. Unless and until the Department differentiates between natural flow and stored water, the Department is creating yet another situation where a person who does not have a rights to use stored water is diverting ground water which affects stored water flows - potentially the stored water that the public is paying to have released into the river for fish needs. This is

Finally, the Commission's statewide policy on ground water management states that "(g)roundwater and surface water shall be managed conjunctively where to do so will protect the water resources, existing water rights, and the public interest." OAR 690-410-010(2)(a). The Policy also requires that "(i)nterference between groundwater uses and competing ground and surface water uses shall be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1). The policy recognizes the state's duty to prevent ground water overdraft or contamination in order to avoid environmental damage. *Id.* For the reasons outlined above, the proposed issuance of these pending applications are not consistent with any of the parts of this statewide policy.

◆ Conclusion

We are open to discussion with the Department and the applicants on all of the issues raised in this objection letter. However, in order to protect the public's interest in the resource, and the endangered fish species which rely on this resource, these and other applications for permits for water from the Lost River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. It is bad public policy to issue water rights based upon limited information when there is clearly a biological crisis in this critical river system.

Sincerely,  
  
Karen A. Russell  
Assistant Director  
WaterWatch

Wendel Wood  
ONRC

encl.

---

not only contrary to Oregon water law, it undermines the efforts of federal, state, and local governments, tribal governments and concerned citizens who have been working to protect one of Oregon's, and the nations, most precious resources.

Attachment 1

OREGON DEPARTMENT OF FISH & WILDLIFE  
MINIMUM FLOW RECOMMENDATIONS FOR LOST RIVER

PERIOD	MERRILL	BONANZA	RM 64.0
January	30	25	15
February	30	30	15
March	30	30	15
April	50	35	20
May	50	35	20
June	50	35	20
July	20	10	10
August	15	10	5
September	15	10	5
October	15	10	5
November	15	10	5
December	20	15	10

Flow recommendations in cubic feet per second.  
Estimates for Trout habitat.



IN REPLY  
REFER TO:

# United States Department of the Interior

**BUREAU OF RECLAMATION**  
MID-PACIFIC REGION  
KLAMATH PROJECT  
6600 WASHBURN WAY  
KLAMATH FALLS, OREGON 97603-9365



**OCT 12 1993**

CERTIFIED RETURN RECEIPT REQUESTED

KO-400  
WTR-4.10

Oregon Water Resources Department  
3850 Portland Road NE  
Salem OR 97310

Subject: Protest of Application for Groundwater Use in the Bonanza,  
Oregon Area (Water Rights Protest)

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Until a method is developed by the State of Oregon to adequately determine the extent of depletion of the springs in the Bonanza area caused by groundwater pumping during the irrigation season, we must object to the granting of any non-domestic groundwater permits in the Bonanza area. As you are aware, any depletions would have to be replaced with stored water from Reclamation reservoirs located above Bonanza (Gerber and Clear Lake Reservoirs).

Specifically, the following applications are being objected to:

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G 13101	Barrett Livestock	9747 E Langell Valley R	Bonanza	OR
G 13106	Grohs Ranch	21010 W Langell Valley R	Bonanza	OR

If you have any questions, please contact Jim Bryant at (503) 883-6935.

Sincerely,



Michael J. Ryan  
Project Manager



## PROPOSED PERMIT CONDITIONS

Water use under the permits shall be conditioned as follows:

1. Period of allowed use: April 15 through October 15 of each year.
2. (SPECIFIC TO EACH APPLICATION) Rate (cfs or gpm) and/or Volume acre/feet or gallons) of use:
3. (SPECIFIC TO EACH APPLICATION) The use of water is limited to supplemental irrigation.
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1997.
  - C. Completely apply the water to beneficial use, by five years from date of issuance of permit.
5. The use of water under this permit may expire or be extended five years from the date of issuance of the permit. Alternatively, a water right certificate shall be issued at the end of the five year period if the Director finds:
  - A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
  - B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Commission indicating potential economical sources for an alternative long term water supply;
  - C. Periodic water level reports have been submitted; and
  - D. Excessively declining ground water levels have not occurred due to well use as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.
6. The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-

Proposed Permit Conditions  
Page Two

EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

7. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee/appropriator 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 by April 15, 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/appropriator shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located on private property, the watermaster shall request access upon reasonable notice.
8. 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 a pressure gauge adequate to determine water level elevation in the well at all times.
9. A static water level measurement shall be made and submitted before any use of water may commence from the well.
10. The permittee/appropriator shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water-rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board or by the permittee/appropriator under the direction of the local watermaster. Water levels shall be reported as depth-to-water below ground in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The permittee/appropriator shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

Proposed Permit Conditions  
Page Three

11. If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.
12. 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.
13. The permit is for the beneficial use of water without waste.
14. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
15. This right is limited to any deficiency in the available supply of any prior right existing for the same land.



# United States Department of the Interior

BUREAU OF RECLAMATION  
MID-PACIFIC REGION  
KLAMATH PROJECT  
6600 WASHBURN WAY  
KLAMATH FALLS, OREGON 97603-9365



IN REPLY  
REFER TO:

OCT 1 2 1993

RECEIVED

OCT 14 1993

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SALEM, OREGON

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WTR-4.10

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*Full*  
2

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36  
copies

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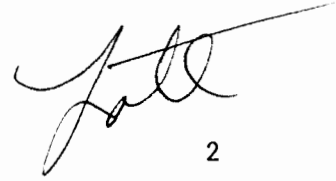
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Michael J. Ryan  
Project Manager



IN REPLY  
REFER TO:

# United States Department of the Interior

## BUREAU OF RECLAMATION

MID-PACIFIC REGION  
KLAMATH PROJECT  
6600 WASHBURN WAY  
KLAMATH FALLS, OREGON 97603-9366



**RECEIVED**

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SALEM, OREGON

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COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G 12746

WATERWATCH

~~ODF&W~~

WATERMASTER # 17

REGIONAL MANAGER - Bob Muir

CWRE - Dennis Ener 2333 Summers Ln, Klamath Falls, OR 97603

OTHER ADDRESSES:

CASEWORKER \_\_\_\_\_

ORIGINAL TO APPLICANT 7/29/93

TR's sent to the following 8/11/93

KLAMATH COMPACT NOTICES NAMES AND ADDRESSES

~~Melinda Badgley  
Water Adjudication Project  
The Klamath Tribe  
PO Box 957  
Chiloquin, OR 97624~~

①

Don Finlayson  
California Department of Water Resources  
Northern District  
PO Box 607  
Red Bluff, CA 96080

②

Klamath River Compact Commission  
280 Main Street  
Klamath Falls, OR 97601

③

Bureau of Reclamation  
Regional Director  
2800 Cottage Way  
Sacramento, CA 95825

④

Water Resources Control Board  
PO Box 100  
Sacramento, CA 98501

AT THE TOP OF THE NOTICE IT SHOULD READ:

Notice Sent To: Water Adjudication Project, The Klamath Tribe  
California Department of Water Resources  
Klamath River Compact Commission  
Bureau of Reclamation-Sacramento  
Water Resources Control Board-Sacramento

AFTER TYPING THE NOTICE ON A PRE-PRINTED FORM, RETURN TYPED COPY TO EXAMINER FOR HIS APPROVAL & INITIALS IN BOTTOM RIGHT-HAND CORNER. IF NOTICE IS SENT TO MORE THAN ONE INDIVIDUAL SUCH AS THIS ONE IS, SEND A COPY OF IT TO EACH INDIVIDUAL & KEEP THE ORIGINAL IN THE FILE. IF NOTICE IS ONLY TO BE SENT TO ONE INDIVIDUAL THEN SEND THE ORIGINAL BUT KEEP A COPY OF IT IN THE FILE. ON NOTICE TO BE SENT OUT, HIGHLIGHT THE NAME IN THE COLUMN OF NAMES THAT THE NOTICE IS SENT TO.

August 11, 1993

DONALD J HORSLEY  
HORSLEY, HELEN E  
PO BOX 8  
BONANZA, OR 97623

Reference: G-12746

Dear Mr. and Mrs. Horsley:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

**AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.**

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

Oregon

WATER  
RESOURCES  
DEPARTMENT



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130



If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before October 13, 1993** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. 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 black ink, appearing to read 'S. Brown', with a long horizontal line extending to the right.

STEVE BROWN  
Manager  
Water Rights Division

Enclosures

Report Date: 8/11/93

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, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE:

10/13/93.

1. APPLICATION FILE NUMBER - G 12746
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

DONALD J HORSLEY  
HORSLEY, HELEN E  
PO BOX 8  
BONANZA, OR 97623  
KLAMATH Co. 503-545-6641

Date application received for filing and/or tentative date of priority: 12/31/1991

SOURCE: WELL 1  
WELL 2

TRIBUTARY TO: LOST R  
LOST R

Purpose and/or use: PRIMARY AND SUPPLEMENTAL IRRIGATION.  
PRIMARY AND SUPPLEMENTAL IRRIGATION.

Flow: 4.16 cfs Primary and Supplemental

Point of Diversion Location:

SE 1/4 SW 1/4, SE 1/4 SE 1/4, SECTION 2, T 39 S, R 11 E, W.M.; WELL 1 - 980 FEET NORTH AND 1320 FEET WEST FROM SE CORNER, WELL 2 - 660 FEET NORTH AND 2450 FEET EAST FROM SW CORNER, BOTH SECTION 2.

Place of use:

NESW	5.1 Supplemental
NESW	34.9 Acres
NWSW	35.7 Supplemental
SESW	30.4 Acres
SESW	9.6 Supplemental
SWSE	0.6 Supplemental
SWSE	1.2 Acres

Section 2  
T 39 S, R 11 E, W.M.

NENE	13.3	Supplemental
NWNE	20.5	Supplemental
NWNE	17.9	Acres
SWNE	23.5	Supplemental
SWNE	16.5	Acres
SENE	38.7	Supplemental
NENW	11.8	Supplemental
NENW	28.8	Acres
SENW	32.7	Supplemental
SENW	7.3	Acres

et al.

Section 11  
T 39 S, R 11 E, W.M.

**GROUNDWATER AVAILABILITY**

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

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported that groundwater for the proposed use can, if properly conditioned, be made without injury to existing rights or to the groundwater resource.

**CONFLICTS WITH OTHER WATER RIGHTS:**

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

**REPORT CONCLUSIONS:**

Water in the amount of 4.16 CFS is likely available for 7 months of the 7 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

**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-12746

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

1. Period of allowed use: March 1 through September 30 of each year.
2. Rate (cfs or gpm) and/or Volume (acre/feet or gallons) of use: 4.16 CFS
3. 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.
4. The use of water under this permit will expire (five years from the issuance of the permit). The permit may be extended if the Director finds that:
  - A. Surface water flows are not significantly diminished;
  - B. Within two years of permit issuance, the permittee has submitted a plan to the Commission indicating potential sources for an alternative long-term water supply;
  - C. Periodic water level reports have been timely submitted; and
  - D. Excessively declining water levels have not occurred.
5. 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
6. 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.
7. 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.
  8. The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 15 of each year.
  9. A static water level measurement shall be made and submitted before any use of water may commence from the well.
  10. The permittee shall obtain a static water-level measurement for each well during March and September of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and October 15, respectively, of each year.
  11. If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.
  12. 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.
  13. 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.

14. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
15. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

144.

lost2

TO: Water Rights Section 5-5, 1993  
FROM: Groundwater/Hydrology Section K. Gorman  
SUBJECT: Application G- 12746  
Reviewer's Name

1. PER THE N/A Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
  
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a.  will, or \_\_\_\_\_ have the potential for substantial interference with the nearest surface water
  - b.  will not \_\_\_\_\_ source, namely Lost River; 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 \_\_\_\_\_ likely be available in the amounts requested without injury to prior rights and/or
  - b.  will not \_\_\_\_\_ within the capacity of the resource; 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.

\_\_\_\_\_, 1993.

(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: \_\_\_\_\_

\_\_\_\_\_, 1993.

(Signature)

(WRFORM8\91)

LOST RIVER (*Deltistes luxatus*) AND  
SHORTNOSE (*Chasmistes brevirostris*)  
SUCKER RECOVERY PLAN

Prepared by

Kevin Stubbs and Rolland White

for

Region 1

U.S. Fish and Wildlife Service  
Portland, Oregon

Approved

*Mani Olney*

Regional Director, U.S. Fish & Wildlife Service

Date: 3/17/93



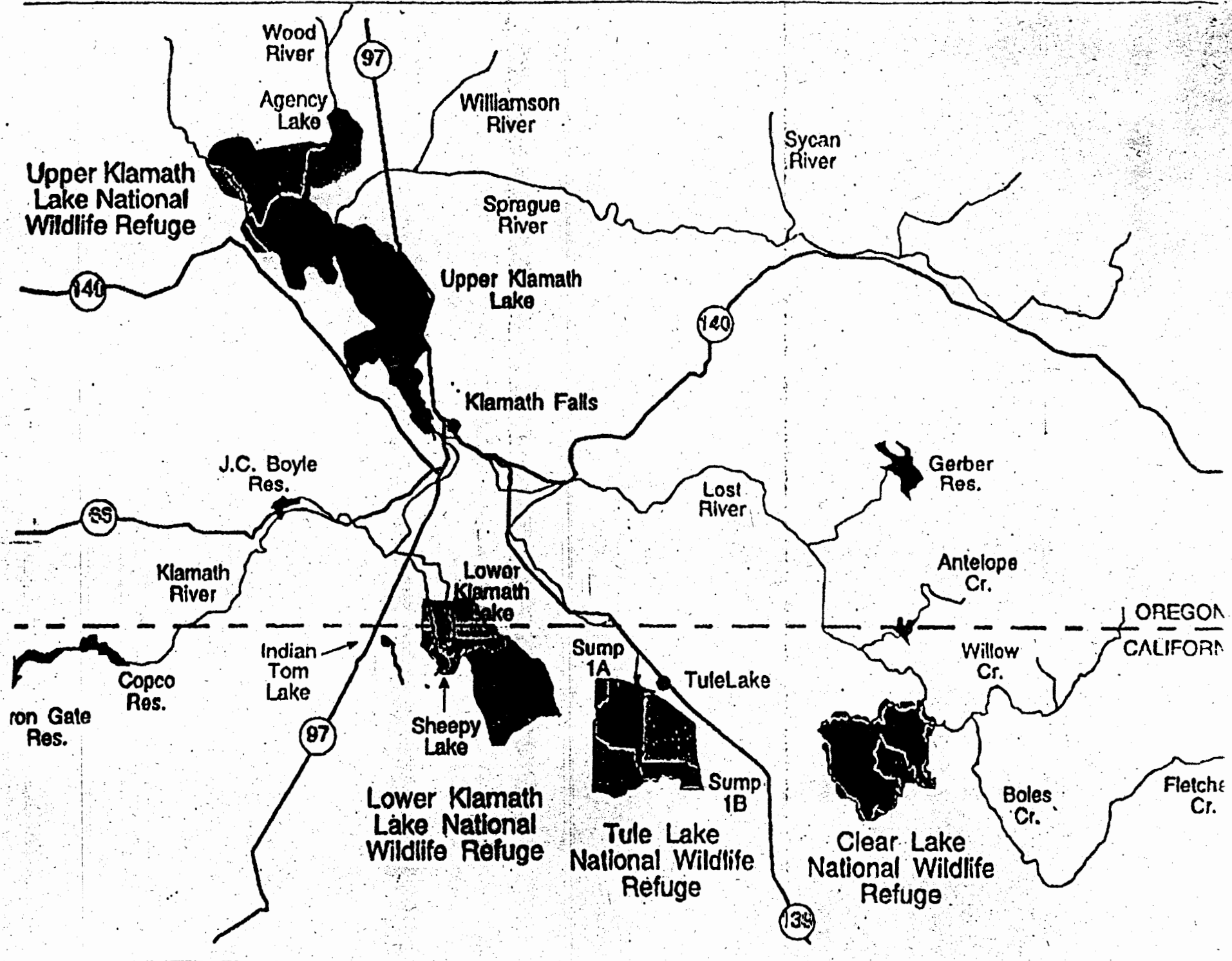
Scoppettone (1990) found that for female shortnose suckers sampled from Upper Klamath Lake, most growth occurred in the first 6 to 8 years of life.

#### SPAWNING HABITAT

~~Both species of suckers are lake dwelling but spawn in tributary streams or springs.~~ For stream spawning populations, shortnose and Lost River suckers begin their spawning migration into the Williamson and Sprague Rivers in late March or early April, with spawning activity often continuing well into May (Andreasen 1975, Buettner and Scoppettone 1990). For spawning in the Williamson and Sprague Rivers, water depths ranged from 11 to 70 cm and mean water column velocity ranged from 18 to 125 cm/s for Lost River and shortnose suckers (Buettner and Scoppettone 1990). Water temperatures in the Williamson and Sprague Rivers have ranged from 5.5 to 19° C during the spawning period (Golden 1969, Andreasen 1975, Buettner and Scoppettone 1990). In the Clear Lake watershed, the suckers begin spawning activity in February or early March, depending on peak flow in Willow and Boles Creeks (Scoppettone pers. comm.). Spawning at Sucker Springs can occur from February to mid April in water depths ranging from 18 to 61 cm (Buettner and Scoppettone 1990). Water temperature at the spring is a constant 15° C during the spawning period. Shortnose sucker spawning activity was observed at Ouxy Spring in Upper Klamath Lake on April 30, 1992 (Dunsmoor pers. comm.). Lost River and shortnose suckers spawn near the bottom and when gravel is available, eggs are dispersed within the top several centimeters. When spawning occurs over cobble and armored substrate, eggs fall between crevices or are swept downstream (Buettner and Scoppettone 1990). At Sucker Springs, most spawning occurred over a plot of gravel that was introduced during the 1987 spawning season. Large numbers of Lost River suckers were observed using the gravel area in 1987 and 1988 (Buettner pers. comm.), and some spawning activity was recorded in February of 1992 (Dunsmoor pers. comm). Spawning was rarely observed over the predominant cobble and boulder substrate, suggesting a gravel preference (Buettner and Scoppettone 1990), but more recent observations indicate the preference was more flow related (Klamath Tribe 1993, Scoppettone pers. comm.). More detailed spawning information for both sucker species is provided by Buettner and Scoppettone (1990) and (USBR 1992).

#### LARVAL AND JUVENILE HABITAT

Larval Lost River and shortnose suckers usually spend relatively little time in tributary streams and migrate back to the lake shortly after swim up. Larval sucker migration from the spawning sites on the Sprague and Williamson Rivers can begin in May or June. Bienz and Ziller (1987) reported that larval sucker emigration surveys were initiated in May of both 1983 and 1984 but no suckers were sampled until mid June of both years. Buettner



Upper Klamath  
Lake National  
Wildlife Refuge

Wood  
River  
Agency  
Lake

97

Williamson  
River

Sycan  
River

Sprague  
River

Upper Klamath  
Lake

140

Klamath Falls

140

J.C. Boyle  
Res.

Lost  
River

Gerber  
Res.

89

Klamath  
River

Lower  
Klamath  
Lake

Antelope  
Cr.

OREGON  
CALIFORNIA

Iron Gate  
Res.

Copco  
Res.

Indian  
Tom  
Lake

Sump  
1A

Tule Lake

Willow  
Cr.

97

Sheepy  
Lake

Sump  
1B

Lower Klamath  
Lake National  
Wildlife Refuge

Tule Lake  
National Wildlife  
Refuge

Clear Lake  
National Wildlife  
Refuge

Boles  
Cr.

Fletcher  
Cr.

139

from Copco Reservoir were followed approximately 2 miles up the Klamath River on apparent spawning migrations and larval suckers were documented migrating back to the reservoir (Beak 1987), but survival to adulthood appears to be limited. Lost River and shortnose suckers have been reported from other reservoirs in the Klamath River system between Upper Klamath Lake and Iron Gate Reservoir but little is known about the suckers in this stretch of river. A shortnose sucker was collected at the head of Iron Gate Reservoir in 1973 by California Department of Fish and Game biologists. Other reports are mostly from observations at fish ladders at J.C. Boyle, Keno and Link River Dams since 1988 (USBR 1992). Several juvenile and adult shortnose and Lost River suckers were captured in J.C. Boyle Reservoir near the Klamath River inflow in August 1988 (Buettner pers. comm.).

#### F. Life History and Habitat

Lost River and shortnose suckers are large, long-lived and omnivorous suckers that generally spawn in rivers or streams and then return to the lake (Buettner and Scopettone 1990). However, both species have separate populations that spawn near springs in Upper Klamath Lake (Klamath Tribe 1993).

This is a brief summary of life history information and more detailed information is given in several of the references cited in this recovery plan. Relatively little information is currently available on habitat requirements for all life stages. Most of the available data is indicative of habitat utilization, and not necessarily habitat preference. Little is known about the life history traits of the Lost River and shortnose suckers during the winter months.

#### AGE AND GROWTH

##### Lost River suckers

Scopettone (1988) aged Lost River suckers from Upper Klamath Lake up to 43 years old. Lost River suckers are one of the largest sucker species and may obtain a length of up to 1 meter in total length (Moyle 1976). Sexual maturity for suckers sampled in Upper Klamath Lake occurs between the ages of 6 to 14 years, with most maturing at age 9, with most growth in Upper Klamath Lake occurring mainly during the first 8 to 10 years of life (Buettner and Scopettone 1990).

##### Shortnose suckers

Scopettone (1988) found shortnose suckers up to 33 years of age from Copco Reservoir. Sexual maturity for shortnose suckers appears to occur between the ages of 5 and 8 with most maturing at the age of 6 or 7 (Buettner and Scopettone 1990). Buettner and

of 1992, indicated further degradation in condition factors of the shortnose suckers sampled (Buettner pers. comm.).

#### Lost River

Koch and Contreras (1973) reported 3 areas from which they captured suckers in their survey of the Lost River, including Harpold Reservoir, the Lost River below River Bridge on the east side of the city of Bonanza, and the Lost River 1 mile downstream from Wilson Dam. At least 3 shortnose suckers have been recorded in Malone Reservoir in earlier surveys and 350 shortnose and 4 Lost River suckers were salvaged from Clear Lake and released into Malone Reservoir during May and June of 1992 (Buettner pers. comm.). Surveys conducted on April 10, 1992 observed approximately 100 shortnose suckers spawning at Big Springs above Harpold Reservoir (Buettner pers. comm.). About 30 days later, several hundred larval suckers were observed in the springs. Thirty-five adult (380 to 490 mm FL) and one juvenile (272 mm FL) shortnose suckers were collected in the Lost River above Harpold Reservoir in 1992. The length-frequency of the suckers sampled does not indicate good recruitment and according to locals, spawning at Big Springs is rare (Buettner pers. comm.). No Lost River suckers were observed in Harpold Reservoir during the 1992 survey.

#### Tule Lake

Populations of Lost River suckers and shortnose suckers in Tule Lake and Lower Klamath Lake were believed to be extirpated after 1924, when Tule Lake and Lower Klamath Lake were drained for farming (Moyle 1976). However, Lost River and shortnose suckers were observed spawning downstream of Anderson-Rose Dam in May 1991. These fishes may have migrated upstream from Tule Lake, where both species have since been found. In 1992, 18 shortnose and 21 Lost River suckers were captured in Tule Lake. These fish were all tagged and there were no recaptures, which indicates more suckers in the populations but does not allow any estimates of population abundances (Scopettone pers. comm.). Ongoing research should yield more information on population sizes and composition.

#### Klamath River Reservoirs

Lost River and shortnose suckers were captured in Copco Reservoir during the 1950's and early 1960's (Coots 1965). By the 1970's very few Lost River suckers were captured and in 1987 Beak Consultants, Inc. captured only one Lost River sucker. Shortnose suckers are still present as an aged population. All shortnose suckers collected in 1987 were older adults (16-33 years old), indicating that neither successful reproduction nor recruitment from upstream sources has occurred since the early 1970's (Buettner and Scopettone 1991). Radio-tagged shortnose suckers

Shortnose suckers were first observed spawning at Ouxy Springs in April 1992. Lost River suckers also spawn at Ouxy Springs (Klamath Tribe 1993). A population of Lost River suckers spawned at Barkley Spring until 1960, when access was blocked as a result of the development of Hagelstein Park. Harriman Springs is another historical spawning site that is no longer utilized by suckers but for less obvious reasons. Other springs in Upper Klamath Lake also likely provided spawning habitat for distinct populations of endangered suckers.

#### Clear Lake

Clear Lake supports a large population of shortnose suckers with consistent recruitment and a diverse age structure (Buettner and Scopettone 1991). The status of Lost River suckers in Clear Lake is more uncertain because far fewer fish of this species have been collected in the lake and its tributaries. The population is suspected to be larger than sampling may indicate and the age structure of the fish collected is fairly diverse (Scopettone pers. comm.). However, recent drought conditions have greatly reduced the habitat available for all fish in the Clear Lake watershed and the long-term effects on the sucker populations is unknown. A larger percentage of the Lost River suckers captured in Clear Lake recently have exhibited signs of stress (Buettner pers. comm.). Populations in small reservoirs above Clear Lake may no longer exist due to total or near desiccation during the summer of 1992. Recruitment from 1991 and 1992 year-classes is unlikely due to drought conditions (Scopettone pers. comm.).

#### Gerber Reservoir

Little is known about the endangered sucker population inhabiting Gerber Reservoir. In May 1992, over 200 shortnose suckers, but no Lost River suckers, were salvaged from Gerber Reservoir. They ranged in size from 78 to 461 mm fork length (FL). The presence of smaller suckers indicates that the population of shortnose suckers in Gerber reservoir has successfully recruited in recent years (Buettner pers. comm.). Juvenile suckers (less than 100 mm FL) were observed in Barnes Valley Creek in 1992, indicating successful reproduction in the creek in 1991 (Buettner pers. comm.). Gerber reservoir has been drawn down to critically low levels for irrigation releases in the last two years. Gerber reservoir reached a minimum elevation of 4796.37 feet (182 surface acres, 835 acre-feet) in October 1992, which is less than 1% of the reservoirs capacity. The reservoir did maintain a population of suckers but aeration was necessary to improve water quality during the summer of 1992. The shortnose suckers sampled in April, 1992 showed signs of stress such as low body weight, poor gonadal development, and reduced growth rates of juveniles, which were probably related to low reservoir levels (Buettner pers. comm.). A survey conducted during late October and early November



in 1977 and 1978 (Scopettone pers. comm.). The presence of younger males (males usually mature before females) of both species in the 1992 spawning run in the Sprague River may indicate that new year classes from the early 1980's will be recruiting in larger numbers over the next few years (Dunsmoor pers. comm.). Sexual maturity for Lost River suckers sampled in Upper Klamath Lake occurs between the ages of 6 to 14 years, with most maturing at age 9 (Buettner and Scopettone 1990). This means that new year classes of Lost River suckers are not present in the spawning populations for about nine years. Shortnose sucker sexual maturity occurs at a slightly younger age (5 to 8 years), which means at least a 5 year wait for evidence of recruitment (Buettner and Scopettone 1990). A juvenile year class was produced from spawning activity in 1991 and suckers from that year class were still present in significant numbers in the 1992 fall canal salvage (Markle pers. comm.), but because it is not known if most mortalities in any one year class occur in the larval, juvenile, or young adult stages, it is impossible to know if this year class will survive to maturity. Sampling for juveniles in Upper Klamath Lake and canal salvage information indicate that 1992 was probably a poor year for young-of-the-year sucker survival and almost no recruitment from the 1992 year class is expected (Buettner pers. comm.).

A distinct population of Lost River suckers spawns at Sucker Springs on the shores of Upper Klamath Lake from mid-March through mid-April but may begin as early as the first of February (Andreasen 1975, Buettner and Scopettone 1990, Klamath Tribe 1991). The Klamath Tribe (1991) states that although a large portion of the spring area was covered by rip rap, a population of Lost River suckers has persisted in spawning there. The railroad was built around 1920, and yet the sucker population has persisted until recruitment failures began about 20-25 years ago. The Klamath Tribe (1993) states, "In over 5 years of tagging fish at Sucker Springs (hundreds), and more than 10 years of tagging fish in the Williamson and Sprague Rivers (thousands), we have yet to recapture any Lost River sucker tagged in the river at Sucker Springs and vice versa". This fact, as well as the temporal differences in spawning is certainly sufficient evidence to conclude that these are distinct stocks (Klamath Tribe 1993). Even if full genetic data sets fail to show genetic differences between two groups of fish with dramatically different life histories, the proper management perspective would be to treat the groups as distinct stocks. The Sucker Springs population appears to be comprised of large, older adults, which suggests a lack of recruitment over the last 20 years (Buettner pers. comm.). Population estimates from 1987 to 1989 range from 817 to 1038 adult fish, with the vast majority of spawners exceeding 650 mm fork length (Klamath Tribe 1993). The Sucker Springs population does not reflect recruitment from the 1977 and 1978 year classes observed in the river spawning populations (Dunsmoor pers. comm., Scopettone pers. comm.).

were collected in the Wood River and Crooked Creek in 1991 (Markle pers. comm.), which indicates a spawning run still occurs in these streams. Suckers have been reported from Sheepy Lake in 1988 and may represent a resident population but positive species identifications were not made (Johnson pers. comm.).

#### Shortnose suckers

The present distribution of the shortnose sucker includes Upper Klamath Lake and its tributaries, Klamath River downstream to Iron Gate Reservoir, Clear Lake Reservoir and its tributaries, Gerber Reservoir and its tributaries, the Lost River, and Tule Lake. The Gerber Reservoir population is considered to have been introduced, although the timing of the introduction is not known (Buettner pers. comm.). Shortnose suckers have also been collected in the Upper Klamath River from ~~Link River~~ Dam to Copco Reservoir in recent years (USBR 1992, Maria pers. comm.). A shortnose sucker was collected at the head of Iron Gate Reservoir in 1973 by California Department of Fish and Game biologists. The distribution of shortnose sucker is very similar to that of the Lost River sucker except the shortnose sucker appears to be more widely distributed in the Lost River system.

#### E. Current Status of Sucker Populations

##### Upper Klamath Lake

The declining condition of Klamath Basin sucker species has been recognized since the mid-1960's (Andreasen 1975) but it was not until the mid-1980's that the severity of the situation was realized. Surveys in Upper Klamath Lake of sucker spawners in 1984 and 1985 (Bienz and Ziller 1987) produced total population estimates of only 2,650 shortnose in 1984, 8,698 and 6,990 Klamath largescale in 1984 and 1985, respectively, and 23,123 and 11,860 Lost River suckers in 1984 and 1985, respectively. The snag fishery harvest for Upper Klamath Lake spawners declined from approximately 10,000 lake suckers in 1968 (Golden 1969), to only 687 lake suckers in 1985. A fish kill during the summer of 1986 further reduced populations of suckers and apparently eliminated many larger adults (Buettner and Scopettone 1990). Lost River and shortnose suckers were subsequently listed as endangered under the Endangered Species Act in 1988. Significant losses to the gene pool of the Lost River sucker already may have occurred with the disappearance of entire stocks (e.g. Harriman Springs, Barkley Springs, Lower Klamath Lake, Indian Tom Lake, Lake of the Woods) and drastic reductions in other populations (Upper Klamath Lake, Tule Lake) (Bond pers. comm., Scopettone pers. comm.).

In Upper Klamath Lake, recruitment of the Lost River and shortnose suckers to adult size classes is poor, and production of the most recent strong year classes in adult populations, probably occurred

The Lost River sucker is native to Upper Klamath Lake (Williams et al. 1985), its tributaries, including the Williamson, Sprague, and Wood rivers, Crooked Creek, Seven Mile Creek, Four Mile Creek, Odessa Creek, and Crystal Creek (Stine 1982), the Lost River system, Tule Lake, Lower Klamath Lake, and Sheepy Lake (Moyle 1976). Andreasen (1975) included Clear Lake as the upstream limit of the sucker in the Lost River system.

The documented native distribution of the shortnose sucker is Upper Klamath Lake and its tributaries (Miller and Smith 1981; Williams et al. 1985), although Moyle (1976) includes Lake of the Woods, Oregon. Andreasen (1975) referred to the Lake of the Woods suckers as another species, *Chasmistes stomias*. Moyle now agrees with Andreasen and considers the Lake of the Woods population of shortnose suckers to have been another species with an unclear taxonomic status (Moyle pers. comm.). The sucker population or species in this lake was extirpated during "fish control" operations in 1952 (Andreasen 1975). It is likely that shortnose suckers also are native to the Lost River system (Scoppettone pers. comm.) and were documented in the Clear Lake watershed in 1955 (Coots 1965). Williams et al. (1985) hypothesized that the fish gained access to the Lost River, and subsequently the other areas, by way of irrigation canals associated with the Bureau of Reclamation's Klamath Project. However, their presence in Clear Lake is evidence that they may be native to the Lost River system. Clear Lake Dam was constructed in 1910 and created an impassible barrier for fish migrating upstream in the Lost River. Construction of the Lost River Diversion Channel that connects the Klamath and Lost River systems did not begin until 1911. The Klamath River and Lost River were connected via a natural slough under high water conditions that may have allowed access under natural conditions prior to construction of irrigation canals.

#### D. Current Distribution

##### Lost River suckers

The present distribution of Lost River suckers includes Upper Klamath Lake and its tributaries (Buettner and Scoppettone 1990), Clear Lake Reservoir and its tributaries (Buettner and Scoppettone 1991), Tule Lake and the Lost River up to Anderson-Rose Dam (Scoppettone pers. comm.), and the Klamath River downstream to Copco Reservoir (Beak 1987). A few individual Lost River suckers were observed spawning in the Lost River below the Anderson Rose Dam in 1991, presumably migrating from Tule Lake, where 20 adults and one juvenile were captured in 1992 (Scoppettone pers. comm.). Large suckers that could be Lost River suckers were reported in Iron Gate Reservoir in 1992 (Maria pers. comm.). In the Upper Klamath Lake watershed, spawning runs are primarily limited to the Sprague and Williamson Rivers. However, larval Lost River suckers

In general, shortnose suckers are usually less than 50 cm SL and are distinguished by a large head, oblique, terminal mouth, and thin lips that have minute or absent papillae (Moyle 1976). Andreasen (1975) describes the shortnose sucker as having approximately 78 lateral line scales and 40 gill rakers. Moyle (1976) found 73 to 82 lateral line scales and 34 to 49 gill rakers. Shortnose suckers are dark in color on the back and silvery to white on the belly (Moyle 1976). Bond (1989) provides a general morphological key to juvenile shortnose suckers less than 100 mm SL:

The lobes of the lower lip are well-separated by a gap and are seldom in contact with each other. A raised ridge or frenum between the lobes is present. The head is short and deep in comparison with that of juvenile Lost River suckers. The body is robust and the caudal peduncle is shorter and deeper than that described for the Lost River sucker. The caudal peduncle's least depth is greater than the distance from the back edge of the eye to the upper end of the opercular opening. The depressed anal fin reaches to below the beginning of the caudal fin. The fishes' pigmentation is dark with gray to black mottling contrasting with a light gray background. The lower portion of the body is nearly white. The gill rakers usually number between 33 and 48 and their edges are armed with processes that become increasingly branched in larger specimens. Lateral line scales number from 74 to 83.

Buettner and Scopettone (1990) provide an in depth morphological key to the eggs, larvae, and juveniles of shortnose suckers in Upper Klamath Lake.

### C. Historic Distribution and Population Status

Lost River and shortnose suckers are endemic to the upper Klamath Basin of Oregon and California (Map, page 11). Within their range, early records indicate that the Lost River and shortnose suckers were widespread and abundant. Cope (1884) noted that Upper Klamath Lake sustained "a great population of fishes" and was "more prolific in animal life" than any body of water known to him at that time. Gilbert (1898) noted that the Lost River sucker was "the most important food-fish of the Klamath Lake region." At that time, spring sucker runs "in incredible numbers" (Gilbert 1898) were relied upon as a food source by the Klamath and Modoc Indians and were taken by local settlers for both human consumption and livestock feed (Cope 1879, Coots 1965, Howe 1968). Sucker runs were so numerous that a cannery was established on the Lost River (Howe 1968) and several other commercial operations processed "enormous amounts" of suckers into oil, dried fish, and other products (Andreasen 1975).

long in length. The caudal peduncle is long and slender and its least depth is about equal to the distance from the back edge of the eye to the upper end of the opercular opening. The depressed anal fin does not reach past the narrowest part of the caudal peduncle. The pigmentation of the fish is rather pale, with brownish mottling or speckling that does not contrast heavily with the ivory or tan background. Gill rakers usually number 25 to 33 and tend to be triangular in shape with smooth edges. Lateral line scales number from 76 to 86.

Buettner and Scopettone (1990) provide a descriptive key to the eggs, larvae, and juveniles of Lost River suckers sampled from Upper Klamath Lake.

#### Shortnose sucker- Taxonomy

The shortnose sucker was described by Cope (1879) from specimens collected in Upper Klamath Lake and given the name *Chasmistes brevirostris*. Cope (1881) then placed the shortnose sucker in a new genus (*Lipomyzon*), based on the characteristics of its pharyngeal teeth. After analyzing more specimens, Cope (1884) decided that pharyngeal teeth characteristics did not warrant a new genus, and changed the genus name back to *Chasmistes*. Fowler (1934), in his review of catostomid fishes, apparently did not realize that Cope had reassigned the shortnose sucker into the genus *Chasmistes*, and published the classification of the shortnose sucker as *Lipomyzon brevirostris*. In 1952, the confusion was ended when the shortnose sucker was classified as *Chasmistes brevirostris* in a personal communication between R.R. Miller and C.E. Bond (see Andreasen 1975). The shortnose sucker has since retained this taxonomic classification (Robbins et al. 1991).

#### Identification

As with the Lost River sucker, the morphological characteristics of the adult shortnose sucker are variable. This variation appears related to the two distinct morphologies of the fish associated with Upper Klamath Lake and the Lost River (Buettner pers. comm., Scopettone pers. comm.). The reason for the two morphs is not known; enzyme electrophoresis showed that fish from a variety of geographically disparate populations did not appear to be genetically distinct (Moyle and Berg 1991). Additional research is scheduled to investigate genetic differences. The variation could be related to differences in habitat or feeding, or could be ontogenic, with larger adults having morphological characteristics described as shortnose and younger individuals deviating from these characteristics (Markle pers. comm., Moyle pers. comm.).



## B. Description

### Lost River Sucker Taxonomy

The confusing taxonomic history of the Lost River sucker, as described by Andreasen (1975), began with Cope's description of the species as *Chasmistes luxatus* in 1879 (Cope 1879), based on specimens from Upper Klamath Lake. Eigenmann (1891) then re-classified the species as *Catostomus rex* based on analysis of specimens from Tule Lake and the Lost River. Seale (1896) renamed the sucker into a new monotypic genus (*Deltistes*) after an analysis of gill raker morphology, and used the original species name of *luxatus*. Miller (1959) stated that gill raker characteristics were not always diagnostic for the identification of Lost River suckers, and subsequently placed the sucker back in the genus of *Catostomus*, retaining the species name *luxatus*. Miller and Smith (1967) recognized characteristics of the genus *Deltistes*, described by Seale (1896), in their examination of fossil fishes, and concluded that the one living example of this genus was the Lost River sucker, *Deltistes luxatus*.

### Identification

Lost River suckers are one of the largest sucker species and may grow to 1 meter in total length (Moyle 1976). Lost River suckers exhibit some variability in traits commonly used to differentiate fish species. The Lost River sucker is distinguished by its long snout (Cope 1879, Andreasen 1975, Moyle 1976) and a wide median notch in the lower lip that has one or two large papillae between the notch and the edge of the lower lip (Andreasen 1975). Lost River suckers can be distinguished from shortnose and Klamath largescale suckers based on vertebral counts (Markle pers. comm.). Lateral line scale counts differ among specimens, with Gilbert (1897) reporting between 76 and 81, Andreasen (1975) between 79 to 83, Moyle (1976) between 82 to 88, and Buettner and Scopettone (1991) 82 to 113. Gill raker numbers also vary; 27 to 28 reported by Andreasen (1975) and 24 to 33 by Moyle (1976). The gill raker counts can increase with age (Markle pers. comm.). The gill rakers are short, triangular in shape (Moyle 1976), as well as widely spaced and smooth on the edges (Andreasen 1975). Moyle describes the small hump on the snout of the Lost River sucker as a key characteristic to its identification. Like most suckers, the coloration of the body is dark on the back and sides and fades to white or yellow on the belly (Moyle 1976).

A general description of the morphological characteristics of juvenile Lost River suckers less than 100 millimeters (mm) in standard length (SL) is provided by Bond (1989):

The lobes of the lower lip are well-separated by a gap and are seldom in contact with each other. A raised ridge or frenum exists between the lobes. The head is

## I. INTRODUCTION

### A. Brief Overview

The Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*) are large, long-lived suckers endemic to the upper Klamath Basin of Oregon and California. Both were originally described by Cope (1879) and both have gone through considerable taxonomic revision. The limited distribution of both sucker species, combined with the level of agricultural development and associated water and land use threats within the drainage, make these fishes susceptible to past and present habitat loss and degradation throughout their distribution. Both Lost River and shortnose suckers were federally listed as endangered species on July 18, 1988 (Federal Register 53:27130-27134). Because the Lost River sucker is the only species in the genus *Deltistes*, this entire genus is endangered as well. The recovery of these fishes and the ecosystem they depend on will require the input and cooperation of numerous Federal, state, county, and city agencies, as well as local organizations and individuals who own or manage basin land and water resources. Many of the tasks in this recovery plan are very similar to actions recommended in the Draft Upper Klamath River Basin Amendment to the Long-Range Plan for the Klamath River Basin Conservation Area Fishery Restoration Program, prepared for the Klamath River Basin Fisheries Task Force. Many similar recovery tasks are also in the Klamath Basin Water Users Protective Association's Initial Ecosystem Restoration Plan for the Upper Klamath River Basin (Water Users Plan) and several portions of that plan are incorporated into this recovery plan. Much of the wetland restoration in this recovery plan also is recommended in the North American Waterfowl Management Plan. Implementation of this recovery plan should benefit game fish in the watershed, trout and salmon downstream, amphibians, reptiles, waterfowl, and other wildlife in the basin in addition to the suckers. Most of the sucker populations are within the U.S. Bureau of Reclamation's (Reclamation) Klamath Project area. Pursuant to consultation with Reclamation under section 7 of the Endangered Species Act, the U.S. Fish and Wildlife Service (Service) rendered a biological opinion, dated July 22, 1992, on long-term operations of the Klamath Project, which suggests or requires some of the same actions recommended in this recovery plan. The long-term biological opinion also sets minimum lake levels and other restrictions on Klamath Project operations that are not addressed in this plan. This recovery plan incorporates information from, but does not supersede, the long-term biological opinion.

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3. Improve Lost River and shortnose sucker habitat conditions through rehabilitating riparian areas and improving land management practices in the watershed, developing and achieving water quality and quantity goals, and improving fish passage, spawning habitat, and other habitat conditions.

Costs: (in \$1,000s)

<u>Year</u>	<u>Need 1</u>	<u>Need 2</u>	<u>Need 3</u>	<u>Total</u>
1993	359.0	1111.6	1480.0	2950.6
1994	120.0	775.0	1025.0	1920.0
1995	60.0	530.0	795.0	1385.0
1996	40.0	280.0	335.0	655.0
1997	55.0	210.0	270.0	535.0
1998	0.0	0.0	70.0	70.0
1999	0.0	0.0	180.0	180.0
2000	0.0	0.0	10.0	10.0
2001	0.0	0.0	0.0	0.0
2002	0.0	0.0	0.0	0.0
2003	0.0	0.0	0.0	0.0
2004	0.0	0.0	0.0	0.0
2005	0.0	0.0	0.0	0.0
2006	0.0	0.0	0.0	0.0
2007	0.0	0.0	0.0	0.0
2008	0.0	0.0	0.0	0.0
2009	0.0	0.0	0.0	0.0
2010	0.0	0.0	0.0	0.0
2011	0.0	0.0	0.0	0.0
2012	0.0	0.0	0.0	0.0
<u>Total Cost of Recovery</u>	634.0	2906.6	4165.0	7705.6

Date of Recovery: The interim objective of establishing refugia populations for each unique stock should be accomplished by 2012 if research and recovery efforts are coordinated and water quality criteria have been met. A downlisting/delisting target date can not be projected at this time.

## EXECUTIVE SUMMARY OF THE RECOVERY PLAN FOR LOST RIVER AND SHORTNOSE SUCKERS

Current Status: The declining condition of Klamath Basin sucker species has been recognized since the mid-1960's (Andreasen 1975) but it was not until the mid-1980's that the severity of the situation was realized. Lost River and shortnose suckers were subsequently listed as endangered under the Endangered Species Act in 1988. Both species are endemic to the upper Klamath Basin. Significant losses to the gene pool of the suckers may in fact have already occurred with the disappearance of entire stocks (e.g., Harriman Springs, Barkley Springs, Lower Klamath Lake, and possibly others), and drastic reductions in other populations (Upper Klamath Lake, Tule Lake).

Reasons for Decline and Habitat Requirements: The final rule listing the Lost River and shortnose suckers as endangered species suggested the following reasons for their decline: the damming of rivers, dredging and draining of marshes, water diversions, hybridization, competition and predation by exotic species, insularization of habitat, and water quality problems associated with timber harvest, removal of riparian vegetation, livestock grazing, and agricultural practices (Federal Register 53:27130-27134). A shift toward hypereutrophication in Upper Klamath Lake has been documented (Miller and Tash 1967, Vincent 1968) and is considered by the Service to be a probable cause for the decline of Lost River and shortnose suckers and a major limiting factor in recovery of the species. Tule Lake, lower portions of the Lost River, Lake Ewauna, and the upper Klamath River also have severe water quality problems associated with hypereutrophication. Overharvest and chemical contamination also may have contributed to the decline.

Both species of suckers are lake dwelling but spawn in tributary streams or springs. Reduction and degradation of lake and stream habitats in the upper Klamath Basin has been proposed by the Service as the major factor in the decline of both species.

Recovery Objective: Detailed downlisting or delisting criteria can not be proposed at this time.

### Recovery Criteria:

The interim objective is to establish at least one stable refugial population with a minimum of 500 adult fish for each unique stock of both Lost River and shortnose suckers.

### Actions Needed:

1. Establish safe refuge populations of both listed suckers within the watershed.
2. Conduct research on sucker populations and habitat needs.



DISCLAIMER PAGE

Recovery plans delineate reasonable actions which are believed to be required to recover and/or protect listed species. Plans are published by the U.S. Fish and Wildlife Service (Service), sometimes prepared with the assistance of recovery teams, contractors, State agencies, and others. Objectives will be attained and any necessary funds made available subject to budgetary and other constraints affecting the parties involved, as well as the need to address other priorities. Recovery plans do not necessarily represent the views nor the official positions or approval of any individuals or agencies involved in the plan formulation, other than the Service only after they have been signed by the Regional Director or Director as approved. Approved recovery plans are subject to modification as dictated by new findings, changes in species status, and the completion of recovery tasks.

LITERATURE CITATION: U.S. Fish and Wildlife Service. 1993. Lost River (*Deltistes luxatus*) and Shortnose (*Chasmistes brevirostris*) Sucker Recovery Plan. Portland, Oregon. 95 pp.

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and Scopettone (1990) found that in 1987 and 1988 over 90 percent of larval Lost River sucker emigrated back to Upper Klamath Lake between 5 May and 15 June. They found that the majority of larval shortnose sucker emigrated within a six-week period after 1 May in 1978 and after 7 May in 1988. It appears that most larval emigration for both species occurs between the hours of 8:00 P.M. and 07:00 A.M. (Coleman and McGie 1988, Buettner and Scopettone 1990). During the day, the larvae typically move to shallow shoreline areas in the river (Dunsmoor pers. comm.). Ninety percent of larvae were found in water depths less than 50 cm, were surface oriented and over sand, mud and concrete; they were absent from soft organic mud and silt bottom (Buettner and Scopettone 1990).

The channelization of the lower Williamson and Wood Rivers may have negatively affected sucker survival by reducing larval rearing and refuge habitat (Dunsmoor, pers. comm.). Higher densities of larval suckers seem to occur in "pockets of open water surrounded by emergent vegetation" (Klamath Tribe 1991). Coleman and McGie (1988) found sucker larvae during the spring of 1987 in slack, near-shore water at depths less than 30 cm and in close proximity to rooted aquatic vegetation. In the lower Williamson River, the substrate consisted primarily of sand and mud. After emigrating from the parental spawning sites in late spring, larval and juvenile Lost River and shortnose suckers inhabited near shore waters, primarily under 50 cm (19.7 inches) in depth, throughout the summer months (Buettner and Scopettone 1990). Larval and juvenile suckers were found by Buettner and Scopettone (1990) to occur in greatest frequency at 10 to 60 cm depth. Along the lower margins of the Williamson, Buettner found that 35 percent of the larvae were found at sites with emergent vegetation. Coleman and McGie (1988) reported that larvae were found in close proximity to rooted aquatic vegetation, and that they avoided areas devoid of vegetation. Juvenile suckers were found along gentle slopes and were bottom oriented over sand and mud, both in areas devoid of cover and next to macrophytes (Buettner and Scopettone 1990). Although dissolved oxygen in Upper Klamath Lake ranged from 1.3 to 20.0 mg/l in sampling during the summer of 1988, juvenile suckers were only found where concentrations were 4.5 to 12.9 mg/l (Buettner and Scopettone 1990). Few sites with pH values of 9.0 or higher had juvenile suckers (Buettner and Scopettone 1990). In surveys conducted by Oregon State University between July 18 and October 17, 1991, juvenile suckers were found distributed in near shore areas throughout the lake in beach seine and cast net surveys during the summer. Trawling collected suckers in more open water habitat in October (Markle 1992). Although importance of vegetative cover is unknown and sampling in these areas is difficult and limited, larval and juvenile suckers are known to use these areas. Studies to determine habitat preference and survival rates for larval and juvenile suckers are being conducted by Reclamation. The Klamath Tribe (1993) provides the following information. There is little

question that nursery habitat in the lower river is dramatically altered from its historic condition, and that it presently provides poor quality nursery habitat for larval suckers. In fact, this is one of the main reasons behind the water level recommendations made for nursery habitat in Klamath Tribe (1991). The entire delta was once a marsh dominated by emergent vegetation, through which the river meandered. This was a structure-rich environment, and the scientific literature is replete with examples of the value of diverse structure to early life history stages of fish. Given the strong shoreline orientation displayed by sucker larvae, they undoubtedly used the marsh edges as nursery habitat. Indeed, it appears that marsh edges were virtually ubiquitous in the river delta area. Gently sloping, sandy, unvegetated shorelines are common today along the dikes that line the lake and lower river. This type of habitat was probably non-existent historically, and it is unreasonable to assume that such habitats would provide nursery habitats of the same quality as a marsh edge (Klamath Tribe 1993).

#### ADULT HABITAT

Adult Lost River and shortnose suckers usually spend relatively little time in tributary streams and migrate back to the lake after spawning. Adult Lost River suckers, radio-tagged in the Williamson River and at Sucker Springs in the spring of 1987, gravitated to the northern end of Upper Klamath Lake during the spring and summer. Presumably, this area preference is water-quality related and close proximity to inflow areas may provide refuge when conditions become stressful. Dissolved oxygen levels were at least 6 mg/l where radio-tagged fish were located (Buettner and Scopettone 1990). Only areas of the lake near inflows from streams or springs maintain relatively low densities of algae and consistently provide the water quality needed to support the suckers through stressful periods (Kann pers. comm.). Refugial areas of relatively good water quality are important for fish in Upper Klamath Lake during the summer and early fall when dissolved oxygen and pH levels can be stressful or lethal in much of the lake (Coleman et al. 1988). Bond et al. (1968) reported trout, yellow perch and brown bullheads showed seasonal movements apparently related to heavy algal blooms with attendant fluctuations of dissolved oxygen, pH, and suspended and dissolved materials. These fishes were usually found in the north end of the lake during the summer, or in other areas affected by incoming water. Live-boxed trout failed to survive the combination of high pH, moderate temperature and fluctuating dissolved oxygen at the south end of the Lake (Bond et al. 1968). Hazel (1969) notes that the onset of warm water, *Aphanizomenon* blooms, and high pH seemingly brings about a redistribution of fish from the entire lake to the northern portion of the lake only, particularly along the north and west shore marshes. Hazel (1969) concludes by stating "Because game fish are in abundance in vicinity of marshes during the summer when water quality conditions in the lake are

marginal, there is a good chance that these marshes are necessary for the continued well-being of these fishes. Lost River and shortnose suckers were captured near Pelican Bay, the Wood River, and the Williamson River during summer months of 1986 when water quality was limiting in most of Upper Klamath Lake (Bienz and Ziller 1987). Golden (1969) reported large runs of suckers in the Sprague River during August of 1966 and 1967, which may have been caused by poor water quality in the lake.

#### G. Reasons for Decline and Current Threats

The final rule listing the Lost River and shortnose suckers as endangered species cited the following reasons for their decline: the damming of rivers, instream flow diversions, hybridization, competition and predation by exotic species, insularization of habitat, dredging and draining of marshes, and water quality problems associated with timber harvest, removal of riparian vegetation, livestock grazing, and agricultural practices (Federal Register 53:27130-27134). A shift toward hypereutrophication in Upper Klamath Lake has been documented (Miller and Tash 1967, Vincent 1968) and is considered by the Service to be a probable cause for the decline of Lost River and shortnose suckers and a major limiting factor in recovery of the species. Tule Lake, lower portions of the Lost River, Lake Ewauna, and the Klamath River above Keno Dam also have severe water quality problems associated with hypereutrophication. Overharvest and chemical contaminants may also have contributed to the decline. Reduction and degradation of lake and stream habitats in the upper Klamath Basin is considered by the Service as the most important factor in the decline of both species.

#### Dams

The construction in 1914-1918 of the Sprague River Dam, near Chiloquin, Oregon, may have reduced access to approximately 95% of the potential spawning range of Lost River and shortnose suckers in the Sprague River drainage. Records from the Oregon Department of Fish and Wildlife document the passage of Lost River and shortnose suckers from the mid-1960's to 1986. Since 1981, tribal biologists have found both Lost River and shortnose suckers moving through the ladder, and during the snag fishery the ladder was a favorite snagging area for many tribal members catching Lost River suckers. Limited radio telemetry work further documented use of the ladder by endangered suckers. Radio transmitters were placed on three shortnose suckers and one largescale sucker captured at the Williamson River mouth in October, 1983. All four fish ascended to river mile 6.5 on the Williamson River in January, 1984, and then moved upstream and ascended the ladder at the Chiloquin Dam (Klamath Tribe 1993). In recent years few endangered suckers have been captured in the ladder. Few of either sucker species have been observed passing the fish ladder

at Chiloquin Dam (Bienz and Ziller 1987, Buettner and Scopettone 1990). However, little effort has been expended to monitor fish movement through the ladder, so lack of monitoring may be a reason for the perception that the dam blocks passage of suckers. Potential spawning habitat exists in 50 km of the Sprague River, of which 48 km is upstream from the Chiloquin Dam (Buettner and Scopettone 1990). However, the habitat upstream of the dam has been severely degraded. Lack of adequate instream flow and virtual removal of the riparian ecosystem along most of the 70+ river miles upstream of the dam have changed this river to a sediment-laden, hypertrophic system (Klamath Tribe 1993). As a result of the low gradient of much of the Sprague River above the dam, fast-water, rocky habitats used for spawning would occur infrequently. In addition, largemouth bass and yellow perch are very abundant, have completely replaced the native species in some reaches above the dam, and may reduce larval survival through predation (Klamath Tribe 1993). The dam may prevent segregation in location and timing of spawning runs of three sucker species. Although the amount of current spawning habitat available may not be limiting the sucker populations, the concentrations of spawning suckers in relatively small areas of suitable habitat may increase the likelihood of hybridization between species (Scopettone per. comm.). However, since 1990 the Tribe has snorkeled extensively during each spawning season, and have found shortnose and Lost River suckers spawning in more locations in the Sprague River downstream from the dam and at several locations in the Williamson River below the confluence. To say spawning is concentrated completely ignores the ~6.5 km of Williamson River below the confluence that provides spawning habitat for the suckers (Klamath Tribe 1993). Finally, the dam reduces downstream recruitment of suitable spawning gravel and the effect of the free-fall drop over the dam on 13 mm sucker larva attempting to emigrate to the lake is unknown.

Other diversion dams in many of the spawning streams may restrict access to potential spawning areas or impair downstream migration of adults and larval suckers. The Anderson-Rose Dam on the Lost River may limit spawning access for suckers migrating from Tule Lake (Buettner and Scopettone 1991). Dams also fragment populations and restrict genetic mixing within populations.

Although spawning habitat has certainly been reduced and degraded, available evidence does not provide strong support for the hypothesis that spawning habitat availability is limiting recruitment. Field work by Oregon State University and results of Bureau of Reclamation canal salvage operations have shown the successful formation of a year class from the 1991 spawn. In 1989, approximately 70 million sucker larvae emigrated downstream past river mile 6 of the Williamson River, and approximately 5 million sucker larvae emigrated into Upper Klamath Lake (Klamath Tribe 1993). Juvenile fish captured in subsequent field work appeared to belong to the 1989 year class (based on length); but



accurate aging was not possible because fish were released (Klamath Tribe 1993). While year classes of juveniles have been found in recent years, there is no certainty that sufficient numbers of juveniles were produced to provide adequate recruitment to spawning populations 5 to 9 years later.

#### Diversions

Diversion of water can reduce flows in streams and lower lake elevations. The EPA Clean Lakes study (Klamath Consulting 1983) states "It became apparent during the course of this project that water level in Upper Klamath Lake was a critical factor in relation to several of the problems". They compared the summer of 1981 (one of "reduced lake surface elevation to minimal levels due to drawdown") to the summer of 1982 (one where lake levels were "near maximum"), and state "although algal mats were still present in the lake in massive amounts [in 1982], they did not become the aesthetic nuisance they did the previous summer [1981] ... and water quality, as measured by several parameters did improve" (e.g. pH, chlorophyll and total phosphorus). Klamath Consulting Service (1982) goes on to state that "the increased level of total phosphorus could be the result of increased sediment resuspension caused by wind action over the shallower water in the lake in 1981". A comparison of July and August values for total phosphorus show that 1981 values averaged 138 ug/L higher than for this same period in 1982 (Klamath Consulting 1983). While other factors can influence these annual differences (e.g. climatic differences), the effect of lake level cannot be ruled out.

Diversions of water out of streams and lakes also can entrain suckers, which can be killed by pumps or trapped in the irrigation canals. Any suckers in the water delivery systems, including canals, drains, fields, headgates, and turnouts potentially could be killed or harmed due to low water quality, chemical vegetation control, entrainment in pumps, increased predation, and desiccation (USFWS 1992). Entrainment of larval suckers has been documented at the A Canal headworks (Markle 1992). In 1991, entrainment estimates peaked twice, once in early June (at 43,887 suckers per day) and once in early July (at 21,773 suckers per day). All but one of the suckers collected during the June peak were identified as Lost River suckers (Markle per. comm.). The suckers collected during the July peak were shortnose and Klamath largescale suckers and preliminary identifications indicate that most of these fish are shortnose suckers (Markle per. comm.). The cumulative estimate for the period between May 13 and July 15 was 759,150 larval suckers entrained. The cumulative estimate was extrapolated from a total catch of 51 larval suckers and 35 of the 51 suckers have been identified as Lost River suckers (Markle 1992). The 3,236 suckers of undetermined species salvaged out of the Project canals in October-December of 1991 provides further evidence of entrainment. Entrainment of suckers also occurs at the PacifiCorp hydroelectric diversion near the Link River Dam.

Suckers have been observed in the Eastside Diversion Canal when it was shut down for maintenance (Fortune pers. comm.).

#### Hybridization and Genetics

A recent analysis of the population genetics of the Lost River sucker and shortnose suckers (Moyle and Berg 1991) suggested that "if populations continue to decline, these species may cross below the minimum viable population threshold and be lost." Low numbers and hybridization could threaten the genetic diversity and purity of the suckers. Intraspecific morphological variation among segregated populations has been thought to be a result of hybridization (e.g., Clear Lake shortnose suckers are morphologically and meristically different from Copco Lake or Upper Klamath Lake shortnose suckers). However, recent preliminary protein electrophoresis research suggests that significant hybridization has not occurred and that the wide range of overlapping morphological characters exhibited by Klamath Basin suckers may reflect differences in phenotypic expression as a response to differing physical environments, or the age of the individual (Moyle and Berg 1991). Two genetic studies have been done to date on Klamath Basin suckers, and while neither has been broad enough in scope to answer all questions, their data did not support the hypothesis that shortnose were introgressed with other sucker species. Moyle and Berg (1991) stated "...we are confident in asserting that the three shortnose sucker populations [Upper Klamath Lake, Copco Reservoir, and Clear Lake] tested in this study are 'pure'". Harris (1991) found no conclusive evidence of hybridization between sucker species, although his analyses were hampered by small sample sizes. More research is being conducted to help resolve hybridization and other genetic questions.

#### Introduced Fish

Introductions of non-native fishes have contributed to declines in populations of other sucker species in the Colorado River system and could be a factor in the upper Klamath Basin suckers decline. Species such as brown bullhead, fathead minnow, Sacramento perch, yellow perch, pumpkinseed, and green sunfish, bluegill, largemouth bass, and brown trout have become established and abundant in parts of the upper Klamath Basin. Predation or competition with small suckers by fathead minnows, yellow perch, and other introduced species is a possible cause for limited recruitment of suckers in Upper Klamath Lake and Copco Reservoir. However, relatively stable populations of suckers co-exist with abundant non-native species in parts of the Lost River system and native species such as tui chub, blue chub and rainbow trout are also very effective predators and potential competitors. Many of the introduced species have been in the upper Klamath Basin since the 1930's (Fortune pers. comm.) and declining sucker populations were not noticed until the 1960's. Golden (1969) noted a decrease in

the number of 'mullet' taken per angler from 1966 to 68. Also, Andreasen (1975) expressed deep concern for the status of these species before exotics like fathead minnows were established in the system. Influences of exotics need to be carefully assessed, but other factors are clearly involved (Klamath Tribe 1993).

#### Overharvest

A decline in the average size of suckers harvested in the snag fishery from 1966 to 1974 indicates that the fishery may have impacted the population. A fish kill in 1971 also may have contributed to the decline in average size. Exploitation estimates (percent of the population harvested by snagging) in 1984 and 1985 indicated less than a 6 percent angler exploitation rate for Lost River Suckers, which were the most exploited species due to their larger size (Bienz and Ziller 1987).

#### Chemical Contaminants

Chemical contaminants may have a role in the decline of the suckers. Large amounts of chemicals are applied in the watershed on an annual basis for agricultural uses, control of mosquitoes and other pests, forestry and forest fire control, and other uses. Many of these chemicals are sprayed from airplanes over wide areas and find their way into waterways directly or from surface and sub-surface flow. The reconnaissance investigation of water quality in the Klamath Basin by USGS, et al. in 1991 found that organochlorine pesticides are still detectable in bottom sediments at many locations due to past pesticide applications. Pesticides and other chemicals can have an acute toxicity that causes direct mortality of organisms, which has happened in the Klamath basin on several occasions. Chronic effects of pesticides include reducing the survival of organisms as well as widespread disruption of food chains that can affect aquatic habitats throughout the basin. USGS, et al. in 1991 also observed that there were very low numbers of benthic organisms in many locations, including Tule Lake, and an overall reduction in numbers of aquatic reptiles and amphibians, all of which may be due to the effects of pesticides. Potential for a major catastrophic spill exists with roads and railways crossing and running parallel with waterways in many areas of the upper Klamath Basin.

#### Habitat Reduction

Over 350,000 acres of natural wetlands probably existed in the Klamath Basin prior to 1900 (Adkins 1970). Since the Klamath Reclamation Project was passed in 1905, well over 100,000 acres of wetlands have been destroyed and reservoirs have inundated some of the former wetlands (USFWS 1989). Additionally, thousands of acres of wet meadows and shallow marsh have been and are continuing to be degraded or lost as a result of ditching, tiling and diking, and intensive livestock grazing (USFWS 1989).

Estimates of direct loss range from 75 to 90 percent (USFWS 1989). Approximately 35,000 acres of marshland around Upper Klamath and Agency Lakes have been lost this century. Between 1940 and 1955 approximately 12 miles of wetland shoreline habitat were lost between Modoc Point and the Narrows linking Upper Klamath and Agency Lakes, in addition to more than 3 miles in the lower Williamson River (Klamath Tribe 1993). Since 1955, approximately 3 miles of wetland shoreline habitat was lost on the west side of Agency Lake (Klamath Tribe 1993). Tule Lake was reduced from a historical 96,000 surface acres of open lake and marsh to only 13,000 acres of water available to the suckers. Lower Klamath Lake was eliminated as sucker habitat after 1924 when it was drained for farming (Moyle 1976), with the possible exception of the area referred to as Sheepy Lake. In addition to losses of lake habitats, an unknown number of miles of sucker spawning habitat in streams has been eliminated due to construction of dams with poor or no provisions for fish passage.

#### Degradation and Water Quality

Upper Klamath Lake was historically eutrophic (highly productive) but has become hypereutrophic (Goldman and Horne 1983). It has been hypothesized that the hypereutrophic condition of the lake is a result of 20th century marsh drainage and agricultural practices within its watershed (Miller and Tash 1967, Vincent 1968). Phinney *et al.* (1959) state that "except for *Microcystis*, the bloom algae (*Aphanizomenon*) do not flourish where humate content is high". They state that the reason for this effect is an inhibition of blue-green algae by the low pH water caused by high concentrations of humates (Phinney *et al.* 1959). They note that this same water can have a stimulatory effect at lower pH's, but that this serves as an explanation for the low productivity of the humic waters at the north end of the lake. Such waters may have been crucial for providing adequate rearing areas for larval and juvenile suckers entering the lake through the tributaries and dispersing out along the shoreline (Klamath Tribe 1993).

The following description of wetlands benefits is extracted from an EPA publication on wetlands (EPA 1988). In their natural condition, wetlands provide many benefits, including water quality improvement, flood protection, shoreline erosion control, natural products for human use, food, habitat and spawning grounds for fish, and opportunities for recreation and aesthetic appreciation. One of the most important values of wetlands is their ability to help maintain and improve the water quality of our nation's rivers, estuaries, and other water bodies. Wetlands do this by removing and retaining nutrients, processing chemical and organic wastes, and reducing sediment from flood waters. Wetlands function like natural tubs, storing either flood waters that overflow riverbanks or surface water that collects in isolated depressions. When wetlands absorb flood waters, they reduce damage downstream. Trees and other wetland vegetation help slow

the speed of flood waters. This action, combined with water storage, lowers flood heights and reduces the water's erosive potential. The stored water is then slowly released downstream as the flood peaks recede (EPA 1988). This EPA reference and the following statement, "Wetlands restoration at appropriate locations will likely be a desirable measure toward upper Klamath River Basin ecosystem restoration," are also in the Klamath Basin Water Users Protective Association's Initial Ecosystem Restoration Plan for the Upper Klamath River Basin.

Historical data suggests that man's increasing activity in the basin is causing longer, more intense periods of low water quality (Coleman *et al.* 1988). The hypereutrophic condition of Upper Klamath Lake impacts Tule Lake, lower portions of the Lost River, the Link River, Lake Ewauna, and the Klamath River downstream. Tule Lake is hypereutrophic and water quality is marginal for suckers during the summer months. In June and July of 1992, the pH in most of Tule Lake was frequently above 9.5 (Reclamation unpublished data). Most of the inflow during these months is irrigation return water that has been reused up to 6 times and is of poor quality for fish with high pH and low dissolved oxygen levels (USGS 1991). In 1970, Upper Klamath Lake's algal blooms were noted to be "seriously detrimental to the quality of water in Link and Klamath Rivers" (OSWRB 1971). In 1986, the majority of nutrients (79% of the nitrogen and 68% of the phosphorus) found in the Klamath River at Seiad Valley were determined to come from sources upstream of Iron Gate (CDWR 1986).

Other evidence indicates that while the Upper Klamath Lake has been historically eutrophic, man-caused changes have served to increase the level of nutrient export to the lake over background levels. Miller and Tash (1967) and USACE (1982) reported that, despite accounting for only 12.4% of the inflow, direct agricultural input from pumps and canals accounted for 31% of the phosphorus entering the lake. This figure includes only direct agricultural input, so the overall increase over background (historic) levels is likely substantially higher when considering non-point agricultural sources (Klamath Tribe 1993). This is especially true considering the large scale changes which have occurred throughout the watershed over the past 50 years. Such changes include grazing of more than 100,000 head of cattle upstream from the lake and conversion of riparian corridors and wetlands to cattle pasture and cropping areas (Klamath Tribe 1993). These practices have led to severe degradation of the Sprague and Wood River riparian areas and have therefore greatly increased the nutrient and sediment export potential (Karr and Schlosser 1978; Schlosser and Karr 1981; Lowrance *et al.* 1984; Peterjohn and Correll 1984; Gregory *et al.* 1991).

Disturbing marshlands aerates the soil, increases its pH, increases phosphate release from peat, and increases aerobic decomposition of nitrogen. Even in eutrophic systems increased



availability of nutrients will cause further changes in productivity and associated water quality parameters; this is what has happened in Upper Klamath Lake (Klamath Tribe 1993). It is important to note that because hypertrophic systems are disturbed and unstable (Barica 1980), they have the potential to deteriorate further.

Upper Klamath Lake nutrient inputs and cycling have been altered, and it has been hypothesized that, as a result, the algal community has shifted to more of a monoculture of the bluegreen algae *Aphanizomenon flos-aquae* which is more efficient than green algae at utilizing low concentrations of carbon dioxide. The massive blooms of algae that occur during the summer and autumn months are known to cause extremely high pH, wide fluctuations of dissolved oxygen and carbon dioxide levels, a green appearance and foul odors as the algae decay, and possibly an algal toxicity problem. When the algae crashes, the pH declines, but dissolved oxygen levels usually fall to very low levels (Kann per. comm.). At least minor fish kills due to water quality problems have occurred in parts of the basin since at least the 1960's. The most recent Upper Klamath Lake fish kill in 1986 is thought to have been caused by water quality problems associated with the algae, such as dissolved oxygen depletion due to high water temperatures, and extensive algal decay. Water quality in Upper Klamath Lake during these summer and fall months can quickly degrade to pH values in excess of 10.0 and dissolved oxygen concentrations near 0 mg/l (Scoppettone 1986, Bienz and Ziller 1987, Kann pers. comm.). Dissolved oxygen depletion can occur on a regular diel basis through respiration, not only when blooms crash and decomposition occurs and conditions leading to dissolved oxygen depletion are not always localized, but can occur over large areas of the lake (Klamath Tribe 1993). Another point to consider is that too much dissolved oxygen may also be harmful to fish (e.g. Stewart et al. 1967), so the frequent occurrence of supersaturated dissolved oxygen conditions from high rates of productivity may be harmful. High ammonia levels are also a problem at times in most of the upper Klamath Basin and the more toxic unionized form is more prevalent at high pH levels (Kann pers. comm., Schwarzbach pers. comm.). During the summer and early fall months, pH levels have been above 9.5 in most of Upper Klamath Lake on several occasions in recent years (Kann per. comm.) and in June of 1992, pH levels as high as 10.5 were measured in the water leaving the lake through the A-Canal (Schwarzbach pers. comm.). Falter and Cech (1991) found the maximum pH tolerance (permanent loss of equilibrium) found for juvenile shortnose suckers to be 9.55 and Castleberry and Cech (1990) found the minimum critical dissolved oxygen concentration (permanent loss of equilibrium) to be 0.7 mg/l. Preliminary toxicity research by the Service in 1992, observed mortalities of juvenile Lost River and shortnose suckers beginning at a pH of about 10 during a 96 hour test. The same preliminary research found mortalities in dissolved oxygen tests began at 3 to 4 mg/l.

and mortalities began to occur at 0.2 ppm in unionized ammonia nitrogen tests. The Service's tolerance results were from single variable tests that were not repeated and do not necessarily reflect actual tolerances in natural conditions where fish face combinations of stressful conditions, nor do they reflect long-term or sublethal conditions. Tule Lake, lower portions of the Lost River, Lake Ewauna, and the Klamath River above Keno Dam have similar water quality problems. In situ, survival of fathead minnow fry was very low with no more than 2 of 20 surviving during any of 4 separate tests at the same site in the Lost River just above Tule Lake during June of 1992 (Schwarzbach per. comm). Water quality conditions in the upper Klamath River are described as poor, high water temperature, low dissolved oxygen, high turbidity, high pH, and high levels of algae, bacteria, and suspended sediment (ODEQ 1988).

Upper Klamath Lake is now classified as hypertrophic (Goldman and Horne 1983) because of its mono-specific *Aphanizomenon* blooms of long duration and extremely high biomass, and the coincident extreme fluctuations in pH, CO<sub>2</sub>, and dissolved oxygen. Given that lakes are not static systems (even under totally natural circumstances) it logically follows that Upper Klamath Lake has undergone trophic changes over the last 100 years. Bond et al. (1968) states "since 1913 there has been a change in the dominant species of plankton", and goes on to state that this thesis is supportable in that "the concentration of *Aphanizomenon* has increased greatly over the last 50 years, and it is also supported by conversations with older residents who recall conditions in the lake previous to about 1917". Hazel (1969) states that production was historically at a high level, but that "in the past several years complaints about odor, unsightly concentrations of algae, dead fish and birds, unpalatable fish and drinking water, etc., have increased in frequency, especially during the summer". Such changes in phytoplankton diversity and quantity are typical of lakes undergoing a change from eutrophic to hypertrophic conditions (diatom/green algae dominance to mixed blue-green algae assemblages to mono-cultures of blue-green algae [Goldman and Horne 1983; Wetzel 1985]).

#### Nutrient Loading

Many tributaries to Upper Klamath Lake are known to have serious nonpoint source pollution problems, including high turbidity, low dissolved oxygen, excessive nutrients, pesticides, sediment, and excessive plant growths (ODEQ 1988). Studies by Sanville et al. (1974) showed concentrations of nitrogen and phosphorus in the interstitial water of Howard Bay sediment were several times higher than those near Buck Island and the lake outlet. These high concentrations of nitrogen and phosphorus in the interstitial water of Howard Bay was believed to be the result of agricultural drainage from nearby ranches. A sediment core taken near the outlet of the lake indicated an accelerated rate of sedimentation

in more recent years, possibly related to changes in the watershed and productivity of the lake (Sanville et al. 1974). Miller and Tash (1967) stated "the quantity of nitrogen and phosphorus in only the upper inch of lake sediments is as great as that quantity which would flow into the lake during the next 60 years if the present rate of inflow continues." However, the availability of sediment nutrients is unknown. Wildung and Schmidt (1973) concluded that generally 12 percent of total sediment phosphorus was subject to release, not including interstitial phosphorus.

Available nutrients may not be unlimited in Upper Klamath Lake. Dissolved inorganic nitrogen usually was depleted below the detection level when algal production was high, suggesting that nitrogen could be a limiting nutrient for algal production (USACE 1982). Even though background phosphorus concentrations are relatively high and are likely to support high algal growth, evidence exists to support the fact that phosphorus does become limiting in the system. For example, annual depletions of soluble reactive phosphorus occur during periods of intense algal growth over the growing season, and generally coincide with bloom crashes (Klamath Tribe 1993). Maloney et al. (1972) and Miller et al. (1974) showed stimulation of algal growth after addition of phosphorus to water from Upper Klamath Lake collected in October and July. The July sample showed stimulation of algal growth with phosphorus addition despite total phosphorus being 330 ug/L, and ortho phosphorus being 50 ug/l (Miller et al. 1974). It is very likely that increased input of nutrients may substantially increase the intensity and duration of algae growth (Klamath Tribe 1993). Water quality data gathered during the summer of 1992 provided potential evidence that reductions in external nutrient loading can alter abundance and composition of the algal community in Upper Klamath Lake. Due to severe drought conditions, Upper Klamath Lake received record low inflows which likely reduced external nutrient loading. An algae bloom of *Aphanizomenon flos-aquae* developed earlier than usual and created water quality problems in May and June, but then crashed and did not re-develop on a lake-wide basis. The algae bloom normally would crash about a month later, then quickly recover and maintain a dense bloom until colder weather in October or November caused a decline (Kann pers. comm.). Other types of algae did increase after the *Aphanizomenon flos-aquae* crash, but did not cause the water quality problems that are normal for Upper Klamath Lake in the late summer and early fall (Kann pers. comm.). If nutrients from sediments were available and unlimited, the *Aphanizomenon flos-aquae* bloom should have recovered. What was limiting the algae is unknown, but it is likely that the availability of essential nutrients was inadequate. If nutrient loading and algal populations can be controlled, water quality should be improved greatly in Upper Klamath Lake and the Klamath River system. Algal blooms are still likely to occur given high background concentrations of nutrients, and a total change in trophic state is unlikely; however, more subtle changes in duration and

intensity of blooms, and in such water quality parameters as pH and dissolved oxygen are entirely possible. Data shows that reduced algal biomass decreases the probability of attaining elevated pH in Upper Klamath Lake, even when the reduced biomass still falls within the hypertrophic range (Kann and Smith 1993).

Below Upper Klamath Lake, other sources of nutrients and contaminants contribute to the problem. Another result of consumptive water use in the lower Lost River and upper Klamath River is an increased concentration of salts in surface water (NCRWQCB 1989). During the 1960s, coliform levels were extremely high immediately downstream of Lake Ewauna, which reflected waste discharges from sewage treatment facilities and industries at that time (OSWRB 1971). Sewage effluent from the Klamath Falls area was noted as a water quality problem in the 1960's and early 1970's (Fortune et al. 1966, OSWRB 1971). Nutrients and contaminants from an increasing number of housing developments near the Williamson and Sprague Rivers or other areas above Upper Klamath Lake could also be contributing to water quality problems. In the Klamath River at the Highway 97 bridge, coliform counts (bacteria levels indicative of human or animal wastes) were 20 times above acceptable limits for public health and recreational purposes. However, the outflow from Upper Klamath Lake in the Link River about 5.5 miles upstream was well below the standard (OSWRB 1971). Improvements in waste treatment and better regulation of waste discharge as a result of the 1972 Clean Water Act now have reduced coliform levels to acceptable levels. Still, problem levels of pesticides and metals have been detected in the lake (USGS 1991).

Discharges of poor quality water from agricultural operations in the Klamath Project via the Klamath Straits are noted by the Oregon and California state water quality agencies as a problem (NCRWQCB 1989; ODEQ 1988). Dissolved oxygen levels as low as 0.0 mg/l, temperatures up to 31.27 °C, and pH levels as high as 10.08 were measured in the Klamath Straits Drain in 1992 with at least 96 hour periods when the pH did not go below 9.4 (Schwarzbach pers. comm.). Total ammonia levels as high as 0.94 mg/l have been measured in the Klamath Straits Drain and survival of fathead minnow fry was 0/20 in 2 of 4 days of testing at 2 different sites in the drain during June of 1992 (Schwarzbach per. comm.).

#### Grazing

Overgrazing in the riparian areas of streams, especially in the Sprague River system, has left no stream structure for fish habitat and has exposed the stream to solar radiation (USFS 1989). Grazing practices have led to severe degradation of the riparian areas and have therefore greatly increased the nutrient and sediment export potential (Karr and Schlosser 1978; Schlosser and Karr 1981; Lowrance et al. 1984; Peterjohn and Correll 1984; Gregory et al. 1991). On Fishhole Creek, for example, a century



of season-long use by cattle has destroyed the stabilizing streambank vegetation, resulting in erosion and lowered water tables (Todd 1989). Similar conditions exist in the Wood River Valley. The resulting conditions have left marginal habitat in the Sprague River for spawning populations of trout and suckers, increased stream temperatures for miles downstream, and contributed sediment and nutrients to the stream system. As a result, the Sprague River was identified by the Oregon Dept. of Environmental Quality as one of the highest priority streams in the state for control of nonpoint source pollution (ODEQ 1989). In addition to the Sprague River system, grazing problems have been noted for the Williamson River, Sevenmile Creek, Spencer Creek and Shovel Creek (ODEQ 1989, USBLM 1990b and 1990c). The Water Users Plan suggests that significant opportunities exist to improve riparian habitat in the Clear Lake/Lost River/Gerber Reservoir drainage, as well as on tributaries of Upper Klamath Lake and Agency Lake. Efforts to improve riparian habitat should also be expanded to watersheds of tributary streams that have been degraded in the Klamath River system below Upper Klamath Lake, such as efforts already initiated on Spencer Creek and Shovel Creek (Maria pers. comm.).

#### Forestry

Forestry practices also contributed to water quality problems in the basin. In 1970, the Oregon State Water Resources Board noted that "serious erosion and sedimentation problems have been caused by logging and road building practices that have not provided for soil stabilization" in the upper Klamath Basin. By eliminating vegetative cover from much of the volcanic ash and pumice type soils, these sites became highly susceptible to erosion. The soils carry salts and nutrients, especially phosphorous, to surface waters, where they dissolve and "accelerate the eutrophication process in streams and lakes." Sedimentation of fish habitat also was noted as an impact (OSWRB 1971). Log storage on the Klamath River below Klamath Falls was greatly reduced after fish kills in the late 1960s, but sections of the river above US 97 are still used for log storage today. In the late 1980s, many changes began to occur in forest practices on both private and public land in Oregon. The 1987 amendment to the Oregon Forest Practices Act led to an apparent improvement over the previous practices, especially regarding riparian protection.

#### Water Quality Summary

The overall picture appears to be one of an unbalanced ecosystem which has become dominated by an algal monoculture only within the past 75 years. In 1913, the Upper Klamath Lake was found to be eutrophic but was characterized by mixed blue-green and diatom communities (Kemmerer *et al.* 1923). By the 1930's, *A. flos-aquae* was present and abundant but not yet dominant (Phinney *et al.*



1959). Since at least the 1950's, however, this one species has dominated the massive algal blooms. Bond et al. (1968) reported mean *A. flos-aquae* counts from Phinney and Peak (1961) to be nearly 10,000 times those of the maximum count reported by Bonnell and Mote (1942). Its die-offs and high production are the cause of the drastic fluctuations in dissolved oxygen and pH observed throughout the lake (Kann 1989; Coleman et al. 1988) and similar problems exist downstream. The water quality problems have limited the availability and quality of habitat for suckers and other fish and caused major fish kills in the basin. It is the Service's opinion that water quality must be improved to provide stable habitat for the recovery of the suckers and other fish and wildlife in the upper Klamath Basin.

#### Other Factors

Additionally, a multi-year drought throughout the basin has reduced the quantity and quality of sucker habitats, although in most cases water diversions have contributed to this reduction. For example, Clear Lake was recently described as supporting the largest and healthiest population of shortnose suckers. In 1992, only the western lobe of the lake held water and spawning runs were not observed in 1991 or 1992 (Scopettone pers. comm.). Suckers in Gerber Reservoir were also in a greatly reduced body of water in 1991 and 1992 and were exhibiting signs of stress (Buettner pers. comm.).

#### H. Conservation Efforts

##### Recovery Efforts to Improve Habitat and Water Quality

Potential eutrophication control measures have been investigated using numerous lake restoration or management techniques (USACK 1982). Short term or smaller scale techniques, such as chemical treatment of algae, would not be effective or economical for the upper Klamath Basin. Improvements in land management, including changes in agricultural practices, riparian and wetland restoration, improved forestry practices, range management, and erosion control are all proven methods of improving water quality in a watershed. However, the principal debate focuses on whether the lake's quality can be improved in any cost-effective way from the current hypereutrophic condition to a condition where the duration and intensity of the underlying *Aphanizomenon* blooms can be reduced (Kann 1989; Bortleson and Fretwell 1990). The lake may still be hypereutrophic but decreased duration and intensity of blooms will have beneficial effects for water quality and fish species.

Independent actions, such as fencing and planting vegetation along portions of tributary streams like the Wood and Sprague Rivers, already have been initiated by local landowners and private organizations. Wetlands are being restored on private lands in

the basin through the Service's Partners for Wildlife program. These lands are primarily managed as duck clubs and provide a source of income for owners and managers. Other sources of funding also are available for restoring wetlands and new sources should be investigated. The term "wetlands" includes seasonal wetlands, like wet meadows, as well as marshes. Improving watershed conditions and reducing nutrient loading by changing land management to wet meadows for hay production, or improving grazing practices to restore riparian areas and range conditions, are examples of recovery actions that would be relatively inexpensive to implement and provide a beneficial use for landowners. Efforts like this should be encouraged with assistance in planning and funding to make them economically feasible.

Many of the tasks for water quality improvements in this recovery plan are very similar to actions recommended in the Draft Upper Klamath River Basin Amendment to the Long-Range Plan for the Klamath River Basin Conservation Area Fishery Restoration Program, prepared for the Klamath River Basin Fisheries Task Force for restoration of salmonids. Much of the wetland restoration in this recovery plan is recommended in the North American Waterfowl Plan. Many similar recovery tasks also are recommended in the Klamath Basin Water Users Protective Association's Initial Ecosystem Restoration Plan for the Upper Klamath River Basin (Water Users Plan).

#### Agency Actions

Current conservation efforts for the Klamath suckers have focused on the need to re-establish a more naturally functioning Klamath ecosystem. Among the research efforts are projects designed and coordinated through a series of research coordination meetings, where researchers from all involved agencies present results and research plans to allow for coordination and to prevent duplication of effort. This will provide data to help quantify many of the complex interactions in the Klamath ecosystem. Specific projects include: Wetland Nutrient Processing studies (Reclamation, Denver Office), Hydrology of Shallow Groundwater for the Upper Klamath/Agency Lake Basin (USGS Portland, Tribe), External Nutrient Inflows to Upper Klamath lake (USGS Portland), Assessing Contaminant Load in Irrigation Drainwater (USGS, Reclamation, USFWS, Sacramento Field Office), Genetic Surveys of Sucker Populations (CDFG), and Modeling Nutrient Flux and Water Quality and Their Effects on Sucker Habitat (Tribe). All federal agency actions and other projects involving federal funding, require compliance with the National Environmental Policy Act and other appropriate legislation before implementation.

Oregon has a Statewide Water Quality Management Plan, as required by section 208 of the Federal Clean Water Act. A Memorandum of Understanding (MOU) between the Oregon Dept. of Environmental

Quality (ODEQ) and the U.S. Forest Service includes recommended water quality protection by the Pacific Northwest Region, as identified in "General Water Quality Best Management Practices" (USFS 1988). For private lands, DEQ and the U.S. Environmental Protection Agency (EPA) annually certified the Oregon Forest Practices Act as Best Management Practices (BMPs) between 1978 and 1985. However, no significant water quality data is available to assess the effectiveness of the practices. The DEQ concluded that Forest Service practices meet or exceed State forest practice requirements (R. Wood, ODEQ, pers. comm.).

The Forest Service recently has conducted fish surveys on some of the potential sucker spawning tributaries on Forest Service lands and hired fisheries biologists in the Modoc, Fremont, and Winema National Forests. The Forest Service also is helping to fund sucker research efforts. The Fremont and Winema National Forests adopted their Land and Resource Management Plans, which address riparian protection and restoration, watershed management, and erosion prevention and control. The Modoc National Forest has a similar management plan. For example, the Winema National Forest has specific standards relating to prevention of temperature increases in Class I and II streams, limiting the increase in stream turbidities, and contribution of Class III and IV streams to downstream water quality. In addition, the timing of road building and timber harvest shall be scheduled to minimize long-term detrimental changes in watershed conditions as a principle means to avoid unacceptable cumulative impacts.

The Clear Lake watershed occurs primarily within the boundaries of the Fremont and Modoc National Forests. The Gerber Reservoir watershed is located primarily on lands administered by the U.S. Bureau of Land Management (BLM) and the Fremont National Forest. The Forest Service and BLM have initiated fencing projects on some Gerber Reservoir tributaries to restore the riparian areas. The Modoc National Forest has initiated fencing projects on some tributaries in these watersheds to restore riparian habitat.

BLM is in the process of developing its Resource Management Plan but is already acknowledging habitat protection for the upper Klamath River canyon. Current BLM management direction to mitigate timber harvesting impacts on water quality include: no or restricted timber harvest within the riparian zone of streams (restrictions vary with stream class); special logging practices, where appropriate; and road construction to state-of-the-art standards. In addition, BLM has closed and rehabilitated unsurfaced roads and seeded, mulched, and fertilized road cutbanks, fill slopes, and landings (USBLM 1990b). For the Klamath River Canyon area, BLM's current management direction is to allow no new roads and to perform minimal forest management activities, with recreational, scenic, and wildlife values to be emphasized. (Pacific Power and Light's management of its forestland in the canyon is reportedly similar)(USBLM 1990a). BLM

has designated the Gerber watershed as a state Riparian Demonstration Area and has implemented multiple use management strategies to restore, maintain, and improve riparian areas. BLM is also pursuing acquisition of the 3,000 acre Wood River Ranch with the objective of restoring marsh habitat on the property.

The Oregon Department of Fish and Wildlife (ODFW) closed the snag fishery in 1987. Section 6 funds provided under the Endangered Species Act to ODFW have funded research projects into the biology of the suckers since 1987. Research since 1991 has been conducted by Dr. Douglas Markle of Oregon State University, Corvallis. This research has focused on understanding important features of the juvenile ecology of the suckers, including estimating year class strength of juvenile suckers (Markle 1992). Markle's research also seeks to improve identification of species in their larval and juvenile life stages. Reclamation also began contracting Dr. Markle's group from OSU in 1990. The first project sought to quantify sucker entrainment into the "A" Canal of the Klamath Project.

The CDFG has funded several stream restoration projects on Shovel Creek. Banks were stabilized with riprap and planted with willows, and check dams were constructed. Riparian areas were fenced on Klamath National Forest lands and the lower mile of Shovel Creek, owned by PacifiCorp. The resident trout population in Shovel Creek has increased as much as ten fold in some reaches, however this increase may not be representative of the creek's entire population trend. The population is expected to increase dramatically in the upper Shovel Creek meadow area because of stream enhancement efforts (Maria pers. comm.).

The Service's, National Fisheries Research, Seattle Research Station, Reno Office (NFRSR) has conducted research on suckers in the upper Klamath Basin since 1986. At first in Upper Klamath Lake with funding from the Tribe and the ODFW, and more recently in the California portion of the basin with funding from the California Department of Fish and Game (Buettner pers. comm.). These projects have focused on the distribution, life history, habitat requirements, and status of the Lost River and shortnose suckers. The CDFG is contracting Dr. Don Buth of the University of California, Los Angeles, for genetic studies of Lost River, shortnose, and other suckers in the basin in 1993. Approximately 124 shortnose suckers salvaged from Clear Lake are being held by CDFG at a hatchery site to provide a source of suckers for reintroduction if needed.

The U.S. Fish and Wildlife Service plans to open a new inter-agency office in Klamath Falls, Oregon to coordinate ecosystem recovery efforts in the upper Klamath Basin. This office will coordinate research and recovery actions of all agencies in the upper Klamath Basin. Researchers will be encouraged to publish the results of research done in coordination with recovery efforts

and make results more available to the public. This office also will work with other agencies to establish information and education programs to inform the public about endangered and threatened species and recovery efforts in the basin.

Beginning in 1991, Reclamation also conducted salvages of suckers from the canals of the Klamath Project at the end of the irrigation season. In 1991, Reclamation began studying various aspects of the suckers' biology and habitat needs, with a focus on refugial habitats, water quality needs and tolerances, status and distribution, drought related salvage and water quality monitoring. Salvaged suckers from the irrigation systems have been returned to more permanent waters, and a small number of suckers from Clear Lake were sent to the Service's Dexter National Fish Hatchery, in Dexter, New Mexico. As of December 1992, 25 shortnose suckers and 16 Lost River suckers were being held at the Dexter hatchery. Reclamation will be carrying out many more studies and habitat restoration projects under the terms of the Service's July 22, 1992, biological opinion for long term operations of the Klamath Project. Most of the sucker populations are within Reclamation's Klamath Project area and the Service's biological opinion suggests or requires some of the same actions recommended in this recovery plan. The long-term biological opinion also sets minimum lake levels and other restrictions on Klamath Project operations that are not addressed in this plan. This recovery plan incorporates information from, but does not supersede, the long-term biological opinion. The scope of this recovery plan goes beyond effects of the Klamath Project and addresses effects of resource management in the upper Klamath Basin as part of an ecosystem recovery effort. Implementation of this recovery plan also should benefit game fish in the watershed, trout and salmon downstream, amphibians, reptiles, waterfowl and other wildlife.

#### Other Actions

The Klamath Tribe (Tribe) began monitoring the Upper Klamath Lake populations of suckers in 1983, with the goal of establishing the species' status and generating biological information to support the listing. The Tribe then passed a resolution prohibiting the take of Upper Klamath Lake suckers. Spawning gravel was added to Sucker Springs in 1987, 1991, and 1992 to expand the usable spawning habitat in these areas. Gravel placements have all been cooperative efforts involving the Tribe, USFWS, Reclamation, and/or ODFW. Large numbers of Lost River suckers were observed using the improved area in 1987, and some spawning activity was recorded in February 1992 (Buettner pers. comm.). In 1988, the Tribe began work on the hatchery facility on the Sprague River. This facility was built with the intent of raising fish for research and developing culture techniques. The Tribe currently is pushing for the development of a genetic management plan, and



the potential hatchery supplementation of certain reduced stocks such as the Sucker Spring stock (Dunsmoor pers. comm.).

The City of Klamath Falls contracted Beak Consultants Inc. to study sucker populations in Copco Reservoir and the Klamath River in 1987 to assess potential impacts of the proposed Salt Caves hydroelectric project. Sewage treatment was upgraded to improve water quality. The City of Klamath Falls currently treats its sewage at a facility providing secondary level of treatment using activated sludge and discharges its treated effluent into Lake Ewauna. Storm water drains are separate from sewage lines and do not contribute to sewage inflow to the plant. Although the treatment plant's current capacity is 6.0 million gallons per day (mgd), a facility study is being performed to evaluate changes in its operations and size (City of Klamath Falls Public Works Dept., verbal communication). Waste discharge standards could be increased for the City's plant as a result of a requirement of the federal Water Quality Act of 1987.

The South Suburban Sanitary District (SSSD) sewage treatment facility also discharges into Lake Ewauna. Sewage is treated in a series of four lagoons containing activated sludge, aerated, chlorinated, and then passed through a marsh before release into the lake. Effluent standards for this facility are 30 mg/l Biological Oxygen Demand (an indicator of nutrient loading) and 85 mg/l of suspended solids, and 200 coliform/l. Dissolved oxygen concentration ranges from 2.0 mg/l to 5.0 mg/l in the summer months, and rises above 10.0 mg/l in winter months. ODEQ is refining these standards as a part of its permit issuance process, and may require the SSSD to develop an additional wetlands marsh on an adjacent 120 acre parcel (R. Rivenes, SSSD, personal communication).

Independent actions such as fencing and planting vegetation along portions of tributary streams (e.g., Wood and Sprague Rivers) already have been initiated by local landowners and private organizations. Wetlands are being restored on private lands in the basin through the Service's Partners for Wildlife program. Efforts like this should be encouraged with more assistance in planning and funding.

Some successful pilot projects have been taken to restore fish habitat in the Upper Basin. Fish passage continues to be improved by increment, and riparian restoration is showing strong potential as a tool to reverse water quality problems in Upper Klamath Lake. The treated reach of the Williamson River (above the Williamson Marsh) was wide and shallow due to overgrazing and erosion. Trees were felled, pulled into the stream, and secured by anchoring with cabled rocks. Silt began to be deposited at the edge of the stream and eventually stream width was reduced by half. The narrower channel substantially increased in depth. Funding for this Cooperative Resource Management Plan (CRMP) effort on private

and public land came partially from the Oregon Governor's Watershed Enhancement Board (GWEB) program. Riparian planting has also been done on several miles of the upper Williamson (Dunsmoor pers. comm.).

Another successful CRMP project benefitting from GWEB funds has been initiated on Spencer Creek, an important spawning tributary above J.C. Boyle Dam (USBLM 1990c). Before treatment with fencing and bank stabilization with woody material, Spencer Creek warmed up 0.5 C per mile on USFS lands. Recovery has been dramatic (Fraser pers. comm.).

Part of Fishhole Creek, a tributary of the Sprague, was rehabilitated economically by using temporary electric fences along with rock check weirs, flood control spills, and bank stabilization plantings. As permanent fencing was determined to be an unacceptably expensive way to control livestock, the temporary electric fences proved to offer excellent cattle control and became the key to better livestock management on an adjacent meadow. Less than \$400 was spent on the fencing materials in comparison to \$2,000 for conventional fencing. Revegetation was also seen to be the long term key to restoration of excessively drained meadows. Partial funding came from the Agricultural Conservation Program of the U.S. Agricultural Stabilization and Conservation Service (ASCS) while the design was developed with assistance from the Soil Conservation Service (SCS) (Todd 1989).

The Klamath Basin Water Users Protective Association (Association) has prepared an Initial Ecosystem Restoration Plan for the Upper Klamath River Basin. The plan provides a summary of information and outlines the Association's recommendations for recovery of the suckers and the ecosystem. A number of those recommendations are incorporated into this recovery plan. They also funded biologists and technicians to work with Reclamation in collecting data on the suckers' biology and habitat needs, including information on larval migration and surveys of springs in Upper Klamath Lake.

Information for reporting dead, injured, or sick endangered suckers:

Upon locating a dead, injured, or sick endangered or threatened species specimen, initial notification must be made to the nearest Service Law Enforcement Office. In Oregon, contact the U.S. Fish and Wildlife Service, Division of Law Enforcement, District 1, P.O. Box 1910, Klamath Falls, Oregon 97601 (503/883-6900). In California, contact the U.S. Fish and Wildlife Service, Division of Law Enforcement, District 1, 2800 Cottage Way, Room E-1924, Sacramento, California 95825 (916/978-4861). Care should be taken in handling sick or injured specimens to ensure effective treatment and care and in handling dead specimens to preserve biological material in the best possible state for later analysis of cause of death. In conjunction with the care of sick or

injured endangered species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

The Service should be notified of the finding of any endangered or threatened species found dead or injured in the upper Klamath Basin. Notification should include the date, time, and precise location of the injured animal or carcass, and any other pertinent information. In Oregon, the Service contact person for this information is Mr. Russell D. Peterson (503/231-6179 and in California, the contact person is Mr. Wayne White (916/978-4613. Any Lost River suckers or shortnose suckers found dead or injured in California shall be turned into the CDFG. The agency contact is Ms. Susan Ellis (916/355-7097).

January 13, 1995

~~CIRCLE FIVE RANCH INC.  
45850 GERBER RD  
BONANZA OR 97623~~

*Sent to all  
applicants*

Reference: File number(s) 12493 & 12494

Dear Bonanza Area Groundwater Applicant:

Enclosed is a list of applications filed for use of groundwater in the Lost River Basin. Technical reviews have been issued for each of these applications. Objections have been filed in opposition to each of the technical reviews. Department staff met with the applicants on August 15, 1994. In addition, Department staff participated in the Health Division "Bonanza Summit" on November 1, 1994.

As we stated at the August 15, 1994, meeting we have determined that the objections filed by the Bureau of Reclamation, Oregon Department of Fish and Wildlife and WaterWatch of Oregon raise valid public interest issues. (Copies of these objection letters are enclosed.) Department rules allow for voluntary alternative dispute resolution (ADR) to resolve public interest issues if possible. The dispute resolution discussions are specifically intended to address these public interest issues. The purpose of the August 15 meeting was to initiate the ADR discussions.

However, at the August 15 meeting a number of individuals indicated that they felt they could prove that use of water from their wells located within the study area described in the "Groundwater Open File Report" (Gorman Report # 94-01) would not have the potential for interference with the surface water of the Lost River. Department staff encouraged individuals to submit any additional information they had or could develop concerning the interference question. At the request of a number of applicants, we transmitted a letter on October 4, 1994, outlining the examples of the type of information that would be of value to either confirm the Gorman Report or modify its conclusions. In our October 4 letter we agreed to put the ADR discussions on hold pending receipt of additional groundwater information.



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Salem, OR 97310-0210  
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January 13, 1995  
Page Two

At the November 1 Bonanza Summit we met with a number of applicants, representatives of the City of Bonanza, Bureau of Reclamation staff, Health Division staff and other interested parties to understand how all parties could participate in discussions concerning the impact of development of the pending groundwater applications. A number of individuals indicated that it would take a few months for the parties to develop options for solutions to the City of Bonanza water quality problems. However, to date we have not received any additional groundwater information, nor have we received details as to the status of the Bonanza Summit discussions.

We are aware of the potential for great expense associated with gathering and analyzing additional data relative to the groundwater/surface water connection. Nevertheless, we do not feel we can further delay our ADR discussions. We would like to schedule the first discussion for 7:00 p.m., February 7, 1995, at the Oregon State Extension Service Building, 3328 Vandenberg RD, in Klamath Falls.

We are required to address all public interest issues raised by the objectors and would like to resolve as many as possible by way of the ADR process. However, if you elect not to participate in the ADR discussions we propose to schedule a contested case proceeding to address the issues set out in the objections. Therefore, if you do not wish to participate in the ADR discussions, please send me a written statement to that effect before the February 7, 1995 meeting. Be sure to include your file number on any correspondence.

If you elect to participate in the ADR discussions please attend the February 7, 1995 meeting. If you have questions please call Dwight French at (503) 378-8455, Ext. 268 or Bob Main at 388-6669.

Sincerely,



A. Reed Marbut, Administrator  
Water Rights/Adjudication Division

ARM/dpc

Enclosures

cc: Martha O. Pagel  
Bob Main  
Dwight French  
Fred Lissner  
Steve Sanders



## PROPOSED PERMIT CONDITIONS

Application: ~~11/12/1998~~

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

1. Period of allowed use: March 1 through September 30 of each year.
2. Rate (cfs or gpm) and/or Volume (acre/feet or gallons) of use: ~~11/12/1998~~
3. 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.
4. The use of water under this permit will expire (five years from the issuance of the permit). The permit may be extended if the Director finds that:
  - A. Surface water flows are not significantly diminished;
  - B. Within two years of permit issuance, the permittee has submitted a plan to the Commission indicating potential sources for an alternative long-term water supply;
  - C. Periodic water level reports have been timely submitted; and
  - D. Excessively declining water levels have not occurred.
5. 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
6. Measurement, recording and reporting conditions:
  - A. The Director may require the permittee to report general water use information, including the periods of water use and the place and nature of use of water under the permit.
  - B. 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
  - C. 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.

D. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director.

7. 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.
8. The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 15 of each year.
9. A static water level measurement shall be made and submitted before any use of water may commence from the well.
10. The permittee shall obtain a static water-level measurement for each well during March and September of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and October 15, respectively, of each year.
11. If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.
12. 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.
13. 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.
14. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
15. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

*newly proposed***PROPOSED PERMIT CONDITIONS**

Water use under the permits shall be conditioned as follows:

1. Period of allowed use: April 15 through October 15 of each year.
2. (SPECIFIC TO EACH APPLICATION) Rate (cfs or gpm) and/or Volume acre/feet or gallons) of use:
3. (SPECIFIC TO EACH APPLICATION) The use of water is limited to supplemental irrigation.
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1997.
  - C. Completely apply the water to beneficial use, by five years from date of issuance of permit.
5. The use of water under this permit may expire or be extended five years from the date of issuance of the permit. Alternatively, a water right certificate shall be issued at the end of the five year period if the Director finds:
  - A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
  - B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Commission indicating potential economical sources for an alternative long term water supply;
  - C. Periodic water level reports have been submitted; and
  - D. Excessively declining ground water levels have not occurred due to well use as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.
6. The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-

Proposed Permit Conditions  
Page Two

EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

7. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee/appropriator 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 by April 15, 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/appropriator shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located on private property, the watermaster shall request access upon reasonable notice.
8. 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 a pressure gauge adequate to determine water level elevation in the well at all times.
9. A static water level measurement shall be made and submitted before any use of water may commence from the well.
10. The permittee/appropriator shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water-rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board or by the permittee/appropriator under the direction of the local watermaster. Water levels shall be reported as depth-to-water below ground in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The permittee/appropriator shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

Proposed Permit Conditions  
Page Three

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12. 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.
13. The permit is for the beneficial use of water without waste.
14. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
15. This right is limited to any deficiency in the available supply of any prior right existing for the same land.



**MEMORANDUM**

**TO:** Water Resources Commission  
**FROM:** Director *MS*  
**SUBJECT:** Agenda Item 3, June 2, 1994  
Water Resources Commission Meeting

WATER  
RESOURCES  
DEPARTMENT


Status Report: Groundwater Conditions and Water Use Application  
Processing in the Bonanza Area, Klamath County

**I. Issue Statement**

Department staff, the U.S. Bureau of Reclamation (BOR), Oregon Department of Fish and Wildlife (ODFW), WaterWatch of Oregon and residents in and around the agricultural community of Bonanza are currently struggling with how further development of the area's water resources should proceed. Area farmers have applied for groundwater rights and have invested large sums of money anticipating being able to use the resource. Residents of the town have expressed concerns for groundwater quality deterioration as groundwater levels decline in response to pumping. Some holders of prior rights to surface water perceive injury if groundwater is allowed to be further developed. The BOR, ODFW and WaterWatch are concerned for various instream values if groundwater use is allowed to increase.

**II. Background**

In the winter and spring of 1992 staff conducted a preliminary review of the Bonanza area geology and hydrology to evaluate the possible connection of ground and surface water. As a result, on June 5, 1992, the Department recommended that the Commission authorize staff to begin proceedings to withdraw the local groundwater resources from further appropriation until staff could complete a more thorough investigation. Some residents objected, indicating that area surface water users had not been disadvantaged by groundwater pumping. In addition, they did not think additional groundwater development would deplete surface water supplies.

 In response, the Commission opted not to begin withdrawal proceedings but directed staff to further study the area groundwater resource. At that point, staff continued to process applications in accordance with rules and procedures already in place. Technical reviews have now been completed for the Bonanza area groundwater applications. The Department has received objections to all of the technical reviews. Processing of the objections has been delayed pending completion of a groundwater study.



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The study, which began in August 1992, examined the local groundwater system and its relationship to surface waters in Lost River and its tributaries. The study is now complete and will be essential to the Department in resolving the objections. On April 12, staff met with area residents to discuss the study report and will soon meet with the affected parties to try to resolve the objections through an alternative dispute resolution (ADR) process.

### III. Discussion

#### *A. Water Quality Problems:*

The community of Bonanza is dependent on groundwater for drinking water supplies. There is no community water system. Residences, several small commercial establishments, and the school are served by individual wells.

In July 1991, routine water quality sampling revealed the presence of bacterial contamination in a number of wells throughout the community. Water in Lost River, which flows through Bonanza, is backed up to make it possible to divert water for irrigation. The Oregon Health Division observed that when this occurs, the normal head relationship between groundwater and surface water can be reversed, allowing surface water to percolate underground. When it does so, the surface water flows into the aquifer and carries with it bacteria. Because this reversal takes place when the stream surface is higher than groundwater levels, the phenomenon occurs more easily when groundwater levels are lower than normal.

The bacterial problems were discovered after several years of below average precipitation. The reduced precipitation resulted in diminished recharge to the aquifer which, in turn, resulted in a lowered groundwater level---just the circumstances that favor groundwater contamination in the manner described by the Health Division. Any increases in groundwater pumping to supplement an inadequate surface water resource would further lower groundwater levels.

#### *B. Water Right Applications:*

In the area of concern, there are at present groundwater rights issued for a cumulative total of 47 cubic feet per second (cfs). In addition to those, applications have been filed for an additional 37 cfs for primary irrigation and 106 cfs for supplemental irrigation from groundwater.

#### *C. Surface Water Sources:*

Much of the flow of the Lost River is due to storage releases from BOR projects. The remainder is due to groundwater discharge. Once groundwater discharges, it becomes surface water and as such is available for diversion. While some

groundwater discharge doubtless occurs at numerous sites along the stream channel, the most prominent discharge is Bonanza Springs.

Discharge from Bonanza Springs is poorly documented through time, but a number of measurements have been taken by U.S. Geological Survey and BOR personnel. In 1992, discharge measurements varied somewhat around 20 cfs, while historic discharge rates typically have been between 80 and 100 cfs. This discharge and the storage releases from BOR projects combine to create the flows in Lost River. These flows are relied upon by downstream surface water appropriators.

*D. Department Action:*

In addition to the meeting in Bonanza on April 12 of this year, staff have also met with a number of the area residents several times during the final phases of investigation and report writing. These meetings focused on issues that the residents felt needed to be addressed in the report and on water right processing and conditioning issues. All the meetings held were helpful for staff in identifying and clarifying issues important to the area. They were also helpful in that they afforded an opportunity for local residents to identify for staff data or analyses that were in disagreement with their knowledge or understanding of the area.

Staff will use study information to assist in evaluating objections to pending applications. As mentioned above, an additional meeting will be held soon with the local residents and the objectors to try to resolve objections through an ADR process.

*E. Groundwater Study:*

The groundwater study lasted one year. This is admittedly short when considering the kinds of data usually required to describe a groundwater flow system and the effects upon it of pumping wells. Our approach relied heavily on work completed by others, principally U.S. Geological Survey personnel, in the area. Recent (1992) work by Sherrod and Pickthorn proved to be of particular value. Staff collected some additional groundwater level data and stream flow data. Staff were unable to measure actual groundwater pumping but did compile data relative to cumulative appropriation rates allowed under permit. Gross estimates of actual pumping can be made from these data, but they cannot be used to estimate which wells were pumped, at what rate, and when.

Staff drew a number of conclusions from the study, but four are most significant to the resolution of the objections to technical reviews. These four are:

- 1) All the various stratigraphic units present within the study area to a depth of approximately 500-600 ft. are hydraulically inter-connected and are, therefore,

considered to be a single aquifer, even though the hydraulic properties of the individual units are widely disparate.

- 2) The aquifer is readily accessible to the atmosphere and water levels in the aquifer respond to climatic events.
- 3) Aquifer water levels respond to groundwater pumping.
- 4) The aquifer is hydraulically connected to surface water. The discharge at Bonanza Springs is the most obvious connection.

Staff also recommend that the Department:

- 1) Continue monitoring groundwater levels in the area to further define recharge/discharge relationships in the aquifer, to refine the relationship of head changes to pumping and to better document and map highly and poorly transmissive units in the aquifer;
- 2) Measure groundwater use to allow development of a more quantitative relationship between pumping and water level behavior; and
- 3) Monitor stream flow at least twice annually to better be able to quantify the groundwater contribution to stream flow.

In addition, so that town residents can better assess how to obtain safe and dependable water supplies, staff urge Bonanza town residents to:

- 4) Have their individual wells tested several times throughout the year to better be able to associate water quality problems with groundwater and surface water conditions;
- 5) Repair or abandon any wells with construction defects that may facilitate contamination of the wells or the aquifer; and
- 6) Collectively reexamine the feasibility of a community water system, and individually consider constructing wells to include deeper casings and seals.

#### **F. 4/12/94 Meeting in Bonanza:**

Staff held a public information meeting in Bonanza on April 12, 1994. At that meeting, staff presented the report and its findings. Staff also listened to criticism of the report and have made modifications to the text where possible to accommodate concerns expressed. Some of the concerns cannot be addressed at this time given the constraints of current data. The concerns have been paraphrased and categorized in Attachment 1 which also contains staff responses to those concerns.

#### **G. Permit Processing:**

In August 1993, the Department announced technical review reports for a number of applications for use of groundwater within the Bonanza area. The technical review reports proposed conditions to address concerns regarding the potential for interference with surface water in the Bonanza area. The proposed conditions

groundwater discharge doubtless occurs at numerous sites along the stream channel, the most prominent discharge is Bonanza Springs.

Discharge from Bonanza Springs is poorly documented through time, but a number of measurements have been taken by U.S. Geological Survey and BOR personnel. In 1992, discharge measurements varied somewhat around 20 cfs, while historic discharge rates typically have been between 80 and 100 cfs. This discharge and the storage releases from BOR projects combine to create the flows in Lost River. These flows are relied upon by downstream surface water appropriators.

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Staff will use study information to assist in evaluating objections to pending applications. As mentioned above, an additional meeting will be held soon with the local residents and the objectors to try to resolve objections through an ADR process.

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- 1) All the various stratigraphic units present within the study area to a depth of approximately 500-600 ft. are hydraulically inter-connected and are, therefore,



considered to be a single aquifer, even though the hydraulic properties of the individual units are widely disparate.

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Staff also recommend that the Department:

- 1) Continue monitoring groundwater levels in the area to further define recharge/discharge relationships in the aquifer, to refine the relationship of head changes to pumping and to better document and map highly and poorly transmissive units in the aquifer;
- 2) Measure groundwater use to allow development of a more quantitative relationship between pumping and water level behavior; and
- 3) Monitor stream flow at least ~~twice~~ annually to better be able to quantify the groundwater contribution to stream flow.

In addition, so that town residents can better assess how to obtain safe and dependable water supplies, staff urge Bonanza town residents to:


- 4) Have their individual wells tested several times throughout the year to better be able to associate water quality problems with groundwater and surface water conditions;
- 5) Repair or abandon any wells with construction defects that may facilitate contamination of the wells or the aquifer; and
- 6) Collectively reexamine the feasibility of a community water system, and individually consider constructing wells to include deeper casings and seals.

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#### ***G. Permit Processing:***

In August 1993, the Department announced technical review reports for a number of applications for use of groundwater within the Bonanza area. The technical review reports proposed conditions to address concerns regarding the potential for interference with surface water in the Bonanza area. The proposed conditions

would allow an opportunity for the use of water on a temporary basis pending the collection of data to support or refine the groundwater study. These conditions (Attachment 2) include measurement and reporting of water use which would be used to determine how the groundwater pumping impacts surface water. 

The applicants and interested parties, including the BOR, ODFW and WaterWatch of Oregon, filed objections to our technical review reports. These objections have raised valid public interest issues. The applicants and objectors now have an opportunity to engage in ADR and to request the Director to facilitate the discussions.

Permit processing could take several different directions from this point forward. The applicants and objectors may be able to resolve the issues on their own. If so, the parties would execute a settlement agreement setting forth such resolution and submitting the agreement to the Director for review.

Alternatively, the Commission, in cases described in OAR 690-11-185(2) or the Director, in cases described in OAR 690-11-185(3), may determine that the proposed water use described in the applications may or will impair or be detrimental to the public interest. Such determination leads to a contested case.

Finally, the Director may find that the settlement agreement does not resolve the technical review or public interest issues. This finding also results in a contested case hearing.

#### **H. Report Implications:**

Most wells in the town of Bonanza are shallow and are constructed with minimal casing and seal. With wells constructed as they currently are, and with area surface water supplies being managed as they currently are, individual water supplies are at risk from at least a water quality perspective if groundwater levels are lowered. That lowering can be caused either by drought or by groundwater pumping. If water quality impacts are the only ones, they can likely be resolved by reconstructing wells deeper into the aquifer and extending casings and seals to greater depths, since the contamination likely resides at and near the surface of the groundwater body. This, of course, cannot be done without considerable expense to the individual well owners.

If water quantity is adversely affected in the town wells, once again deepening the wells seems to be the answer. If there is more water available at depth within the same source, the Department requires appropriators to make a good faith effort to fully develop the source before a junior will be regulated. Our interpretation as a result of this study is that the upper 500 to 600 feet of geologic materials in this area constitute a single aquifer. Unless it is shown that there is insufficient water

available at greater depth to satisfy the prior appropriators' needs, shallow community wells would have to be deepened in the event groundwater levels drop significantly. However, quantity problems have not arisen to date.

Given that lowering groundwater levels results in decreased spring flow and thereby causes a reduction in surface water availability, and that pumping lowers groundwater levels, it is inevitable that increasing the demand on the groundwater resource will impact flows in Lost River. To the extent that issuance of new groundwater rights results in increased groundwater appropriations, the water levels in the aquifer will be lowered and surface water availability diminished.

The degree to which any individual appropriation affects the river and the timing of the effect are dependent upon proximity to the river and pumping time and rate. Not all proposed new appropriations will have the same effect.

Many of the proposed new appropriations are for supplemental use of groundwater. Surface water would be used as long as it is available with groundwater making up any deficit. In years of normal or abundant surface water supplies there would be relatively small surface water impacts from groundwater appropriation. However, in dry years, years when groundwater levels are already somewhat lowered in response to reduced precipitation, groundwater pumping would be at its greatest. The resultant impacts on surface water would, of course, be at a time when surface water is already most stressed.

Nothing in the investigation suggested there is insufficient groundwater to satisfy the proposed new appropriations. The principal concern is with the interference those appropriations will have with surface water.

#### *I. Unanswered Concerns:*

Perhaps the most significant shortcoming of the investigation is that it is only qualitative in nature. Without knowing how much groundwater is being pumped, staff are unable to estimate surface water impacts, to relate water level declines to pumped volumes or to separate drought effects from pumping effects. Specific groundwater pumpage data are not available.

A second deficiency is with surface water measurement. Improvement in the methods and place of measurement and an increased frequency of measurement would add to staff's ability to document and quantify interference effects.

The investigation does not attempt to identify surface water needs for fish and aquatic life. It does not examine the downstream demand potential under terms of existing surface water rights. It also does not investigate the availability of additional groundwater at depth below the town of Bonanza.

***J. Department Plans:***

Staff will pursue completion of the application process already begun. All pending applications have been issued technical reviews. All technical reviews have been the subject of objections. Another public meeting is planned for the near future to include all applicants and objectors. Staff hope to resolve the outstanding issues through an alternative dispute resolution process to be begun at that meeting. The Division 11 process would be followed through to issuance or denial.

***K. Future Commission Follow-Up:***

Staff expect to continue some level of data collection in the Bonanza area. To some extent, the level will be dependent upon the outcome of any alternative dispute resolution process that may develop. The data collection plan will almost certainly involve measuring groundwater use. These and other data and their analyses will serve as the basis for extension of the permits beyond their first five years if they are ultimately issued with a five-year expiration as contemplated in the technical reviews.

**IV. Recommendation**

Staff and the Director have no recommendation. This report is intended only as an information item.

Attachments:        1) Comments and Responses to 4/12/94 Meeting  
                          2) Proposed Permit Conditions

Frederick G. Lissner, Steve Brown  
May 6, 1994  
378-8455, Ext. 204

## Comments and Responses, 4/12/94 Meeting

1) There is no shortage of groundwater. 1992-93 precipitation caused groundwater level recovery.

Staff Response: Staff agree. There is no evidence that the groundwater resource is unable to sustain additional appropriation. Concern is for the impacts on surface water of additional groundwater appropriation.

2) Drought is responsible for lower water levels, and we need to compare drought effects now with those prior to development.

Staff Response: Staff partially agree. Drought is certainly a factor in the lowered water levels and decreased spring discharge observed early in this decade. However, additional pumping, because it draws down the aquifer water levels, only exacerbates the problem. While there may be some change in aquifer response to drought conditions as a result of land use changes, a study thereof does not seem germane since our real concern is with the issuance of additional water rights under today's conditions.

3) Study area boundaries were questioned: do ridge lines block groundwater flow; does all the study area connect to the Bonanza Springs; are some areas within the study boundaries excludable from the conclusions of the study?

Staff Response: Indeed ridge tops can be groundwater divides or barriers to groundwater flow. They can also allow flow to occur. Which is the case in the study area was not investigated. Throughout the study area, the lower elevations are underlain by geologic materials that are all interconnected hydrologically. In theory, at least, all such areas are hydraulically connected to Bonanza Springs. However, parts of the study area are sufficiently remote from the springs that, as a practical matter, pumping groundwater in those localities would have little or no effect of the spring discharge in the course of an irrigation season. However, that does not mean that pumping in those locations does not impact surface water. There are other surface water impacts than those readily observable at Bonanza Springs. Whether any areas are excludable from the conclusions of the study depends on a variety of factors that are examined during the water right issuance process.



4) Questions about local knowledge that did not seem to be answered by the report: Many of the applications listed in the report as being for primary water groundwater rights should be listed as being supplemental. Some wells that seem appropriate to include in the study are not included. Even when river levels are up, the aquifer levels remain low; doesn't that suggest the two are not connected? Some of the wells used as data points in the study have short casings and others long ones. How can data from those be compared? Spring flow dropped off in 1990 and 1991, but there were no new wells drilled then. Doesn't this suggest drought, and not pumping, is the cause of the water level declines? Annual flood irrigation recharges 40,000 acre feet of water to the aquifer, but in 1990-91 there was no flood irrigation. Isn't that the cause of lower water levels in the aquifer? Water use is not metered. How can pumping be blamed for the water level declines?

Staff Response:

--Staff have corrected the data tables based on information in the water right application files and have picked up wells that were suggested for inclusion to the extent that data were available.

--River levels higher than groundwater levels may be indicative of a variety of circumstances, but the most likely is that the aquifer materials in the vicinity of the observations are only poorly transmissive. That does not mean there is no connection between the two, but only that insufficient time has passed for the water levels to equalize, or that local pumping is holding aquifer water levels artificially low and, because of the lower transmissivity, surface water cannot flow into the aquifer rapidly enough to counteract the pumping.

--Water levels throughout the study area do not seem to depend upon what stratigraphic materials are tapped by the wells in which the water level observations are made. Materials at depth have the same heads as shallower materials because of the hydraulic connection and because groundwater gradients in the area are shallow. As a result, the length of casing is immaterial insofar as determining the static water level.

--We do not have pumping records to address the issue of whether there was more groundwater pumping in 1990-91 because of the drought. If there was not, then clearly deficient recharge due to reduced precipitation could be the cause of lower groundwater levels and decreased spring flow. However, at least one resident asserts that groundwater levels were lower because there were 40,000 acre feet less recharge since there was no flood irrigation in those years. In either case the relationship between water levels in the aquifer and discharge at Bonanza Springs seems clear. It does not much matter what the cause of water level lowering in the aquifer is, when the level is lowered, spring flow drops off. If pumping can also be a cause for lowering the aquifer water level, then it as well as drought can reduce spring flow and thereby impact surface water availability. Our study concludes that groundwater pumping does, in fact, lower aquifer water levels.

--The lack of metering on groundwater appropriations is a major shortcoming. Without it, it is not possible to estimate with any certainty in this study area how much groundwater is pumped. Because of this, our study is qualitative rather than quantitative in its conclusions. Accurate water use data would enhance our understanding of the hydrologic system.

5) Town residents expressed great concern over their continued ability to use groundwater as a source of potable water.

Staff Response: With wells constructed as they currently are in Bonanza, and with area surface water supplies being managed as they currently are, individual water supplies are at risk from at least a water quality perspective.

6) The Department should be a facilitator to find a solution to the water conflict in the area.

Staff Response: It is the Department's hope that through alternative dispute resolution we can do just that.

7) Several suggestions were offered that, if followed, would add credibility to staff's conclusions. There should be a more sophisticated method of measuring spring discharge, and measurements should be taken more frequently, if not continuously. The new wells should be allowed to be pumped and additional data collected during pumping would better define local hydrologic conditions. Specific tests should be organized involving pumping particular wells and measuring the impacts. There should be more study of drought impacts and the effects of land use changes on the aquifer.

Staff Response: Staff agree with the comments relative to spring measurements and specific interference testing. Whether these are ultimately needed will depend, at least in part, on the outcome of our future attempts to resolve objections to the technical reviews. Similarly, whether new wells are allowed to pump will hopefully be determined in the same process. Staff is less enthusiastic about examining historical drought impacts on spring flow given that it is today's conditions which are expected to accommodate additional groundwater development.

8) Several folks expressed frustration at having made large investments to drill wells and install pumps, but, because permits are not yet issued, they cannot realize any return on those investments.

Staff Response: There are no guarantees that permits will ultimately be issued. The Department proposed issuance with conditions. That was not acceptable to all concerned. The issue awaits resolution.

9) Department staff should broaden the overall investigation to include a study of area water management practices and their impacts.

Staff Response: Such a study is beyond what staff currently contemplate. If it becomes apparent that such a study is necessary to resolve issues surrounding applications for groundwater rights, staff will reconsider.

10) Department staff should formulate a plan to deal with a repeat of the 1992 experience should it occur.

Staff Response: It is staff's intent to deal with such occurrence through permit conditions and field presence.

11) The technical report should include a description of the author's qualifications.

Staff Response: Reports in the Groundwater series have not historically included such information. Reports are not released until they are approved internally, and the Department is responsible for their content.

## MEMORANDUM

TO: Water Resources Commission

FROM: Director *mrh*

SUBJECT: Agenda Item E, October 1, 1993  
Water Resources Commission Meeting

WATER  
RESOURCES  
DEPARTMENT

Status Report on Groundwater Conditions and Water Use Application  
Processing in the Bonanza Area, Klamath County

### I. Issue Statement

Concerns about groundwater levels in the Bonanza area of Klamath County have been expressed during the past year by Department staff and others. This staff report presents an preliminary analysis of the issues associated with management of the groundwater resources of the Bonanza area. Included are those issues relating to emergency drought and standard Division 11 water right permitting.

### II. Background

At its August meeting, the Commission asked staff to provide an update of the Bonanza issue at the next Commission meeting.

In the winter and spring of 1992, staff looked briefly at the Bonanza area geology and hydrology to evaluate the possible connection of ground- and surface water. As a result, on June 5, 1992, the Department recommended that the Commission authorize staff to begin proceedings to withdraw the local groundwater resources from further appropriation until staff could complete a more thorough look at the area water resources. A copy of that staff report is appended as Attachment 1.

Residents objected, indicating that they had not experienced surface water shortages. In addition, they did not think additional groundwater development would deplete surface water supplies.

In response, the Commission opted not to begin withdrawal proceedings. At that point, staff continued to process applications in accordance with rules and procedures already in place. Technical reviews have now been completed for the Bonanza area groundwater applications. However, permits were not issued in time for the 1993 irrigation season. As a result, some appropriators began the irrigation season pumping under terms of drought permits, but they were unable to continue pumping when the drought declaration for Klamath County was rescinded on July 8. Others found themselves without the ability to pump groundwater at all.



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In response to continued concerns, staff, in August, 1992, began a more intensive study of the area groundwater resources. At present, field data collection and data analysis are complete and report preparation is underway.

### III. Evaluation

#### *A. Bonanza Water Quality Problems*

Bonanza is a small agricultural community 20 miles east of Klamath Falls. The community is dependent on groundwater for drinking water. There is no community water system, however. Residences, the several small commercial establishments and the school are served by individual wells.

In July of 1991, routine water quality sampling revealed the presence of bacterial contamination in a number of wells throughout the community. In response, the Oregon Health Division (HD) began an investigation to identify the cause(s) and possible solutions. HD concluded that there is a hydraulic connection between ground- and surface water in the area. They further conclude that when water in Lost River, which flows through Bonanza, is backed up to make it possible to divert water for irrigation, the normal head relationship between groundwater and surface water may be reversed, allowing surface water to percolate underground. As the surface water then percolates into the aquifer, it carries with it bacteria.

Health Division further concluded that this process may be accentuated when groundwater levels are lowered by pumping. The bacterial problems were discovered after several years of below average precipitation and increased groundwater pumping. The reduced precipitation resulted in diminished recharge to the aquifer which, in turn, would result in a lowered groundwater level. Increased ground water pumping to supplement the inadequate surface water resource would further lower the groundwater levels.

#### *B. Groundwater Development*

Following release of HD's findings in January 1992, Department staff became concerned about the ground-/surface water system for another, but related, reason. HD's conclusion that the ground- and surface water in the area are hydraulically connected suggests that groundwater appropriation may interfere with surface water users. Given that concern, the Department needs to carefully examine new applications for groundwater use permits for possible impacts on surface water availability. In the area of concern there are at present groundwater rights issued for a cumulative total of 47 cubic feet per second (cfs). In addition during the



drought, the Department issued drought emergency permits for 39 cfs. Many of the appropriators who applied for drought permits also simultaneously applied for permanent primary or supplemental groundwater rights. In addition to those, many others have also applied for groundwater rights. Currently pending in the Department are applications for a total of 51 cfs for primary irrigation and 94 cfs for supplemental irrigation from groundwater.

### C. Surface Water Sources

Much of the flow of the Lost River is due to storage releases from Bureau of Reclamation (BOR) projects. The remainder is due to groundwater discharge. Once groundwater discharges, it becomes surface water and is available for appropriation as such. While some groundwater discharge doubtless occurs at numerous sites along the stream channel, the most prominent discharge is Bonanza Springs.

Discharge from Bonanza Springs is poorly documented through time. However, the measurements that do exist indicate discharge rates generally between 80 and 100 cfs. This discharge, the other groundwater discharges to the channel and the storage releases from BOR projects combine to create the flows in Lost River. These flows are relied upon by downstream surface water appropriators.

### D. Hydrogeologic Study

In the summer of 1991 Bonanza Springs ceased to flow, and surface water made its way into the aquifer resulting in the contamination HD documented. The same phenomenon occurred in the summers of 1992 and 93.

Staff assisted HD in its 1991 investigation. At the time HD's report was released, it was not clear whether the demise of Bonanza Spring was predominantly the result of increased groundwater pumpage or decreased groundwater recharge due to reduced precipitation. In either case, staff was concerned that issuance of additional water rights without a better understanding of the area hydrogeology could exacerbate the spring depletion problem. The results would likely be continued deterioration of the groundwater quality and down-stream surface water shortages. The latter would, in turn, result in increased need for distribution by the local watermaster.

### E. Groundwater/Surface Water System

The most important conclusion to date in the Bonanza groundwater investigation is that there is a direct connection between groundwater and surface water. The

discharge from Bonanza Springs correlates closely with changes in groundwater levels. Increases in head in the aquifer result in increases in spring discharge.

There is a correlation between water levels in wells and overall stream flows. Pumping groundwater lowers aquifer water levels and, therefore, reduces surface water flows. As would be expected, observation wells at greater distances from the stream experience a greater water level fluctuation per unit of change in spring discharge than do wells nearer to the stream.

Wells farther from the stream, when pumped, will not have as immediate of an effect on the spring discharge as will those that are nearer to the stream. However, the aquifer is highly transmissive. Pumping effects spread quickly resulting in well-to-well and, more importantly, well-to-surface water interference soon after pumping begins no matter where the pumping wells are located. This is affirmed by this summer's observations that, although the springs did recover somewhat through the fall and winter seasons, discharge dropped off quickly when groundwater pumping began early in the 1993 irrigation season.

More details will be available upon completion of the technical report scheduled for late this year. At that time staff will more thoroughly brief the Commission and, perhaps, make recommendations relative to the further development of the resource.

#### *F. 1993 Surface Water Availability*

On July 8, the drought declaration in Klamath County was lifted. At that point appropriators who had been using groundwater under terms of more than 40 drought emergency permits found themselves unable to use groundwater for irrigation.

Some of these irrigators had moved parts of their surface water pumping plants and power lines to their drought permit wells. Prior to the drought declaration being lifted, they had claimed that it would be an excessive financial burden to move this equipment back to the original surface water points of diversion and urged, therefore, that the drought declaration not be lifted. Clearly, their argument was not persuasive. After the drought declaration was lifted and the emergency permits had thus expired, the Klamath County watermaster discussed with the permittees the necessity of returning to their original surface water diversion points.

The watermaster reports that while the springs that discharge to Lost River have not yet fully recovered from the drought, surface water supplies have been adequate

this summer due to recovery of the storage facilities. However, new minimum pool requirements for Klamath Lake, Gerber Reservoir and Clear Lake have been established by the BOR in consultation with the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act. These reservoirs are the main supply for the entire Klamath Project operated by the BOR and local irrigation and drainage districts. While these minimum pools have not affected the delivery of water to contract holders this season, they do have the potential to affect future water deliveries in times of low surface water supplies.

Following termination of the drought declaration, the watermaster monitored groundwater use in the Bonanza area. All groundwater users without valid primary or supplemental rights were required to terminate groundwater use. All but one complied with the regulation. That one is the subject of continuing administrative action by the Department.

#### *G. Application Processing*

Early in 1992, the BOR projected that it would be unable to satisfy all its contracts because of inadequate storage. Irrigators who would not receive Bureau water sought to replace the stored water source by developing groundwater. Sixty-four emergency drought permit applications were filed between February 28, 1992 and the end of the 1992 irrigation season. In most cases, the drought applicants also filed applications for permanent water rights. A significant number of these "dual" applicants elected to convert their water use from project water to their new groundwater developments. This decision indicated that they intended to permanently forgo use of project water, in preference to what they viewed as a more dependable groundwater supply.

As already mentioned, staff have continued to process groundwater applications from the Bonanza area. Technical reviews have been issued on a number of these applications. Each technical review proposes a rather stringent set of conditions designed to protect surface water rights from substantial interference. Attachment 2 lists these conditions and highlights with an asterisk (\*) the conditions designed specifically to control groundwater/surface water interference in the Bonanza area. Generally, the conditions limit the life of a permit to five years, require metering and reporting, require periodic water level measurement and reporting and require regulation if surface water rights are interfered with substantially.

Reports of technical review for these applications were published from August 6 to August 11, 1993. The objection periods will close starting on October 13 and extending through October 20, 1993.

**IV. Recommendation**

This is an information item. No action is required.

- Attachments:
- 1) June 5, 1992, Staff Report
  - 2) Permit Conditions for Bonanza Area Technical Reviews

Frederick G. Lissner, Reed Marbut  
378-8544, Ext. 204  
September 16, 1993

MEMORANDUM

TO: Water Resources Commission  
 FROM: *for* *Becky Krey*  
 Director  
 SUBJECT: Agenda Item L, June 5, 1992,  
 Water Resources Commission Meeting

WATER  
 RESOURCES  
 DEPARTMENT

Request for authorization to initiate withdrawal proceedings for a Lost River groundwater reservoir, Klamath County.

Background

Department staff have noted declines in the discharge of Big Bonanza Springs in the Lost River Drainage of the Klamath Basin (See Big Bonanza Springs Hydrograph, Attachment 3). There are thousands of acres of land with 1905 irrigation rights dependent on flows from Big Bonanza Springs. The Department has received numerous applications in the last year for groundwater rights in the area.

The aquifer appears to be connected with the springs, and staff cannot make water availability findings with current data. Discharge rates have been monitored periodically since 1918. Measurements have been made by the Bureau of Reclamation, U.S. Geological Survey, and Water Resources Department. Measurement data gaps of 10 to 30 years are common in the record.

Spring flow measurements taken by Del Sparks (local watermaster) at Bonanza Springs indicate approximate average flow in 1980 and 1981 of 93 and 78 cubic feet per second (cfs), respectively. Measurements taken in January 1992 were 38 cfs. Observations from local residents confirm a significant decrease this year.

These springs are major contributors to the Lost River below Bonanza. Currently (May 8, 1992), Lost River is dry above Bonanza.

Discussion

The Lost River meanders through several small fault-bounded basins in south-central Oregon. The small basins include the Langell, Yonna, and Poe Valleys near Bonanza. The city of Bonanza is located where the Langell and Yonna Valleys connect.

Three state observation wells are located in the southern Yonna and northern Langell Valleys. All three wells have exhibited steady decline since about 1985 (See Monitoring Wells Hydrographs, Attachment 4). The three wells have declined a total of about five feet in this period. There are no observation wells currently monitored in the immediate vicinity of Bonanza.



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Two main aquifer units are present in the Lost River area. The upper unit is composed of unconsolidated to poorly consolidated sediments and the lower aquifer is within basalt rock units. Results of contouring and cross section analysis indicate that the lower basalt aquifer unit is deformed. Staff's preliminary conclusion is that the deformation has resulted in the lower basalt aquifer unit occurring at approximately 200 feet below land surface within the valley floor area and near land surface adjacent to the local ridge alignments. Also, the vast majority of wells in the Bonanza area are completed in the lower basalt aquifer. The significance of these findings is that the deeper wells within the valley are, most likely, hydraulically connected to the shallower wells and springs located near the ridges.

Ground Water Report 21 prepared by the U.S. Geologic Survey, November 1974, estimates that an average of 60,000 acre feet of Lost River Basin surface water flows come from groundwater contributions.

Since 1974, the Department has issued permits that allow appropriation of up to 30,000 acre feet of groundwater annually in the Lost River Basin. Pending applications to use groundwater in the basin (see Attachment 5), if approved, could appropriate an additional 30,000 acre feet per year. Many of the pending applications are for supplemental uses to augment inadequate supplies caused by the drought.

Additionally, hydroelectric application HE 531, in the name of Energy Storage Partners, has been filed to develop a pump-storage project. This proposes to appropriate 12,000 to 15,000 acre feet of groundwater initially to fill a surface reservoir. After the initial filling, it is anticipated that 500 to 1,000 acre feet would be needed annually to compensate for evaporation and seepage losses. The stored water would be used to generate 1,000 megawatts of electricity by draining this reservoir into another at a lower elevation during peak energy demand periods. When energy demands were low, the water in the lower reservoir would be pumped back to the higher elevation storage site.

A drought emergency was declared in Klamath County on February 28, 1992. This allows the filing of applications for emergency drought permits under ORS 536.700 to 536.780 and Chapter 690, Division 19, administrative rules.

The city of Bonanza does not have a municipal water system. All residences use shallow wells for domestic purposes. In 1991, fecal coliform was detected in many wells at levels that exceed state and federal standards. The Health Division of the Department of Human Resources has recommended that the city develop a municipal water system from a deep well.

The observation well and miscellaneous spring flow measurements indicate that both groundwater levels and springflows are declining. We are currently unable to distinguish the amount of groundwater and springflow decline that is attributable to groundwater use from that which may be caused by the lack of precipitation in recent years. Our initial judgement is that the lack of precipitation is probably the major cause of the declines.

#### Evaluation

Staff recognizes four issues in the Lost River area that need resolution by the Commission. The issues include the disposition of pending groundwater right applications, the Bonanza municipal water supply, issuance of drought permits, and regulation of groundwater in order to maintain surface water supplies.

Pending groundwater applications totaling approximately 30,000 acre-feet represent a doubling of the groundwater appropriations issued in the area since 1974. Preliminary findings indicate that the groundwater may not be available without injury to existing rights, specifically surface water rights from the Lost River which is supported by spring discharge. Staff is also unable to determine at this time what total impacts to the groundwater and surface water resources will result from issuing the pending groundwater applications.

Some of the domestic water supplies within the city of Bonanza have proven to be vulnerable to contamination. A solution for the city of Bonanza may be the development of a municipal water supply. A municipal supply would mostly represent a replacement of a similar quantity of water currently pumped from many wells.

Drought permits are being issued as an alternative to issuing permanent groundwater permits. Staff concludes that the temporary nature of drought permits do not pose a long-term threat to the groundwater or surface water resources.

The decline in discharge rates at Big Bonanza Springs and water

level declines in state observation wells indicate a regional lowering of the groundwater surface in the Lost River area. Staff has concluded that the declines are not substantial enough at this time to be concerned about groundwater overdraft. However, the regional water level decline is causing substantial interference with some springs, specifically Big Bonanza Springs.

The Groundwater/Hydrology Section is unable to commit staff to analyze this problem until the beginning of the next biennium. In the interim, groundwater staff will identify specific data collection tasks that will be carried out during this biennium by the regional staffs.

### Alternatives

There are several alternative courses of action to prevent this.

1. Do nothing and continue the current practice of accepting groundwater applications. However, as they are reviewed, due to surface water interference and limited surface water supplies, staff would propose action in accordance with Division 9 rules. If an applicant protested, the application would be sent to a contested case hearing for a public interest determination.
2. Except for drought applications, stop processing existing and new groundwater applications until we know more about the resource. Under this scenario, pending and new applications would remain on file until either the resource recovers (the springs flow at historic levels), staff completes a groundwater study or someone else completes the study that better explains the resource, or an applicant insists that their application be processed.
3. By order and rule, withdraw, for a specified time, the groundwater reservoir from further appropriation for permitted uses and hold all pending applications until either:
  - 1) The Commission determines, through Department studies or the submission of information from others, that groundwater resources can satisfy additional appropriation without harm to the public interest; or

- 2) Flows at Big Bonanza Springs recover to historic rates; or
  - 3) The withdrawal expires in 1997 when we would process remaining applications based upon information available at that time.
4. By order and rule, withdraw, for a specified time, the groundwater reservoir from further appropriation with exceptions for municipal use by the city of Bonanza, the exempt uses of groundwater listed in OAR 537.545 and drought permits for any use and hold all pending applications until either:
- 1) The Commission determines, through its own studies or the submission of information from others, that groundwater resources can satisfy additional appropriation without harm to the public interest; or
  - 2) Flows at Big Bonanza Springs recover to historic rates; or
  - 3) The withdrawal expires in 1997 when we would process remaining applications based upon information available at that time.

Exempt groundwater uses do not represent a large volume of use. Therefore, none of the proposed alternatives would limit the development of groundwater uses statutorily exempt from permit requirements by ORS 537.545.

However, because of declining surface water flows and the impact groundwater development is anticipated to have on surface water resources the Commission must take some action.

Alternative 1 would have the Department continue to accept new applications while we are simultaneously proposing some for rejection. We would likely schedule a contested case on a protested rejection soon. Staff does not see any likelihood that a hearings officer could recommend issuance of even a conditioned permit with the information we now have. Therefore, Alternative 1 is not recommended.

An advantage of alternative 2 is that while it allows new

applications to be filed, all applicants are placed on notice that no action is anticipated in the near future.

Alternative 2 also recognizes that the area has been declared to be in a drought emergency. This declaration is an attempt to respond to an emergency situation. Since drought permits represent only a short lived demand on the groundwater resource, we think an exception for drought permits is appropriate. Under Alternatives 2, if a standard permit applicant were to insist that their application be processed, we would likely propose rejection and, if a protest is filed, hold a contested case hearing.

A withdrawal, unless otherwise conditioned would eliminate the continued acceptance of new applications. A withdrawal could be worded to allow acceptance of applications for specified uses only. A withdrawal could also discuss the disposal of pending applications.

For this reason the opportunities to issue permits for pending applications when more information is available were developed for both withdrawal options. The acceptance of information from third parties is to recognize the potential for applicants to sponsor a hydrologic investigation which the Department may not otherwise be able to accomplish in the near future. The withdrawal options also recognize that the primary concern or indication of a significant problem is the decline in flows at Big Bonanza Springs. Option 3. may severely limit the city of Bonanza's ability to solve its water quality problem. The city of Bonanza exception in Alternative 4. would not guarantee that a permit would be granted. In fact, since the use is apt to impact senior rights, a contested case hearing would be likely. But, in the contested case, it may be found that the public interest is best served by allowing such a use, particularly in view of the fact that the community system may not pump significantly more water than the cumulative total of all the current individual wells in the town.

Both Alternatives 3. and 4. put an expiration date on the withdrawal. If within five years, the resource fails to recover another withdrawal or a restrictive classification would be in order. Alternatively we might then, with additional information, be able to restrictively condition applications in a way that protects the public interest.

Our legal counsel feels that the State Agency Coordination (SAC)



Program is not entirely clear as to the proper method to accomplish a withdrawal. The Department is currently involved in litigation over this issue. In anticipation of court resolution, we recommend a conservative approach. Therefore, both a withdrawal by order and rulemaking are proposed in Alternatives 3. and 4.

The withdrawal statute (ORS 536.410) requires public notice and a hearing. The same notice and hearing could be used to receive testimony on both a proposed order and a draft rule.

Staff feels Alternative 4. is the most equitable approach to protect the public interest associated with the water resources of the area. This alternative is more fully developed in Attachment 1.

The initiation of these proceedings begins a public process whereby additional options may be developed and considered. Prompt notice to applicants and the public is needed. This would allow potential uses to make informed decisions whether to make substantial investments in well construction.

The groundwater flow system in the area is complex. Because of this, the precise boundaries of the aquifer are difficult to define. Attachment 2 is a map showing the extent of land area which staff feels should be affected by any withdrawal. No new permits will be issued for appropriations within this area prior to some Commission direction.

Should the Department take on a study of the groundwater resource, the important considerations include:

1. Quantifying the impact groundwater appropriations have on surface water resources;
2. Determining the availability of groundwater resources.

#### Summation

1. Springflows in the Bonanza area are declining.
2. Groundwater levels also show a declining trend.
3. Groundwater appears to be hydraulically connected to surface

water supplies.

4. Additional surface water supplies in the area are unavailable.
5. Many applications are pending.
6. Staff developed three alternative withdrawal proposals.
7. Alternative 4. recommended. This would temporarily close the resource to all new uses except for municipal use by the city of Bonanza, emergency drought permits, and exempt uses.
8. Until directed otherwise, the Department has stopped issuing permits for appropriations within the area shown on Attachment 2.

Director's Recommendation

The staff recommends Alternative 4. that the Commission authorize the initiation of withdrawal and rulemaking proceedings for a Lost

River groundwater reservoir in the Bonanza Springs area, with exceptions for the city of Bonanza, drought permits and exempt uses; existing applications would be held until the springflows recover, new information is found that shows new uses would not harm the public interest, or December of 1997.

- Attachments:
1. Proposed Withdrawal Order
  2. Map of Proposed Withdrawal Area
  3. Big Bonanza Springs Hydrograph
  4. Monitoring Wells Hydrographs
  5. List of pending applications

Mattick, Lite  
378-3739  
May 22, 1991

## MEMORANDUM

TO: Water Resources Commission  
FROM: *Bryan Krag*  
Director  
SUBJECT: Agenda Item L, June 5, 1992,  
Water Resources Commission Meeting

WATER  
RESOURCES  
DEPARTMENT

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Ground Water Report 21 prepared by the U.S. Geologic Survey, November 1974, estimates that an average of 60,000 acre feet of Lost River Basin surface water flows come from groundwater contributions.

Since 1974, the Department has issued permits that allow appropriation of up to 30,000 acre feet of groundwater annually in the Lost River Basin. Pending applications to use groundwater in the basin (see Attachment 5), if approved, could appropriate an additional 30,000 acre feet per year. Many of the pending applications are for supplemental uses to augment inadequate supplies caused by the drought.

Additionally, hydroelectric application HE 531, in the name of Energy Storage Partners, has been filed to develop a pump-storage project. This proposes to appropriate 12,000 to 15,000 acre feet of groundwater initially to fill a surface reservoir. After the initial filling, it is anticipated that 500 to 1,000 acre feet would be needed annually to compensate for evaporation and seepage losses. The stored water would be used to generate 1,000 megawatts of electricity by draining this reservoir into another at a lower elevation during peak energy demand periods. When energy demands were low, the water in the lower reservoir would be pumped back to the higher elevation storage site.

A drought emergency was declared in Klamath County on February 28, 1992. This allows the filing of applications for emergency drought permits under ORS 536.700 to 536.780 and Chapter 690, Division 19, administrative rules.

The city of Bonanza does not have a municipal water system. All residences use shallow wells for domestic purposes. In 1991, fecal coliform was detected in many wells at levels that exceed state and federal standards. The Health Division of the Department of Human Resources has recommended that the city develop a municipal water system from a deep well.

The observation well and miscellaneous spring flow measurements indicate that both groundwater levels and springflows are declining. We are currently unable to distinguish the amount of groundwater and springflow decline that is attributable to groundwater use from that which may be caused by the lack of precipitation in recent years. Our initial judgement is that the lack of precipitation is probably the major cause of the declines.

#### Evaluation

Staff recognizes four issues in the Lost River area that need resolution by the Commission. The issues include the disposition of pending groundwater right applications, the Bonanza municipal water supply, issuance of drought permits, and regulation of groundwater in order to maintain surface water supplies.

Pending groundwater applications totaling approximately 30,000 acre-feet represent a doubling of the groundwater appropriations issued in the area since 1974. Preliminary findings indicate that the groundwater may not be available without injury to existing rights, specifically surface water rights from the Lost River which is supported by spring discharge. Staff is also unable to determine at this time what total impacts to the groundwater and surface water resources will result from issuing the pending groundwater applications.

Some of the domestic water supplies within the city of Bonanza have proven to be vulnerable to contamination. A solution for the city of Bonanza may be the development of a municipal water supply. A municipal supply would mostly represent a replacement of a similar quantity of water currently pumped from many wells.

Drought permits are being issued as an alternative to issuing permanent groundwater permits. Staff concludes that the temporary nature of drought permits do not pose a long-term threat to the groundwater or surface water resources.

The decline in discharge rates at Big Bonanza Springs and water



level declines in state observation wells indicate a regional lowering of the groundwater surface in the Lost River area. Staff has concluded that the declines are not substantial enough at this time to be concerned about groundwater overdraft. However, the regional water level decline is causing substantial interference with some springs, specifically Big Bonanza Springs.

The Groundwater/Hydrology Section is unable to commit staff to analyze this problem until the beginning of the next biennium. In the interim, groundwater staff will identify specific data collection tasks that will be carried out during this biennium by the regional staffs.

### Alternatives

There are several alternative courses of action to prevent this.

1. Do nothing and continue the current practice of accepting groundwater applications. However, as they are reviewed, due to surface water interference and limited surface water supplies, staff would propose action in accordance with Division 9 rules. If an applicant protested, the application would be sent to a contested case hearing for a public interest determination.
2. Except for drought applications, stop processing existing and new groundwater applications until we know more about the resource. Under this scenario, pending and new applications would remain on file until either the resource recovers (the springs flow at historic levels), staff completes a groundwater study or someone else completes the study that better explains the resource, or an applicant insists that their application be processed.
3. By order and rule, withdraw, for a specified time, the groundwater reservoir from further appropriation for permitted uses and hold all pending applications until either:
  - 1) The Commission determines, through Department studies or the submission of information from others, that groundwater resources can satisfy additional appropriation without harm to the public interest; or

- 2) Flows at Big Bonanza Springs recover to historic rates; or
  - 3) The withdrawal expires in 1997 when we would process remaining applications based upon information available at that time.
4. By order and rule, withdraw, for a specified time, the groundwater reservoir from further appropriation with exceptions for municipal use by the city of Bonanza, the exempt uses of groundwater listed in OAR 537.545 and drought permits for any use and hold all pending applications until either:
- 1) The Commission determines, through its own studies or the submission of information from others, that groundwater resources can satisfy additional appropriation without harm to the public interest; or
  - 2) Flows at Big Bonanza Springs recover to historic rates; or
  - 3) The withdrawal expires in 1997 when we would process remaining applications based upon information available at that time.

Exempt groundwater uses do not represent a large volume of use. Therefore, none of the proposed alternatives would limit the development of groundwater uses statutorily exempt from permit requirements by ORS 537.545.

However, because of declining surface water flows and the impact groundwater development is anticipated to have on surface water resources the Commission must take some action.

Alternative 1 would have the Department continue to accept new applications while we are simultaneously proposing some for rejection. We would likely schedule a contested case on a protested rejection soon. Staff does not see any likelihood that a hearings officer could recommend issuance of even a conditioned permit with the information we now have. Therefore, Alternative 1 is not recommended.

An advantage of alternative 2 is that while it allows new

applications to be filed, all applicants are placed on notice that no action is anticipated in the near future.

Alternative 2 also recognizes that the area has been declared to be in a drought emergency. This declaration is an attempt to respond to an emergency situation. Since drought permits represent only a short lived demand on the groundwater resource, we think an exception for drought permits is appropriate. Under Alternatives 2, if a standard permit applicant were to insist that their application be processed, we would likely propose rejection and, if a protest is filed, hold a contested case hearing.

A withdrawal, unless otherwise conditioned would eliminate the continued acceptance of new applications. A withdrawal could be worded to allow acceptance of applications for specified uses only. A withdrawal could also discuss the disposal of pending applications.

For this reason the opportunities to issue permits for pending applications when more information is available were developed for both withdrawal options. The acceptance of information from third parties is to recognize the potential for applicants to sponsor a hydrologic investigation which the Department may not otherwise be able to accomplish in the near future. The withdrawal options also recognize that the primary concern or indication of a significant problem is the decline in flows at Big Bonanza Springs. Option 3. may severely limit the city of Bonanza's ability to solve its water quality problem. The city of Bonanza exception in Alternative 4. would not guarantee that a permit would be granted. In fact, since the use is apt to impact senior rights, a contested case hearing would be likely. But, in the contested case, it may be found that the public interest is best served by allowing such a use, particularly in view of the fact that the community system may not pump significantly more water than the cumulative total of all the current individual wells in the town.

Both Alternatives 3. and 4. put an expiration date on the withdrawal. If within five years, the resource fails to recover another withdrawal or a restrictive classification would be in order. Alternatively we might then, with additional information, be able to restrictively condition applications in a way that protects the public interest.

Our legal counsel feels that the State Agency Coordination (SAC)

Program is not entirely clear as to the proper method to accomplish a withdrawal. The Department is currently involved in litigation over this issue. In anticipation of court resolution, we recommend a conservative approach. Therefore, both a withdrawal by order and rulemaking are proposed in Alternatives 3. and 4.

The withdrawal statute (ORS 536.410) requires public notice and a hearing. The same notice and hearing could be used to receive testimony on both a proposed order and a draft rule.

Staff feels Alternative 4. is the most equitable approach to protect the public interest associated with the water resources of the area. This alternative is more fully developed in Attachment 1.

The initiation of these proceedings begins a public process whereby additional options may be developed and considered. Prompt notice to applicants and the public is needed. This would allow potential uses to make informed decisions whether to make substantial investments in well construction.

The groundwater flow system in the area is complex. Because of this, the precise boundaries of the aquifer are difficult to define. Attachment 2 is a map showing the extent of land area which staff feels should be affected by any withdrawal. No new permits will be issued for appropriations within this area prior to some Commission direction.

Should the Department take on a study of the groundwater resource, the important considerations include:

1. Quantifying the impact groundwater appropriations have on surface water resources;
2. Determining the availability of groundwater resources.

#### Summation

1. Springflows in the Bonanza area are declining.
2. Groundwater levels also show a declining trend.
3. Groundwater appears to be hydraulically connected to surface

water supplies.

4. Additional surface water supplies in the area are unavailable.
5. Many applications are pending.
6. Staff developed three alternative withdrawal proposals.
7. Alternative 4. recommended. This would temporarily close the resource to all new uses except for municipal use by the city of Bonanza, emergency drought permits, and exempt uses.
8. Until directed otherwise, the Department has stopped issuing permits for appropriations within the area shown on Attachment 2.

**Director's Recommendation**

The staff recommends Alternative 4. that the Commission authorize the initiation of withdrawal and rulemaking proceedings for a Lost

River groundwater reservoir in the Bonanza Springs area, with exceptions for the city of Bonanza, drought permits and exempt uses; existing applications would be held until the springflows recover, new information is found that shows new uses would not harm the public interest, or December of 1997.

- Attachments:
1. Proposed Withdrawal Order
  2. Map of Proposed Withdrawal Area
  3. Big Bonanza Springs Hydrograph
  4. Monitoring Wells Hydrographs
  5. List of pending applications

Mattick, Lite  
378-3739  
May 22, 1991



02/13/91

STATE OF OREGON  
COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DONALD J. AND HELEN E. HORSLEY  
P.O. BOX 8  
BONANZA, OREGON 97623

503-545-6641

to use the waters of TWO WELLS in the LOST RIVER BASIN for IRRIGATION OF 140.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 191.5 ACRES.

This permit is issued approving Application G-12746. The date of priority is DECEMBER 31, 1991. The use is limited to not more than 4.16 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

SE 1/4 SW 1/4, SE 1/4 SE 1/4, SECTION 2, T 39 S, R 11 E, W.M.; WELL 1 - 980 FEET NORTH AND 1320 FEET WEST FROM SE CORNER, WELL 2 - 660 FEET NORTH AND 2450 FEET EAST FROM SW CORNER, BOTH SECTION 2.

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

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

A description of the proposed place of use under this permit is as follows:

	PRIMARY	SUPPLEMENTAL
NE 1/4 SW 1/4	34.9 ACRES	5.1 ACRES
NW 1/4 SW 1/4		35.7 ACRES
SE 1/4 SW 1/4	30.4 ACRES	9.6 ACRES
SW 1/4 SE 1/4	1.2 ACRES	0.6 ACRE
SECTION 2		
NE 1/4 NE 1/4		13.3 ACRES
NW 1/4 NE 1/4	17.9 ACRES	20.5 ACRES
SW 1/4 NE 1/4	16.5 ACRES	23.5 ACRES
SE 1/4 NE 1/4		38.7 ACRES
NE 1/4 NW 1/4	28.2 ACRES	11.8 ACRES
SE 1/4 NW 1/4	7.3 ACRES	32.7 ACRES
SECTION 11		
TOWNSHIP 39 SOUTH, RANGE 11 EAST, W.M.		

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. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

DW/47

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1993. Complete application of the water shall be made on or before October 1, 1994.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date,.

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Water Resources Department  
William H. Young  
Director

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

**KLAMATH**  
**10440**

APR 29 1992

(START CARD) # **29193**

395/11E/11bd

(1) OWNER: Well Number # **2**  
 Name **Don Hensley**

Address **PO Box B**  
 City **Bonanza** State **OR** Zip **97623**

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

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

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

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well **373** ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
22	0	174	CEMENT	0	174	230 Sks
12 1/4	174	300				
8	300	373				

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Casing			
				Steel	Plastic	Welded	Threaded
16	+1	174	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Liner: \_\_\_\_\_

Final location of shoe(s) **174 FEET**

(7) PERFORATIONS/SCREENS:

Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailor  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2000	71 Ft.		1 hr. 5 Hrs

Temperature of Water **68°F** Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: **148 FT.**

(9) LOCATION OF WELL by legal description:  
 County **KLAMATH** Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township **39S** N or S. Range **11E** E or W. WM. \_\_\_\_\_  
 Section **11** **SE** **1/4** **NW** **4**  
 Tax Lot **R-311-01109** Block **00600** Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) **33833 McCarty**  
**Bonanza, OR 97623**

(10) STATIC WATER LEVEL:  
**25** ft. below land surface. Date **4/17/92**  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found **148 FT**

From	To	Estimated Flow Rate	SWL
148		2.10 GPM	

(12) WELL LOG:  
 Ground elevation \_\_\_\_\_

Material	From	To	SWL
SANDY BROWN CLAY	0	21	
BROWN SANDSTONE	21	22	
GRAY CLAY	22	43	
BLACK SANDSTONE	43	44	
GRAY CLAY	44	74	
BLACK SANDSTONE	74	75	
GRAY CLAY	75	88	
HARD BLUE SHALE WITH SANDSTONE	88	120	
BLUE CLAY	120	148	
BLACK SAND	148	149	
BLACK SANDSTONE	149	160	
PUMICE & GRAY SHALE	160	170	
BLACK LAVA	170	185	
BLACK MISCALT	185	201	
DECOMPOSED BROWN LAVA	201	213	
HARD BLACK BASALT	213	230	
DECOMPOSED BROWN LAVA & RED CLAY	230	274	
BROWN BASALT	274	293	
HARD BROWN BROWN BASALT	293	300	
HARD BROWN GRAY MISCALT	300	312	
HARD GRAY BASALT	312	373	

Date started **4/1/92** Completed **4/17/92**

(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. Materials used and information reported above are true to my best knowledge and belief.  
 Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
 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. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.  
 Signed **R. M. Hensley** WWC Number **601**  
 Date **4/26/92**

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

**KLAM**  
**0439**

**RECEIVED**

APR 29 1992

39S/12E/11a

(START CARD) # 20035

(1) OWNER: Well Number: # 1WA15  
 Name Don Housley  
 Address PO Box 8  
 City Bonanza State OR Zip 97023

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

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

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

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval Yes  No  Depth of Completed Well 110 ft.  
 Explosives used  Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks	pounds
	6 0 110	CEMENT	0 110	20	525

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

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel		Plastic		Welded		Threaded	
					Steel	Plastic	Welded	Threaded	Welded	Threaded		
Casing:	<u>NONE</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
 Yield gal/min \_\_\_\_\_ Drawdown \_\_\_\_\_ Drill stem at \_\_\_\_\_ Time \_\_\_\_\_  
NONE \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ 1 hr.

Temperature of water \_\_\_\_\_ Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Wash Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 39S N or S, Range 12E E or W, W  
 Section 11 NW 1/4 NE 1/4  
 Tax Lot 39 Lot 11 Block 700 Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) 33833  
the CANTIE LN. BONANZA OR

(10) STATIC WATER LEVEL:  
N/A ft. below land surface. Date \_\_\_\_\_  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found N/A

From	To	Estimated Flow Rate

(12) WELL LOG: Ground elevation \_\_\_\_\_

Material	From	To
<u>BOULDERS &amp; BROWN CLAY</u>	<u>0</u>	<u>7</u>
<u>SANDY YELLOW CLAY</u>	<u>7</u>	<u>18</u>
<u>DECOMPOSED BROWN LINT</u>	<u>18</u>	<u>23</u>
<u>HARD BROWN BLACK BENT</u>	<u>23</u>	<u>75</u>
<u>BROWN BROWN LINT</u>	<u>75</u>	<u>110</u>
<u>HOLE ABANDON WITH CEMENT.</u>		
<u>Really drilled well 1967.</u>		
<u>See GW SWL Report. meqs. taken in 1999</u>		
Date started	<u>3/26/92</u>	Completed <u>3/31/92</u>

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my knowledge and belief.  
 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 work performed during this time is in compliance with Oregon construction standards. This report is true to the best of my knowledge and belief.  
 WWC Number 601  
 Signed [Signature] Date 3/26/92

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

**KLAMATH**  
**10440**

RECEIVED

395/11E/116

APR 29 1992

(START CARD) # 29193

(1) OWNER: Well Number # 2  
Name Don Honsley  
Address PO Box 8  
City Bonanza State ORE Zip 97623

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

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

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

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 373 ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
22	0	174	CEMENT	0	174	230 Sks
12 1/4	174	300				
8	300	373				

How was seal placed: Method  A  B  C  D  E  
 Other

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_

Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Casing			
				Steel	Plastic	Welded	Threaded
16	+1	174	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Liner: \_\_\_\_\_

Final location of shoe(s) 174 FEET

(7) PERFORATIONS/SCREENS:  
 Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2000	71 Ft.		1 hr. S HAS

Temperature of Water 68°F Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done?  Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other  
Depth of strata: 148 FT.

(9) LOCATION OF WELL by legal description:  
County KLAMATH Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 39S N or S. Range 11E E or W. W  
Section 11 SE 1/4 NW 1/4  
Tax Lot R-3911-01100 Block 00600-000 Subdivision  
Street Address of Well (or nearest address) 33833 McCall  
Bonanza, ORE

(10) STATIC WATER LEVEL:  
25 ft. below land surface. Date 4/17/92  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found 148 FT

From	To	Estimated Flow Rate	SV
148		INDETERMINATE	

(12) WELL LOG:  
Ground elevation \_\_\_\_\_

Material	From	To	SV
SANDY BROWN CLAY	0	21	
BROWN SANDSTONE	21	22	
GRAY CLAY	22	43	
BLACK SANDSTONE	43	44	
GRAY CLAY	44	74	
BLACK SANDSTONE	74	75	
GRAY CLAY	75	88	
HARD BLUE SHALE WITH SANDSTONE	88	120	
BLUE CLAY	120	148	
BLACK SAND	148	149	
BLACK SANDSTONE	149	160	
PUMICE & GRAY SHALE	160	170	
BLACK LAVA	170	185	
BLACK MORTAR	185	201	
DECOMPOSED BROWN LAVA	201	213	
HARD BLACK BASALT	213	230	
DECOMPOSED BROWN LAVA & RED CLAY	230	274	
BROWN BASALT	274	293	
HARD BROKEN BROWN BASALT	293	300	
HARD BROWN GRAY MORTAR	300	312	
HARD GRAY BASALT	312	373	

Date started 4/1/92 Completed 4/17/92

(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. Materials used and information reported above are true to my best knowledge and belief.  
Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
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. All work performed during this time is in compliance with Oregon well construction standards. This is true to the best of my knowledge and belief.  
Signed Don Honsley WWC Number 60  
Date 4/26/92



Donald J. Horsley  
P.O. Box 9  
Bonanza, Oregon 97623



Water Rights Division  
Water Resources Dept  
3850 Foxtham Rd N.E.  
Salem, Oregon 97310

Water Resources Dept  
Water Right Division

RECEIVED

APR 27 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

attached is the completed well  
test report on my well. my  
file # G-12746 -

please include with my file to  
finish my permit

thanks

Donald J. Hinkle

File # G 12746

**Interstate PUMP COMPANY, INC.**  
503/882-3464 — 7209 SOUTH SIXTH STREET  
KLAMATH FALLS, OREGON 97603  
APR 27 1992  
WATER RESOURCES  
SALEM, OREGON

**WELL TEST REPORT**

For: Don Horsley

Donald J Horsley

Bonanza, OR 97623

Date Tested April 21, 1992

Location of Well Back of Don's house

Inside Diameter 16" - 175' Depth 375'

175 Feet of 16 Inch Casing. Driller Dave Storey Well Drilling

170 Feet of 10 Inch Column and 3 Stage 12 Inch Bowls.

Test Done By Lee Campbell

Static Water Level at Start of Test 23' (air line)

CAPACITY GPM	PUMPING LEVEL	DRAWDOWN	TIME	CONDITION OF WATER (SANDY, MUDDY, CLEAR, ETC.)
1400	54'		10:00 am	Clear
1500	58'		10:30	Clear
1600	63'		11:00	"
1800	68'		11:30	"
1900	72'		12:00 pm	"
2000	75'		12:30	"
2400	90'		1:00	"
2400	82'		1:30	"
2000	71'		2:00	"
2000	71'		2:30	"
2000	71'		3:00	Clear. Off
		<b>Total Pumping</b>	<b>5 hrs.</b>	
				TEMPERATURE <u>68° F</u>

Static Water Level After Pump Test 23' (air line)

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed by Lee Campbell  
JK

April 22, 1992

DONALD J HORSLEY  
PO BOX 8  
BONANZA, OREGON 97623

Reference: File G-12746

Your application for permit has been reviewed. There is a reference to a drought application for permit in your file.

We may proceed with the immediate approval of your application for a drought permit if you complete and return the attachment.

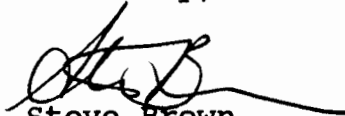
You are cautioned, that if you obtain an emergency drought permit, the permit shall expire when the Governor's declaration of drought emergency for Klamath County is terminated. At that time, you would be required to obtain a regular permit to appropriate water to continue to irrigate the land.

An option to maintain your tentative date of priority of a regular application, is to file another application for the duration of the drought. This may seem to be a duplication of permitting, however we would not be able to approval a regular application for permit until public interest issues being raised by staff and interest groups are resolved.

Fees for a emergency use permit are an examination fee of \$200 and permit recording fee based upon the quantity of water requested. The recording fee is \$400 for the first cubic foot per second (cfs) or fraction and \$100 for each additional cfs or fraction thereafter. If additional fees are required it is noted on the attachment.

Please contact the Water Rights Section if you have any questions at 378-3739.

Sincerely,



Steve Brown  
Senior Water Rights Specialist  
Field Operations Division

cc: Erwin Ritter, CWRE  
Del Sparks, Watermaster  
Bob Main, Regional Manager



APPLICATION           G-12746          

Supporting data sheet for an emergency water use application

1) Describe how the drought conditions has created an inability to obtain water under an existing right and there is an immediate threat to the health and welfare of the people of Oregon.

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2) Describe your existing right and number of acres. If you are within an irrigation district, identify the district and number of acres being assessed.

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3) Describe any plan or conservation and water use curtailment measures you have taken.

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Additional fees for immediate approval are \$ 54<sup>00</sup>.

\_\_\_\_\_  
Signature\Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature\Title

\_\_\_\_\_  
Date



Application No. 6-12746

State of Oregon  
WATER RESOURCES DEPARTMENT

**Application for a Permit to Appropriate Ground Water**

Applicant(s) Donald J + Helen E Horsley  
(Please print or type - use dark ink)

Mailing Address: P.O. Box 8  
Buena Vista Oregon 97623 545-6641  
City State Zip 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.): \_\_\_\_\_  
1 Irrigation Well

If development is less than one mile from a natural stream, give the following:  
Distance from development to stream: \_\_\_\_\_  
Elevation difference between streambed and development: \_\_\_\_\_

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.  
Well #1 Existing See included Well Log

Diameter of well: 16" Depth in feet: 300  
Type and size of well casing: 5/16" No. of feet: 1405  
Estimated depth to water: 74  
Type of access port or measuring device: Air Line  
Wells to be drilled by: David Storey  
Address: Klamath Falls Oregon

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 4.16 cubic feet per second, OR 1865 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: \_\_\_\_\_  
\_\_\_\_\_

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 333

Other (describe) \_\_\_\_\_

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).

Spurline & Flood Irrigation

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 1 March 92

Proposed date construction work will be completed 1 May 92

Proposed date water use will be completed 1 June 92

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.

-----  
**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 31<sup>st</sup> day of December, 1991, at 8:0 o'clock, A M.

APPLICATION NO: G-12746

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:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

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.

Donald F. Horsley  
Signature of Applicant

12/28/91  
Date

Helen E. Horsley  
Signature of Co-Applicant, if any

12/28/91  
Date

Owners  
Erwin R. Ritter, L. S. W. R. E.  
Dennis A. Ensor, L. S. W. R. E.

**TRU** (SURVEYING) **LINE**

TELEPHONE (503) 884-3691  
2333 SUMMERS LANE • KLAMATH FALLS, OREGON 97603

MARCH 30, 1992

APR - 2 1992  
WATER RESOURCES DEPT.  
SALEM, OREGON

TOM SHOOK  
WATER RESOURCES DEPARTMENT  
3850 PORTLAND ROAD N.E.  
SALEM, OR. 97310

RE: SUPPLEMENTAL GROUND WATER RIGHT APPLICATIONS FOR LANDS IN IRRIGATION DISTRICTS.

DEAR TOM,

THE FOLLOWING HAVE MADE GROUND WATER RIGHT APPLICATIONS SUPPLEMENTAL TO IRRIGATION DISTRICTS. THIS IS A REQUEST THAT THEIR APPLICATIONS BE PROCESSED AS SOON AS POSSIBLE, BECAUSE OF THE DROUGHT EMERGENCY.

1. TRIPLE H RANCH
2. DELBERT LEE
3. BRADLEY BENNETT FILE G-12818
4. DONALD MANNING FILE G-12814
5. CARL GIBSON FILE G-12772
6. ELSO & ARIE DeJONG FILE G-12768
7. DENNIS BABSON FILE G-12507
8. WILLIAM HILL FILE G-12766
9. SHASTA NURSERY INC. FILE G-12771
10. RICHARD A. SMITH FILE S-72129 (NOTE SURFACE WATER APPLICATION)
11. DON HORSELY FILE G-12746
12. WIERSMA, EARL FILE G-12732
13. ALBERT LETSCH FILE G-12735
14. EDGAR DOWNING FILE G-12518

*Erwin R. Ritter*

ERWIN R. RITTER C.W.R.E. 113

*Dennis A. Ensor*

DENNIS A. ENSOR C.W.R.E. 271



March 25, 1992

DONALD J. AND HELEN E. HORSLEY  
PO BOX 8  
BONANZA, OR 97623

REFERENCE: File G-12746

We would be able to amend your application to an emergency use permit request upon written authorization from you. Additional information would be needed, however.

Here is a copy of Division 19 Rules. You will have to submit sufficient information to establish that drought conditions have created an inability for you to use your existing water right and that there is an immediate threat to the health and welfare of the people of Oregon.

The following is a brief list of the type of conditions and limitations you should expect to have on the permit:

- Use of water will be subject to prior permits, rights, and minimum streamflows.
- Use of water will expire on the date of the Governor's drought termination order.
- Limitations of rate, volume, and time.

Fees include and examination fee of \$200 and recording fee of \$800.

Sincerely,

Thomas E. Shook  
Water Right Specialist



Ma. Shook:

Mr. Don Worsley called to inquire about the necessary paperwork for changing his application into a drought application. His application number is G-12746. His phone # 545-6641. Would you please call him.

NO ANSWER  
LETTER SENT  
JD

4/22/4

Thanks  
Joe Worsley

NOTICE OF FILING APPLICATION FOR A PERMIT  
TO APPROPRIATE WATER

WATER  
RESOURCES  
DEPARTMENT

NOTICE SENT TO: Horsefly Irrigation District  
P.O. Box 188  
Bonanza, OR 97623

NAME: Donald Horsley FILE NO. G-12746

ADDRESS: P.O. Box 8, Bonanza, Oregon 97623

WATER SOURCE: Two wells in the Lost River Basin

USE: For irrigation of 140.7 acres and supplemental irrigation of 191.5 acres.

POINT OF DIVERSION: SE 1/4 SW 1/4, SE 1/4 SE 1/4, Section 2, T 39 S, R 11 E, WM, Klamath County

AMOUNT OF WATER: 4.16 CFS

Twp	Rng	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
39S	11E	2							X	X								

The above described application will NOT be considered for approval for at least thirty days from the date of this notice to allow opportunity for any interested person to seek intervention in the processing of the application.

Any person desiring to protest approval of the application shall file a written protest in the office of the Water Resources Department, Salem, Oregon 97310, together with proof of service of a copy of the protest on the applicant and payment of the \$25 protest filing fee. Protest and proof of service forms and a copy of the administrative rules pertaining to the filling of a protest will be supplied free upon request.

Dated at Salem, Oregon, this 8th day of January, 19 92.



WILLIAM H. YOUNG, Director  
Water Resources Department

3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

**Oregon Water Resources Department  
Water Rights Division**

**Application for Extension of Time**

In the Matter of the Application	)	
for an Extension of Time for	)	
Permit #G-12445, Water Right	)	PROPOSED FINAL ORDER
Application #G-12746	)	
(Donald J. and Helen E. Horsley)	)	

**Permit Information**

**Application File #G-12746 / Permit #G-12445**  
Basin: #14 - Klamath Basin / Watermaster District: #17  
Date of Priority: December 31, 1991

**Authorized Use of Water**

Source of Water:	Two Wells within the Lost River Basin
Purpose or Use:	Primary and Supplemental Irrigation of 332.2 acres
Maximum Rate:	4.16 cubic feet per second (cfs)

**This Extension of Time request is being processed in accordance  
with Oregon Administrative Rule Chapter 690, Division 315.**

***Please read this Proposed Final Order in its entirety as it contains  
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit #G-12445, water right Application #G-12746. A copy of Permit #G-12445 is enclosed as Attachment 1.

## Summary of Proposed Final Order for Extension of Time

### The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1997, to October 15, 2005;
- grant the extension for complete application of water from October 1, 2000, to October 15, 2005; and
- make the extensions subject to certain conditions set forth below.

### AUTHORITY

**ORS 537.630(1)** provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected.

**OAR 690-315-0040** provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

**OAR 690-315-0050(5)** states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

### FINDINGS OF FACT

#### **Background**

1. Permit #G-12445 was granted by the Water Resources Department on July 31, 1996. The permit authorizes the use of up to 4.16 cfs of water from two wells, within the Lost River Basin, for primary and supplemental irrigation of 332.2 acres. The permit specified that construction of the water system was to be completed by October 1, 1997, and that complete application of water was to be made on or before October 1, 2000.



2. Permit #G-12445 specified that use of water under the permit may expire or be extended five years from issuance of the permit. In addition, the permit also explained that a water right certificate shall be issued at the end of the five year period if the Director finds:
  - A. River stage or Bonanza Big Springs flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable ground water and hydrologic science that stands up to peer review;
  - B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
  - C. Periodic water level reports have been submitted; and
  - D. Excessively declining ground water levels have not occurred due to well use as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable ground water and hydrologic science that stands up to peer review.
3. The permit holder submitted an "Application for Extension of Time" to the Department on July 31, 2001, requesting the time in which to complete construction of the water system to be extended from October 1, 1997, to October 1, 2002, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12445 be extended from October 1, 2000, to October 1, 2002. This is the first permit extension requested for Permit #G-12445.
4. Notification of the permit holder's extension of time request for Permit #G-12445 was published on the Department's Public Notice dated September 18, 2001. No public comment on the extension application was received.

**Review Criteria** *IOAR 690-315-0040(1)(2)*

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction and/or to apply the water to a beneficial use may be extended upon

showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230<sup>1</sup>, 537.248<sup>2</sup>, 537.630<sup>3</sup> and/or 539.010(5)<sup>4</sup>.

**Other Governmental Requirements [OAR 690-315-0040(2)(g)]**

5. Delay in completing development of this project has been caused by the delay in completing the Oregon Water Resources Department (OWRD) Eastern Lost River Sub-Basin Ground Water Investigation.

**Start of Construction [OAR 690-315-0040(1)(b)]**

6. Construction of the wells and water system began within the time specified in the permit, being January 18, 1997.

**Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]**

7. As of July 31, 2001, the permit holder had invested a total of \$52,185.50 into the project, consisting of construction and abandonment of an existing well, construction of a second well, installation of a pump and meter, and the purchase and installation of pipe lines. No additional investment is anticipated for the completion of this project.

**Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0040(3)]**

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [OAR 690-315-0040(3)].

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

- 
- <sup>1</sup> ORS 537.230 applies to surface water permit only.
  - <sup>2</sup> ORS 537.248 applies to reservoir permits only.
  - <sup>3</sup> ORS 537.630 applies to ground water permits only.
  - <sup>4</sup> ORS 539.010(5) applies to surface water only.

Amount of Construction

8. The following construction was completed within the time allowed in the permit or previous extension:
  - a. Construction of the wells and water system began within the time specified in the permit, being January 18, 1997. The work completed consists of construction and abandonment of the existing well, construction of a second well, installation of a pump and meter, and the purchase and installation of pipe lines.

Beneficial Use of Water

9. The following beneficial use was made of the water during the permit or previous extension time limits:
  - a. Since the issuance of Permit #G-12445 on July 31, 1996, approximately 1.04 cfs of water has been appropriated for primary irrigation of 48.0 acres and supplemental irrigation of 190.0 acres.
  - b. Delay of full beneficial use of water under Permit #G-12445 was due to the delay in completing the OWRD Eastern Lost River Sub-Basin Ground Water Investigation.

Compliance with Conditions

10. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The permit holder has installed a suitable measuring device, maintained a record of water used under Permit #G-12445 and reported the use annually to the Department.
  - b. The permit holder submitted a plan to the Department indicating that there are no potential economical sources for an alternative long-term water supply for primary irrigation use.
  - c. The permit holder has obtained and submitted periodic ground water levels to the Department.

Financial Investments

11. Financial investments made toward developing the beneficial water use.

- a. As of July 31, 2001, the permit holder had invested approximately 100 percent of the total projected cost for complete development of this project. A total of \$52,185.50 has been invested into the project, consisting of construction and abandonment of the existing well, construction of a second well, installation of a pump and meter, and the purchase and installation of pipe lines. No additional investment is anticipated for the completion of this project.

**The Market and Present Demands for Water [OAR 690-315-0040(4)]**

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

12. The amount of water available to satisfy other affected water rights and scenic waterway flows.
  - a. The Department determined on May 5, 1993, that this use of ground water will have the potential for substantial interference with the nearest surface water source. Conditions were added to Permit #G-12445 to ensure that this use of ground water would protect Bonanza Big Springs flows and avoid injury to existing rights or the ground water resource.
  - b. The permitted points of appropriation, authorized under Permit #G-12445, are not located within or above the designated boundaries of any state scenic waterway.
  - c. The permitted points of appropriation, authorized under Permit #G-12445, are located within the boundaries of the current Eastern Lost River Sub-Basin Ground Water Investigation study area. Some wells within the boundaries of the ground water study area cause a significant negative flow impact on the Lost River and/or the Bonanza Big Springs. This permit, therefore, may expire, be extended or be certificated based upon the ground water study results and compliance with permit conditions.
  - d. The Department has quantified the impact of ground water use under this permit to the Lost River and/or Bonanza Big Springs. The Department used quantifiable ground water and hydrologic science and consulted with the Bureau of Reclamation and the Oregon Department

of Fish and Wildlife. All parties agreed on April 30, 2002, that additional conditions are necessary to satisfy the concern over significant diminishment. The Department, therefore, is including additional conditions as specified under Items #1 and #2 of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.

- e. The Department has determined, pending the declaration of a critical ground water area, that as long as the ground water elevation at Bonanza Big Springs Park well KLAM 50318 - well tag number 101119 (as constructed in June 1996), is greater than or equal to 0.5 foot higher than the Lost River surface water elevation (as measured at the stilling well at Bonanza Big Springs Park), the impact of using the well authorized under this permit will not result in significant diminishment of the river stage or Bonanza Big Springs flows. The Department, therefore, is including an additional condition as specified under Item #1(b) of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.
  - f. Pending the declaration of a critical ground water area, an annual evaluation performed by the Department is necessary to determine whether excessively declining ground water levels have occurred due to use of the well authorized under Permit #G-12445. The Department will use quantifiable ground water and hydrologic science and will consult with the Bureau of Reclamation and the Oregon Department of Fish and Wildlife. The Department, therefore, is including an additional condition as specified under Item #1(c) of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.
13. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
- a. The permitted points of appropriation, authorized under Permit #G-12445, are located within an area of the Lost River Basin which has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish. Additionally, the Lost River has been designated by the Oregon Department of Environmental Quality as a water quality limited stream. Based upon the Department's May 5, 1993, determination that this



use of ground water will have the potential for substantial interference with the nearest surface water source, conditions were added to Permit #G-12445 to ensure that this use of ground water would protect Bonanza Big Springs flows and avoid injury to existing rights or to the ground water resource. Because of that determination, the conditions placed upon Permit #G-12445 and the additional conditions imposed by this order, this application does not raise concerns about surface water impacts.

- b. The permitted points of appropriation, authorized under Permit #G-12445, are not located within a designated reach of any federal wild and scenic river.
14. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
  - a. The permitted wells are located within an endangered species area for the Lost River sucker fish (*Delistes luxatus*), as designated by the United States Fish and Wildlife Service and the Oregon Department of Fish and Wildlife. Based upon the Department's May 5, 1993, determination that this use of ground water will have the potential for substantial interference with the nearest surface water source, conditions were added to Permit #G-12445 to ensure that this use of ground water would protect Bonanza Big Springs flows and avoid injury to existing rights or to the ground water resource. Because of that determination, the conditions placed upon Permit #G-12445 and the additional conditions imposed by this order, this application does not raise concerns about surface water impacts.
15. Economic investment in the project to date.
  - a. As of July 31, 2001, the permit holder had invested approximately 100 percent of the total projected cost for complete development of this project. A total of \$52,185.50 has been invested into the project, consisting of construction and abandonment of the existing well, construction of a second well, installation of a pump and meter, and the purchase and installation of pipe lines. No additional investment is anticipated for the completion of this project.
16. Other economic interests dependent on completion of the project.
  - a. None have been identified.

17. Other factors relevant to the determination of the market and present demand for water and power.

a. None have been identified.

**Fair Return Upon Investment** *[OAR 690-315-0040(2)(f)]*

18. Use and income from the water development project authorized by Permit #G-12445 will result in reasonable returns against the investment in the project made to date.

**Duration of Extension** *[OAR 690-315-0040(1)(c)]*

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

19. As of July 31, 2001, the remaining work to be accomplished consists of complete construction of the water system and complete application of water to beneficial use.

20. Other governmental requirements extended the length of time needed to fully develop and perfect the permit, caused mainly by the delay in completing the OWRD Eastern Lost River Sub-Basin Ground Water Investigation.

21. Given the amount of development left to occur as of July 31, 2001, the permittee requested to have until October 1, 2002, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #G-12445. However, considering the irrigation season (April 15 through October 15) and the Department's delay in completing the OWRD-USGS Lost River Sub-Basin Ground Water Investigation, the Department has determined that the permittee's request to have until October 1, 2002, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #G-12445 should be extended to October 15, 2005.

## **CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 15, 2005<sup>5</sup>, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to complete construction and to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. River stage and/or Bonanza Big Springs flows will not be significantly diminished by use of water under permit, as conditioned by this order. (See Item #1(b) of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)
7. As conditioned by this order, excessively declining ground water levels will not occur. (See Item #1(c) of the "Conditions" section contained in this Proposed Final Order for an Extension of Time.)

---

<sup>5</sup> Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

## **Proposed Order**

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit #G-12445 from October 1, 1997, to October 15, 2005.

Extend the time for complete application of water to beneficial use under Permit #G-12445 from October 1, 2000, to October 15, 2005.


Subject to the following conditions:

### **CONDITIONS**

The Department has the authority to add additional conditions to this permit under OAR 690-315-0050(2).

1. Effective March 1, 2006, ground water use under this permit can occur only when:
  - a. Use is consistent with a critical ground water area order that has been issued by the Oregon Water Resources Department; or
  - b. Unless use is made consistent with a critical ground water area order, use occurs only when the ground water elevation at Bonanza Big Springs Park well KLAM 50318 (well tag number 101119) as constructed in June 1996 is greater than or equal to 0.50 feet higher than the Lost River surface water elevation as measured at the stilling well at Bonanza Big Springs Park; or
  - c. Unless use is made consistent with a critical ground water area order, the Department using available data shows ground water use does not reduce Bonanza Big Springs flow.
2. Any use of water under the terms and conditions of this permit shall continue to be subject to regulation in favor of senior surface or ground water rights.

DATED: November 30, 2004

  
Dwight French  
Water Rights Section Manager

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

**Proposed Final Order Hearing Rights**

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than Friday, January 14, 2005 being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submitted a timely request for a contested case hearing.



**If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.**

**If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her telephone number is (503)986-0824.**

**If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503)986-0801.**

**Address any correspondence to:**

**Water Rights Section  
Oregon Water Resources Department  
725 NE Summer Street, Suite A  
Salem, OR 97301-1271  
Fax #: (503)986-0901**

**Application No.** 6-12746  
**Permit No.**

FORM NO. O-4000-1  
RATING BUREAU FOR TITLE INSURANCE COMPANIES IN OREGON  
STANDARD COVERAGE POLICY FORM REVISED 7-74

SCHEDULE A

Amount \$ 100,000.00

Premium \$ 370.00

Policy No. 38-17523

Effective Date February 16, 1979 at 11:20 A.M.

INSURED

DONALD J. HORSLEY and HELEN E. HORSLEY

The fee simple title to said land is, at the date hereof, vested in  
KEITH D. TURNER and FLORENCE L. TURNER,  
as tenants by the entirety.

The land referred to in this policy is described as:

The N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 11, Township  
39 South, Range 11 East of the Willamette Meridian, in the County  
of Klamath, State of Oregon.

jg

**Land Use Information Form: Permit, 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 request for water use. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.*

Applicant's Name: Donald J + Helen E Horsley  
 Address: P.O. Box  
 City: Burns State: Ore Zip: 97623  
 Phone: 545-6641 WRD Application No.: \_\_\_\_\_

*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 may substitute existing and proposed service area boundaries for the tax lot information requested below.*

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
39-11-11 100	Agriculture			✓
39-11-11 600	"			✓
39-11 700	"			✓
39-11 900	"			✓

**The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.**

**For Local Government Use Only**

Local government planning officials are to complete the remainder of this form and return it to the applicant or 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.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_ Go to section b) 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.)

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

(over)

WRD Applicant Name: \_\_\_\_\_

**Receipt for Request for Land Use Information**

This section should be completed by a local government official and returned to the applicant upon request by the applicant for land use information.

City or County: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: J.K. LUNDAHL

Date: 12-18-91

Title: SENIOR PLANNER

Phone: 885-4200

Signature: J.K. [Handwritten Signature]

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.

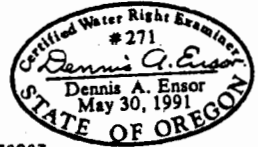
Continuations or Additional Comments:

[Lined area for continuations or additional comments]

**MAP TO ACCOMPANY  
GROUND WATER APPLICATION**  
SITUATED IN THE SW1/4 SE1/4 AND THE SW1/4  
OF SECTION 2, THE E1/2 NW1/4 AND THE  
NE1/4 OF SECTION 11, T39S, R11EWM,  
KLAMATH COUNTY, OREGON  
DECEMBER 1991

**Application No. G-12746**  
**Permit No.**  
MAP PREPARED FOR  
-- DONALD J. HORSLEY --

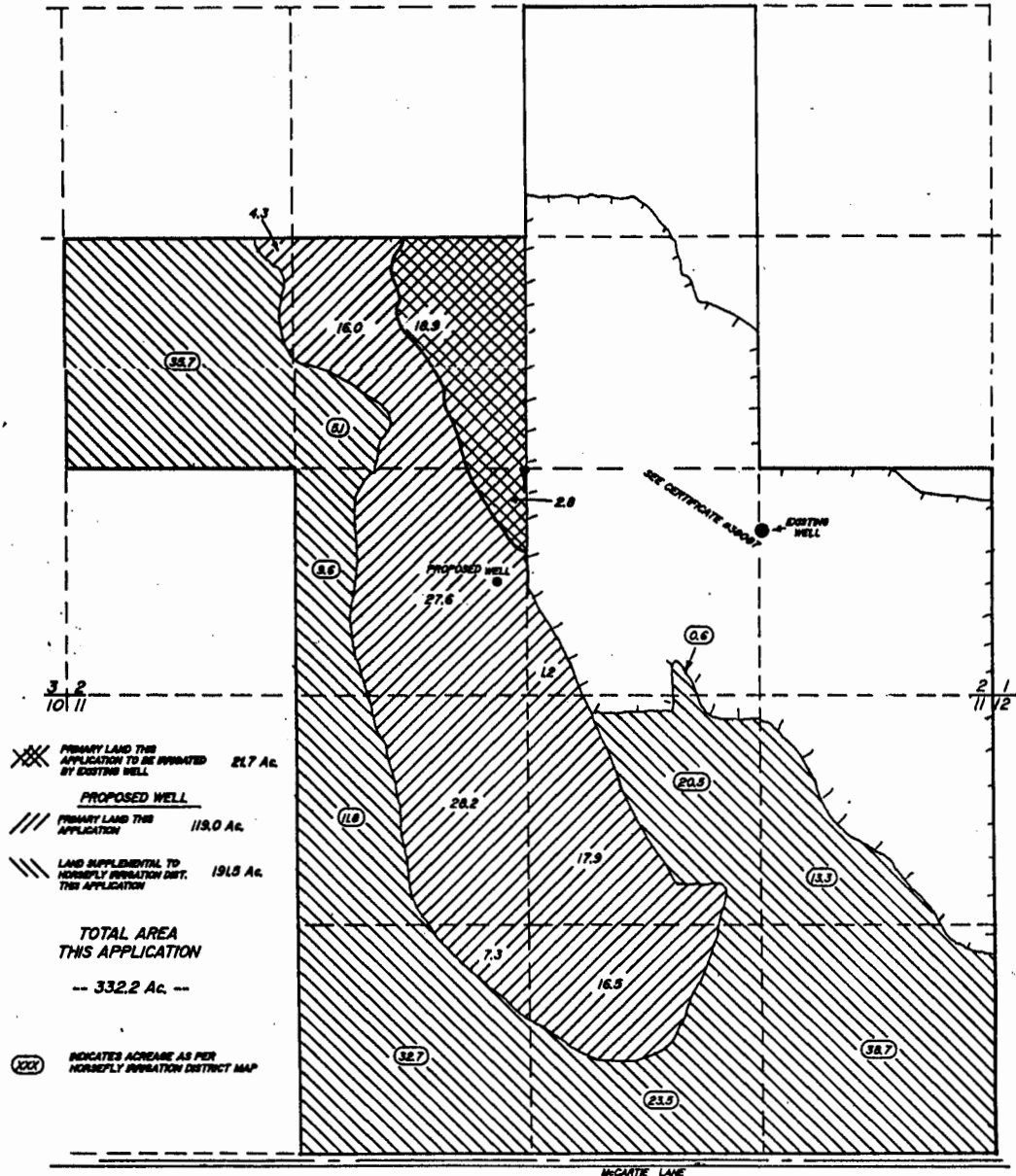
MAP PREPARED FROM - MAP OF HORSEFLY IRRIGATION DISTRICT, MAP OF  
FINAL PROOF SURVEY FOR CERTIFICATE #38087, ASSESSORS MAPS, AND  
AERIAL PHOTO.



LOCATION OF PROPOSED WELL BY OWNER  
660 FEET NORTH AND 2450 FEET EAST  
OF THE SOUTHWEST CORNER OF SECTION 2

LOCATION OF EXISTING WELL BY CERTIFICATE #38087

980 FEET NORTH AND 1320 FEET WEST  
OF THE SOUTHEAST CORNER OF SECTION 2



XXXX PRIMARY LAND THIS APPLICATION TO BE IRRIGATED BY EXISTING WELL 21.7 Ac.

PROPOSED WELL  
/// PRIMARY LAND THIS APPLICATION 119.0 Ac.

\\ LAND SUPPLEMENTAL TO HORSEFLY IRRIGATION DIST. THIS APPLICATION 191.5 Ac.

TOTAL AREA THIS APPLICATION  
-- 332.2 Ac. --

XXXX INDICATES ACREAGE AS PER HORSEFLY IRRIGATION DISTRICT MAP

SCALE  
1" = 660'

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 BOUNDARY LINES.

TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR, 97603



**MAP TO ACCOMPANY  
GROUND WATER APPLICATION**  
SITUATED IN THE SW1/4 SE1/4 AND THE SW1/4  
OF SECTION 2, THE E1/2 NW1/4 AND THE  
NE1/4 OF SECTION 11, T39S, R11EWM,  
KLAMATH COUNTY, OREGON  
DECEMBER 1991

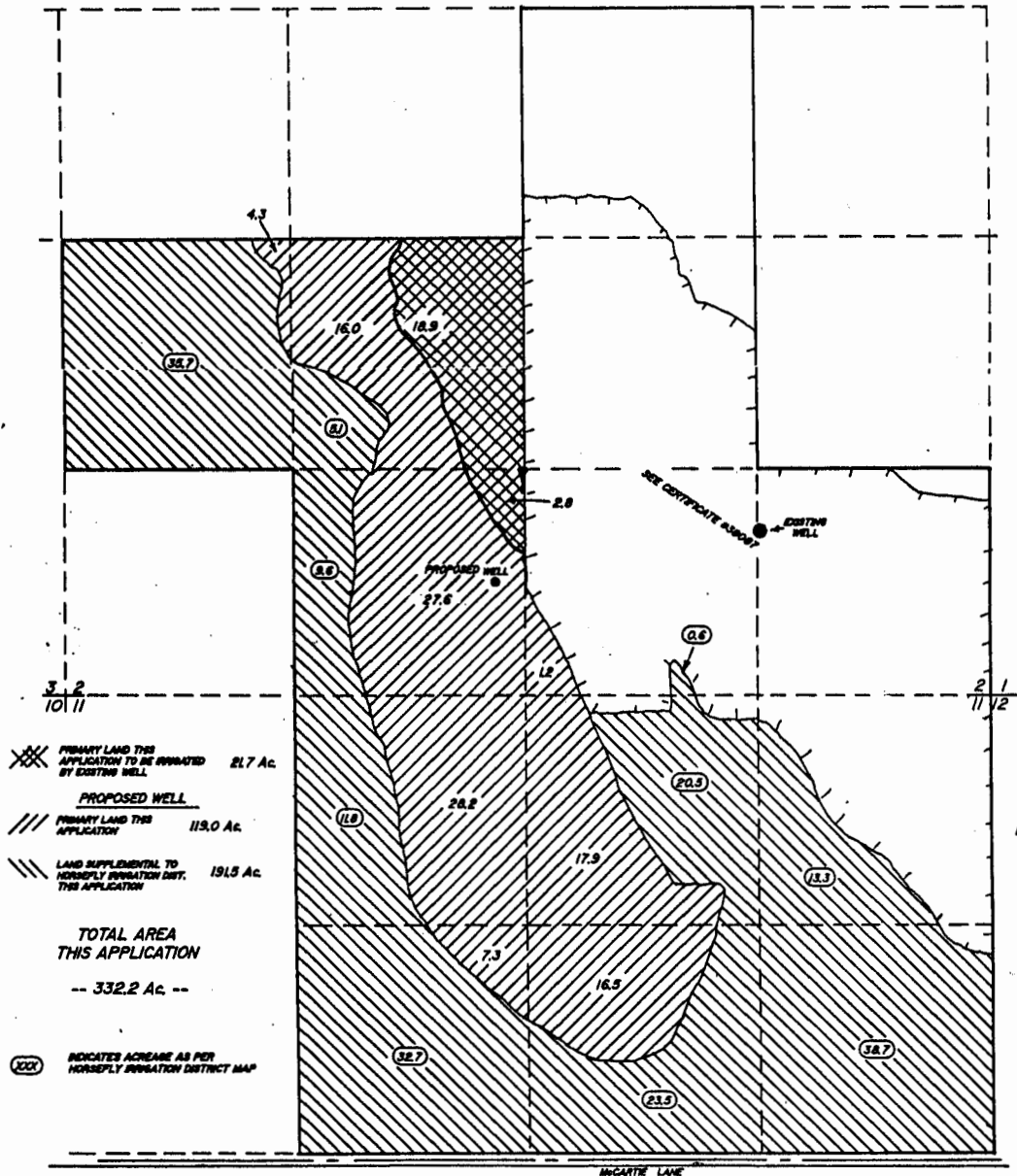
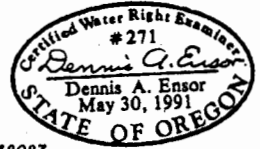
**Application No. G-12746**

**Permit No.**  
MAP PREPARED FOR  
-- DONALD J. HORSLEY --

MAP PREPARED FROM - MAP OF HORSEFLY IRRIGATION DISTRICT, MAP OF  
FINAL PROOF SURVEY FOR CERTIFICATE #38087, ASSESSORS MAPS, AND  
AERIAL PHOTO.

LOCATION OF PROPOSED WELL BY OWNER  
660 FEET NORTH AND 2450 FEET EAST  
OF THE SOUTHWEST CORNER OF SECTION 2

LOCATION OF EXISTING WELL BY CERTIFICATE #38087  
980 FEET NORTH AND 1320 FEET WEST  
OF THE SOUTHEAST CORNER OF SECTION 2



XXXX PRIMARY LAND THIS APPLICATION TO BE IRRIGATED BY EXISTING WELL 21.7 Ac.

PROPOSED WELL  
PRIMARY LAND THIS APPLICATION 119.0 Ac.

LAND SUPPLEMENTAL TO HORSEFLY IRRIGATION DIST. THIS APPLICATION 191.5 Ac.

TOTAL AREA THIS APPLICATION  
-- 332.2 Ac. --

XXXX INDICATES ACREAGE AS PER HORSEFLY IRRIGATION DISTRICT MAP

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 BOUNDARY LINES.

TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR. 97603

Application No. 6-12746

Planning Official Initials: \_\_\_\_\_

# Permit No. Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Donald J + Helen E Horsley  
Address: P.O. Box 8  
Benanza Oregon 97623  
Phone: 525-6641

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): Hay - Grain + Potatoes
- Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- Institutional (i.e., school, library, etc.): \_\_\_\_\_
- Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>1500</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	



**Application No. G-12746**  
**Permit No.**

Amount \$ 22,000.00

Date July 10, 1968

At 2:32 P.M.

INSURED

DONALD J. HORSLEY and HELEN E. HORSLEY

The fee simple title to said land is, at the date hereof, vested in

Donald J. Horsley and Helen E. Horsley, as tenants by the entirety

The land referred to in this policy is described as:

The following described real property in Klamath County, Oregon:

The SE $\frac{1}{4}$ NW $\frac{1}{4}$  OF Section 11, Township 39 South, Range 11 East of the Willamette Meridian

KLAM  
13326

RECEIVED  
FEB 24 1967

NOTICE TO WATER WELL CONTRACTOR  
The original and first copy  
of this report are to be  
filed with the  
STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

WATER WELL REPORT  
STATE OF OREGON STATE ENGINEER  
(Please type or print) SALEM OREGON  
G-3819 State Permit No. 39/11-2R

(1) OWNER:  
Name Donald J. Horsley  
Address PO. Box 8, Baranza Ore

(2) LOCATION OF WELL:  
County Klamath Driller's well number \_\_\_\_\_  
¼ Section \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_ W.M. \_\_\_\_\_  
Bearing and distance from section or subdivision corner \_\_\_\_\_

(3) TYPE OF WORK (check):  
Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):  
Domestic  Industrial  Municipal   
Irrigation  Test Well  Other   
(5) TYPE OF WELL:  
Rotary  Driven   
Cable  Jetted   
Dug  Bored

(6) CASING INSTALLED: Threaded  Welded   
16" Diam. from 0 ft. to 145 ft. Gage 2.50  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

(7) 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.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(8) SCREENS: Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. Slot size Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. Slot size Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(9) CONSTRUCTION:  
Well seal—Material used in seal Portland cement  
Depth of seal 145 ft. Was a packer used? no  
Diameter of well bore to bottom of seal \_\_\_\_\_ in.  
Were any loose strata cemented off?  Yes  No Depth \_\_\_\_\_  
Was a drive shoe used?  Yes  No  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Did any strata contain unusable water?  Yes  No  
Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_

(10) WATER LEVELS:  
Static level 74 ft. below land surface Date Jan 4-67  
Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_

(11) WELL TESTS: Drawdown is amount water level is lowered below static level  
Was a pump test made?  Yes  No If yes, by whom?  
Yield: 1600 gal./min. with 145 ft. drawdown after 4 hrs  
" 1450 " 3'8" " 4 "  
" 1350 " 27 " 4 "  
Ballor test gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs  
Artesian flow \_\_\_\_\_ g.p.m. Date \_\_\_\_\_  
Temperature of water 60 Was a chemical analysis made?  Yes  No

(12) WELL LOG: Diameter of well below casing 16  
Depth drilled 296 ft. Depth of completed well 296 ft  
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation

MATERIAL	FROM	TO
top soil	0	6
shale	6	130
rock	130	296

Application No. G-3819  
Permit No. \_\_\_\_\_

Work started Nov 1966 Completed Jan 1967  
Date well drilling machine moved off of well Jan 4 1967

(13) PUMP:  
Manufacturer's Name \_\_\_\_\_  
Type: \_\_\_\_\_ H.P. \_\_\_\_\_  
Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
NAME W.L. Hartley (Person, firm or corporation) (Type or print)  
Address Baranza Ore  
Drilling Machine Operator's License No. 119  
[Signed] W.L. Hartley (Water Well Contractor)  
Contractor's License No. 164 Date Jan 4, 1967



Klamath  
13326

**RECEIVED**

FEB 24 1967

**NOTICE TO WATER WELL CONTRACTOR**

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

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

**WATER WELL REPORT**

STATE ENGINEER SALEM OREGON

(Please type or print)

Application No. **39/11-2R**

State Permit No. **G-3819**

**(1) OWNER:**

Name Donald J. Harsley  
Address P.O. Box 8, Bonanza Ore

**(2) LOCATION OF WELL:**

County Klamath Driller's well number \_\_\_\_\_  
Bearing and distance from section or subdivision corner \_\_\_\_\_

**(3) TYPE OF WORK (check):**

Well # \_\_\_\_\_ Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

**(4) PROPOSED USE (check):**

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

**(5) TYPE OF WELL:**

Rotary  Driven   
Cable  Jetted   
Dug  Bored

**(6) CASING INSTALLED:**

Threaded  Welded   
1 1/2" Diam. from 0 ft. to 145 ft. Gage 2.50  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

**(7) 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.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(8) SCREENS:**

Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(9) CONSTRUCTION:**

Well seal—Material used in seal Portland cement  
Depth of seal 145 ft. Was a packer used? no  
Diameter of well bore to bottom of seal \_\_\_\_\_ in.  
Were any loose strata cemented off?  Yes  No Depth \_\_\_\_\_  
Was a drive shoe used?  Yes  No  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Did any strata contain unusuable water?  Yes  No  
Type of water? \_\_\_\_\_ Depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_

**(10) WATER LEVELS:**

Static level 74 ft. below land surface Date Jan 4 67  
Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_

**(11) WELL TESTS:**

Drawdown is amount water level is lowered below static level  
Was a pump test made?  Yes  No If yes, by whom?  
Yield: 1600 gal./min. with 145 ft. drawdown after 4 hrs.  
" 1450 " " 3.8 " " 4 "  
" 1350 " " 2.7 " " 4 "  
Ballor test \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
Artesian flow \_\_\_\_\_ g.p.m. Date \_\_\_\_\_

**(12) WELL LOG:**

Diameter of well below casing 1 1/2  
Depth drilled 296 ft. Depth of completed well 296 ft.  
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	6
Chalk	6	130
rock	130	296

Application No. **G-3819**  
Permit No. \_\_\_\_\_

Work started Nov 1966 Completed Jan 1967  
Date well drilling machine moved off of well Jan 11 1967

**(13) PUMP:**

Manufacturer's Name \_\_\_\_\_  
Type: \_\_\_\_\_ H.P. \_\_\_\_\_

**Water Well Contractor's Certification:**

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME W.S. Hartley  
(Person, firm or corporation) (Type or print)

Address Bonanza Ore

Drilling Machine Operator's License No. 119

[Signed] W.S. Hartley  
(Water Well Contractor)

Contractor's License No. 164 Date Jan 4 1967

# Application No. 6-12745

## Permit No. \_\_\_\_\_ WATER WELL REPORT

**NOTICE TO WATER WELL CONTRACTOR**  
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

**STATE OF OREGON**  
(Please type or print)

State Well No. \_\_\_\_\_  
State Permit No. \_\_\_\_\_

**(1) OWNER:**  
Name Donald J. Horsley  
Address P.O. Box 5, Brown River, Oregon

**(2) LOCATION OF WELL:**  
County \_\_\_\_\_ Driller's well number \_\_\_\_\_  
¼ Section \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_ W.M. \_\_\_\_\_  
Bearing and distance from section or subdivision corner \_\_\_\_\_

**(3) TYPE OF WORK (check):**  
New Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

**(4) PROPOSED USE (check):** Domestic  Industrial  Municipal  Irrigation  Test Well  Other   
**(5) TYPE OF WELL:** Rotary  Driven  Cable  Jetted  Dug  Bored

**(6) CASING INSTALLED:** Threaded  Welded   
14" Diam. from 0 ft. to 145 ft. Gage 250  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

**(7) 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.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(8) SCREENS:** Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_ Model No. \_\_\_\_\_  
Type \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(9) CONSTRUCTION:**  
Well seal - Material used in seal portland cement  
Depth of seal 145 ft. Was a packer used? no  
Diameter of well bore to bottom of seal \_\_\_\_\_ in.  
Were any loose strata cemented off?  Yes  No Depth \_\_\_\_\_  
Was a drive shoe used?  Yes  No  
Was well gravel packed off?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Did any strata contain unusable water?  Yes  No  
Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_

**(10) WATER LEVELS:**  
Static level 74 ft. below land surface Date Jan 4, 1967  
Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_

**(11) WELL TESTS:** Drawdown is amount water level is lowered below static level  
Was a pump test made?  Yes  No If yes, by whom?  
Yield: 1100 gal./min. with \_\_\_\_\_ ft. drawdown after 4 hrs.  
" 1450 " 38 " " 4 "  
" 1350 " 27 " " 4 "  
Ballor test gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
Artesian flow \_\_\_\_\_ g.p.m. Date \_\_\_\_\_  
Temperature of water \_\_\_\_\_ Was a chemical analysis made?  Yes  No

**(12) WELL LOG:** Diameter of well below casing 11"  
Depth drilled 296 ft. Depth of completed well 296 ft.  
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
<u>top soil</u>	<u>0</u>	<u>6</u>
<u>shale</u>	<u>6</u>	<u>130</u>
<u>rock</u>	<u>130</u>	<u>296</u>

Work started Jan 4, 1967 Completed Jan 11, 1967  
Date well drilling machine moved off of well Jan 11, 1967

**(13) PUMP:**  
Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ H.P. \_\_\_\_\_

**Water Well Contractor's Certification:**  
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
NAME W.L. Hartley (Person, firm or corporation) (Type or print)  
Address Brown River, Ore  
Drilling Machine Operator's License No. 119  
[Signed] W.L. Hartley (Water Well Contractor)  
Contractor's License No. 1111 Date Jan 4, 1967

Application No. 6-12746

Permit No.

Amount \$ 40,000.00

Date September 29, 1959

At 8:00 A.M.

INSURED

DONALD HORSLEY and HELEN HORSLEY

The fee simple title to said land is, at the date hereof, vested in

HENRY SCHMOR, JR. and LIZZIE M. SCHMOR, as tenants by the entirety.

The land referred to in this policy is described as:

The following described real property in Klamath County, Oregon:

Section 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 11, NE $\frac{1}{4}$

All in Township 39 South, Range 11 East, Willamette Meridian



WORK COPY

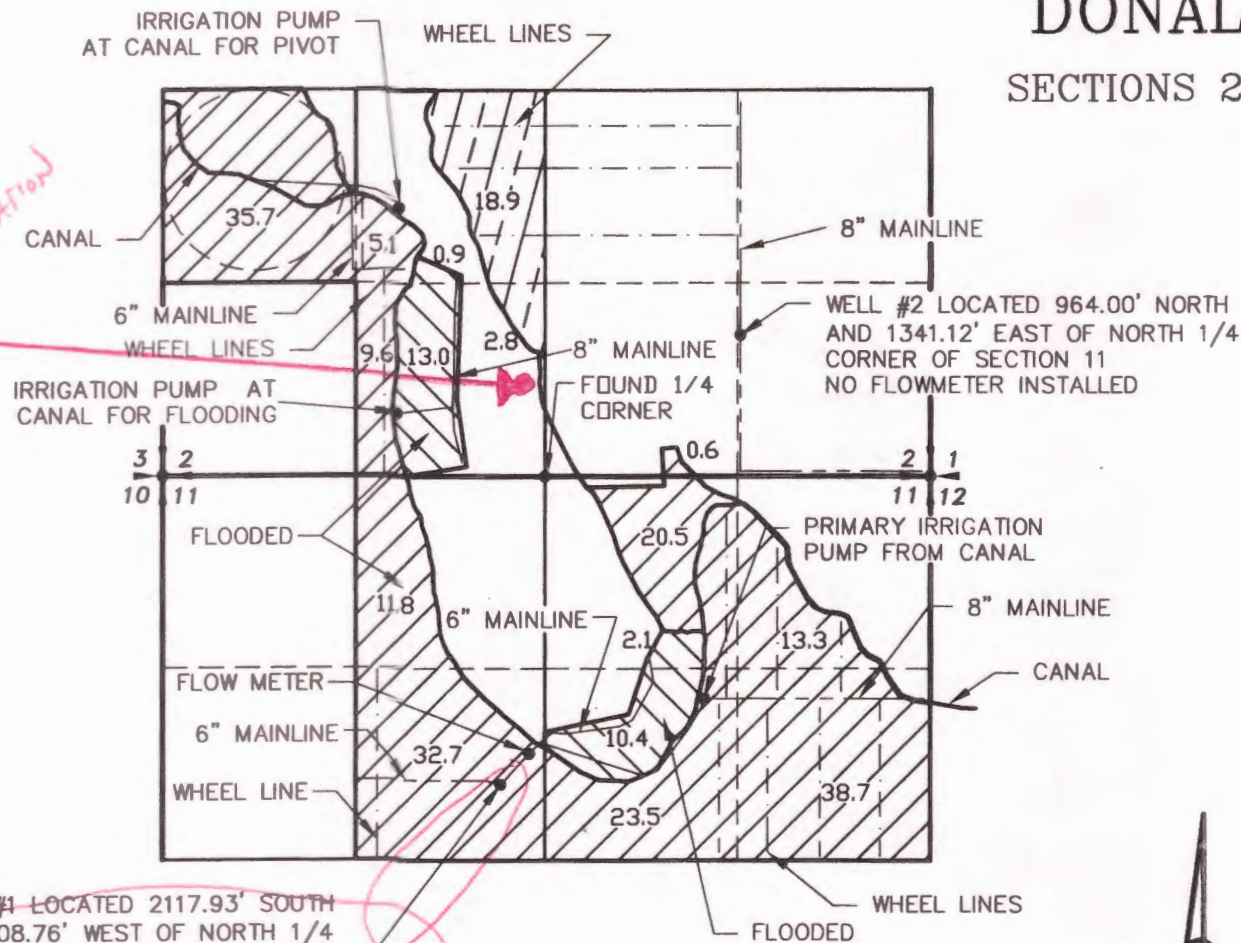
# CLAIM OF BENEFICIAL USE MAP

FOR

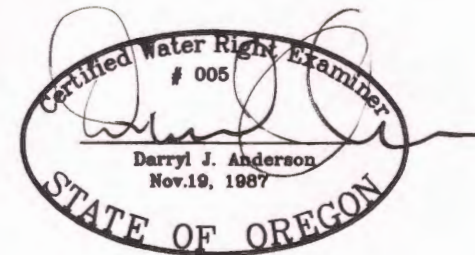
## DONALD J. & HELEN E. HORSLEY

SECTIONS 2 AND 11, TOWNSHIP 39 SOUTH RANGE 11 EAST,  
KLAMATH COUNTY, OREGON

PROPOSED WELL LOCATION  
PER PERMIT



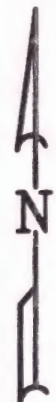
WELL #1 LOCATED 2117.93' SOUTH AND 308.76' WEST OF NORTH 1/4 CORNER OF SECTION 11  
FLOWMETER LOCATED 293' FROM WELL



RENEWAL 12/31/07

### LEGEND

- SECTION LINE
- - - 1/4 SECTION LINE
- - - 1/16 SECTION LINE
- - - IRRIGATION MAIN LINE
- - - WHEEL LINE
- PRIMARY
- SUPPLEMENTAL
- PRIMARY IRRIGATION FROM WELL #2



SCALE: 1"=1320'

PERMIT NO. G-12445

NOTE:  
PREPARATION OF THIS MAP IS FOR IDENTIFYING PROPOSED WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE LOCATIONS OR DIMENSIONS OF PROPERTY BOUNDARIES.

REVISION	BY

ANDERSON ENGINEERING AND SURVEYING, INC.  
P.O. BOX 28  
LAKEVIEW, OREGON 97630 (541) 947-4407 FAX 947-2321

FOR: DONALD J. HORSLEY  
P.O. BOX 8  
BONANZA, OR. 97623  
(541) 545-6641

CLAIM OF BENEFICIAL USE  
PERMIT NO. G-12445  
APPLICATION NO. G-12746

DATE:	FEB. 2007
SCALE:	1" = 1320'
DWG. BY:	J.E.H.
JOB:	2006-128
FILE:	2006-128
SHEET:	1

**RECEIVED**  
MAR 26 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

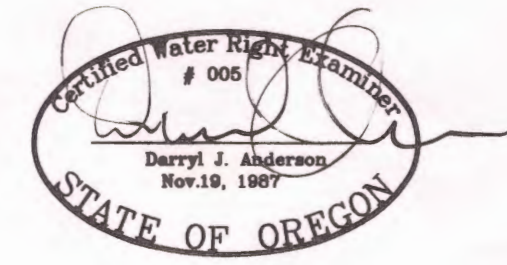
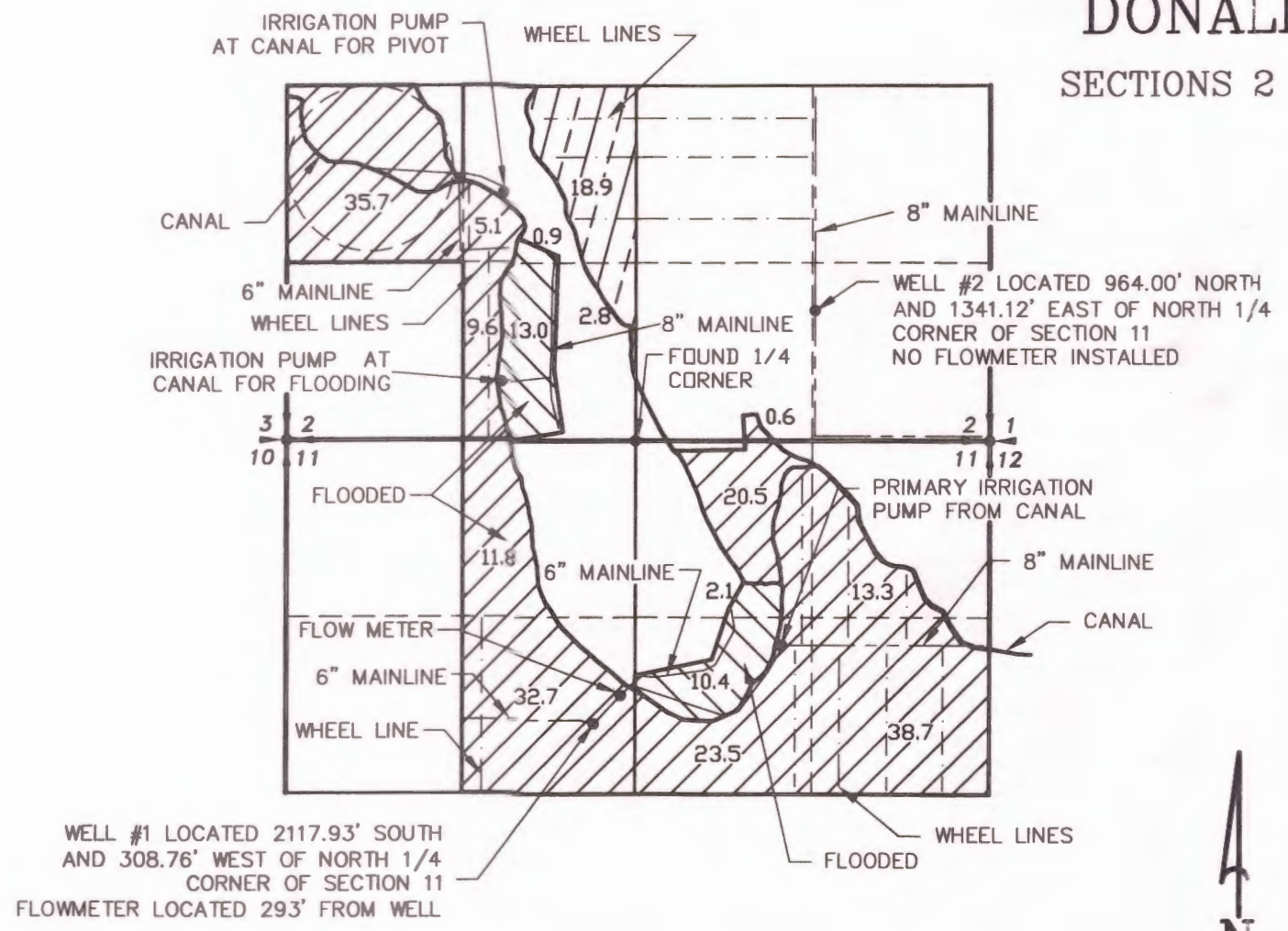


# CLAIM OF BENEFICIAL USE MAP

## FOR

### DONALD J. & HELEN E. HORSLEY

SECTIONS 2 AND 11, TOWNSHIP 39 SOUTH RANGE 11 EAST,  
KLAMATH COUNTY, OREGON



RENEWAL 12/31/07

**LEGEND**

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- 1/4 SECTION LINE
- 1/16 SECTION LINE
- IRRIGATION MAIN LINE
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- PRIMARY
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PERMIT NO.           G-12445          

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# MAP TO ACCOMPANY GROUND WATER APPLICATION

SITUATED IN THE SW1/4 SE1/4 AND THE SW1/4  
OF SECTION 2, THE E1/2 NW1/4 AND THE  
NE1/4 OF SECTION 11, T39S, R11EWM,  
KLAMATH COUNTY, OREGON  
DECEMBER 1991

**RECEIVED**

JAN 14 2005

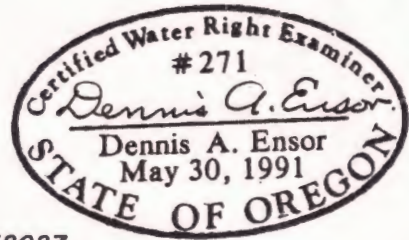
WATER RESOURCES DEPT  
SALEM, OREGON

MAP PREPARED FOR  
-- DONALD J. HORSLEY --

MAP PREPARED FROM - MAP OF HORSEFLY IRRIGATION DISTRICT, MAP OF  
FINAL PROOF SURVEY FOR CERTIFICATE #38087, ASSESSORS MAPS, AND  
AERIAL PHOTO.

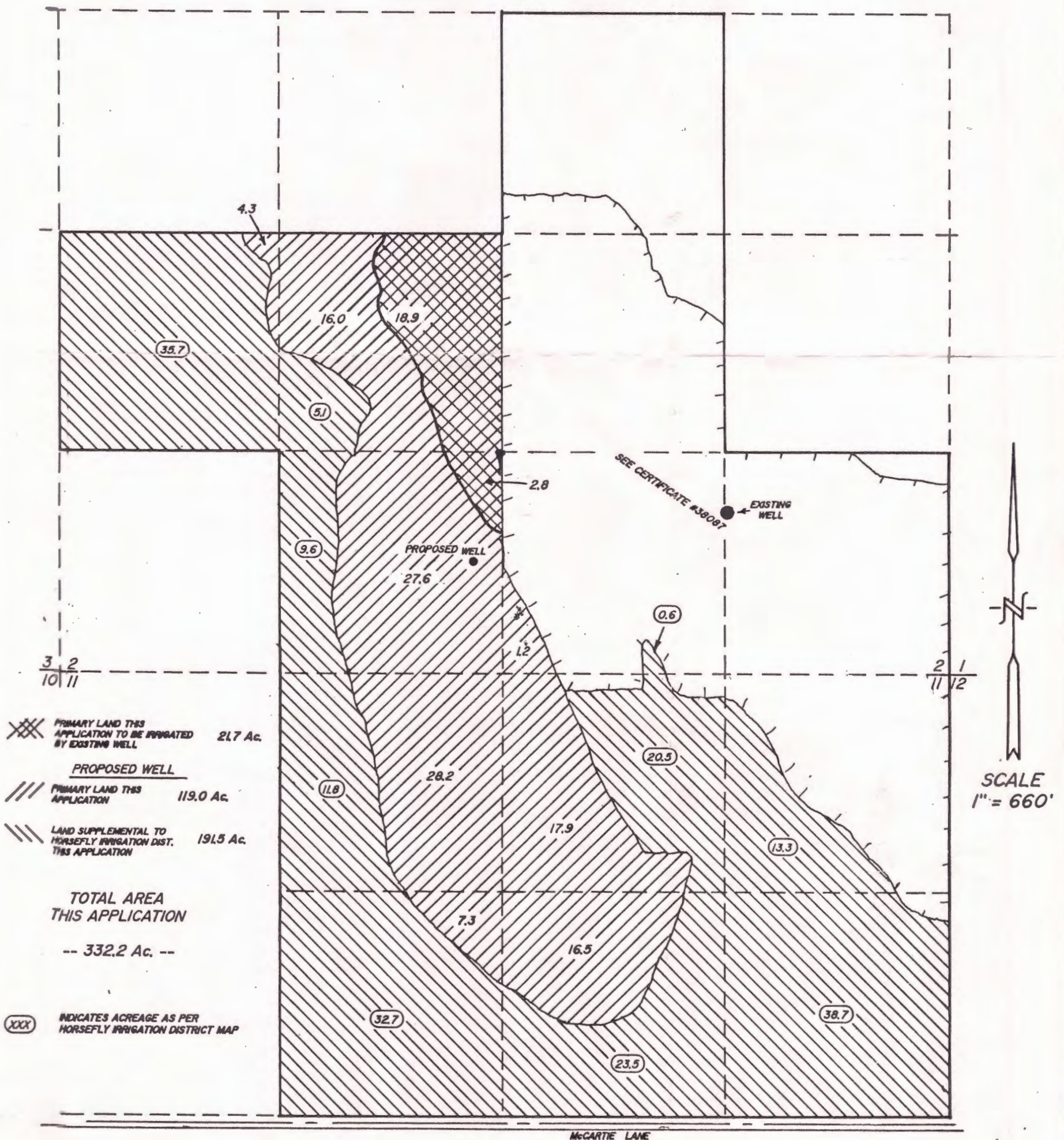
LOCATION OF PROPOSED WELL BY OWNER

660 FEET NORTH AND 2450 FEET EAST  
OF THE SOUTHWEST CORNER OF SECTION 2



LOCATION OF EXISTING WELL BY CERTIFICATE #38087

980 FEET NORTH AND 1320 FEET WEST  
OF THE SOUTHEAST CORNER OF SECTION 2



- PRIMARY LAND THIS APPLICATION TO BE IRRIGATED BY EXISTING WELL 21.7 Ac.
- PROPOSED WELL
- PRIMARY LAND THIS APPLICATION 119.0 Ac.
- LAND SUPPLEMENTAL TO HORSEFLY IRRIGATION DIST. THIS APPLICATION 191.5 Ac.

TOTAL AREA THIS APPLICATION

-- 332.2 Ac. --

INDICATES ACREAGE AS PER HORSEFLY IRRIGATION DISTRICT MAP

McCARTIE LANE

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 BOUNDARY LINES.

TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR. 97603



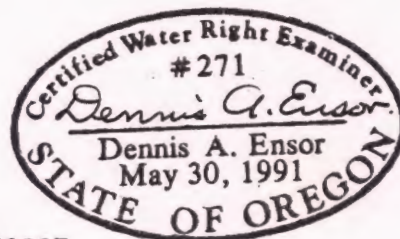
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NE1/4 OF SECTION 11, T39S, R1E1W,  
KLAMATH COUNTY, OREGON  
DECEMBER 1991

DEC 31 1991

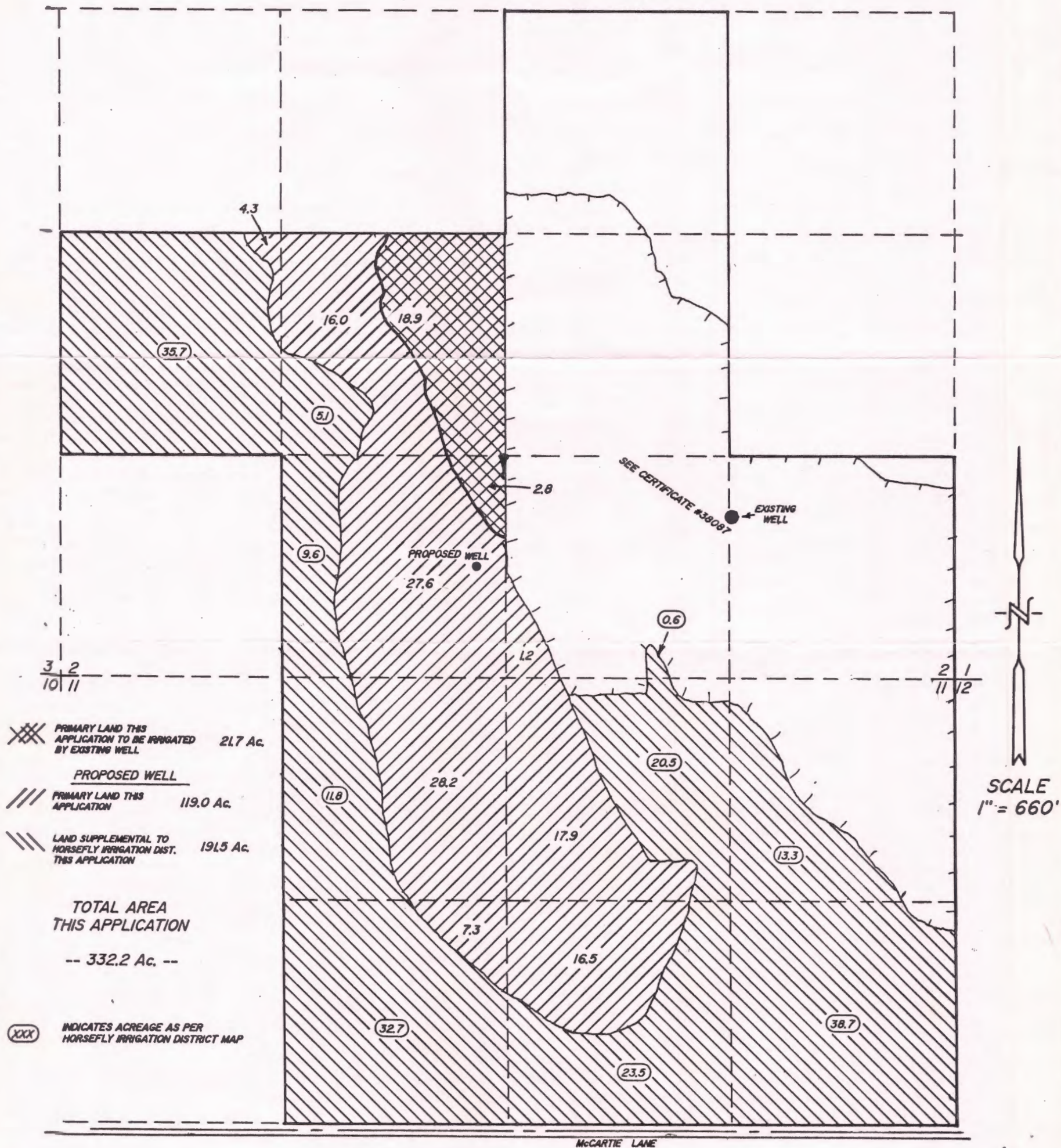
Application No. G-12746  
Permit No. G12222  
MAP PREPARED FOR  
-- DONALD J. HORSLEY --

MAP PREPARED FROM - MAP OF HORSEFLY IRRIGATION DISTRICT, MAP OF  
FINAL PROOF SURVEY FOR CERTIFICATE #38087, ASSESSORS MAPS, AND  
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- INDICATES ACREAGE AS PER HORSEFLY IRRIGATION DISTRICT MAP

SCALE  
1" = 660'

McCARTIE LANE

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TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR. 97603