

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM GALLAGHER
P.O. BOX 309
BEATTY, OR 97621

confirms the right to use the waters of A WELL IN THE SPRAGUE RIVER BASIN for IRRIGATION of 127.0 ACRES.

This right was perfected under Permit G-12796. The date of priority is DECEMBER 28, 1995. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.588 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The period of allowed use is MARCH 1 THROUGH OCTOBER 31.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	12 E	WM	31	NW SE	10 FEET SOUTH & 10 FEET WEST FROM NE CORNER, NW SE, SECTION 31

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 3.0 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:

Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	12 E	WM	30	SW SE	1.8
36 S	12 E	WM	30	SE SE	15.6
36 S	12 E	WM	31	NW NE	31.3
36 S	12 E	WM	31	SW NE	40.2
36 S	12 E	WM	31	NE NW	3.8
36 S	12 E	WM	31	SE NW	34.3

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.

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 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 the 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

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

To monitor the effect of water use from the well authorized under this right, the Director may require the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement. The measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which any future measurements will be compared is 6.2 feet below land surface.

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

The well 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 useable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Failure to comply with any of the 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 water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

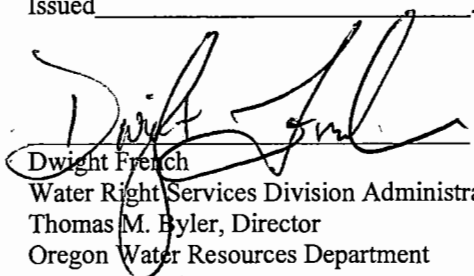
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

OCT 10 2014

Issued _____


Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

FINAL PROOF SURVEY

SITUATED IN THE W1/2 NE1/4 E1/2 NW1/4 SECTION 31,
S1/2 SE1/4, SECTION 30, T36S, R12EWM,
KLAMATH COUNTY, OREGON

SURVEYED: AUGUST, 1999
APPLICATION # G-14232 PERMIT # G-12796

RECEIVED

SEP 20 1999

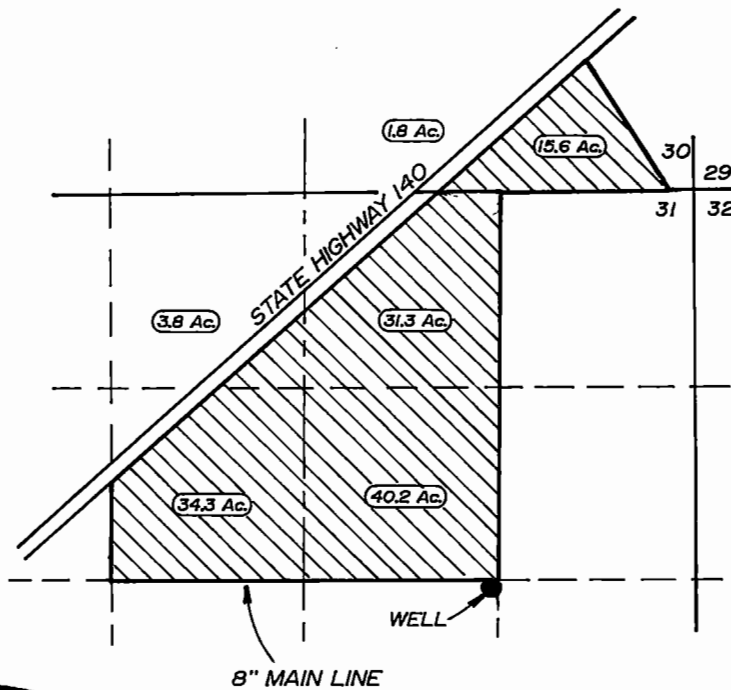
WATER RESOURCES DEPT.
SALEM, OREGON

MAP PREPARED FOR

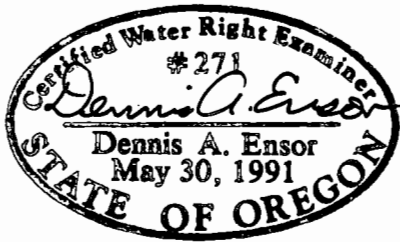
--WILLIAM AND NADINE GALLAGHER--

MAP PREPARED FROM

--APPLICATION MAP--
--FIELD SURVEY--



SCALE
1" = 1320'



TOTAL AREA

127.0 Ac.



LANDS THIS APPLICATION

LOCATION OF EXISTING WELL

10' SOUTH, 10' WEST FROM THE NORTHEAST
CORNER OF THE NW1/4 SE1/4 OF SECTION 31

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, INC.
2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603



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: OCT 10 2014

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.

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Issued _____

Dwight French
Water Right Services Division Administrator, for
Director
Oregon Water Resources Department

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-14232

Permit: G-12796

Certificate: 89514

Permit/Certificate Holder:

WILLIAM GALLAGHER
P.O. BOX 309
BEATTY, OR 97621

Copies Mailed	
by: <u>EAL</u>	(STAFF)
on: <u>10/10/14</u>	(DATE)

Copies of Final Certificate to be sent to:

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

Other persons to receive copies: (include map):

1. Dennis A. Ensor, CWRE, TRU-LINE SURVEYING
2. Current landowner tax lot R-3612-00000-12400-00
William L. Gallagher III
35825 Sprague River Rd.
Sprague River, OR 97639
3. Current landowner tax lot R-3612-03100-00200-000
Ryan Ross Gallagher
William L. Gallagher IV
3944 Redondo Way
Klamath Falls, OR 97603

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>G 14232</u>	Permit # <u>G 12796</u>	Transfer #
WRD Reviewer <u>Corey Courchane</u>	Date <u>9-9-14</u>	
WRD Peer Reviewer <u>Mary Bjork</u>	Date <u>9-19-14</u>	

Research

- Organize file in chronological order
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- Water Organization identified using AOI? No Yes
If "Yes" cc: _____ & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor confirmed by email - attached
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict? No Yes
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, OO's? No Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- N/A Fish Conditions
- yes Meter/measuring device
- yes ~~N/A~~ Water Use Reporting
- yes Pump Test (post December 19, 1988) 6-20-95
- N/A Other Conditions _____
- yes SWL
- yes C-Date "C" Form 6-3-98

cc Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

<u>A</u>	<u>10-29-97</u>	<u>10-22-81</u>	<u>cc:</u>
<u>B</u>	<u>10-1-98</u>	<u>10-27-81</u>	<u>Ryan Ross Gallagher</u>
<u>C</u>	<u>10-1-99</u>	<u>6-3-98</u>	<u>3544 Redondo Way</u>
			<u>Klamath Falls, OR</u>
	<u>SWL = 6' (1981)</u>		<u>97603</u>

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots [OR Map](#)

Off
 On

County: Klamath
 Taxlot: R-3612-03100-00200-000
 Owner1: GALLAGHER WILLIAM L IV &
 Owner2:
 Owner Address: 3944 REDONDO WAY KLAMATH FALLS, OR 97603
 Site Address: 36641 HWY 140 E BEATTY, OR 97621
 Acres: 0
 TRSQQ: WM36.00S12.00E31XXXX
 Effective Date: January 1, 2014

Note: Tax lot information provided here is for general inquiry purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before inquiry.

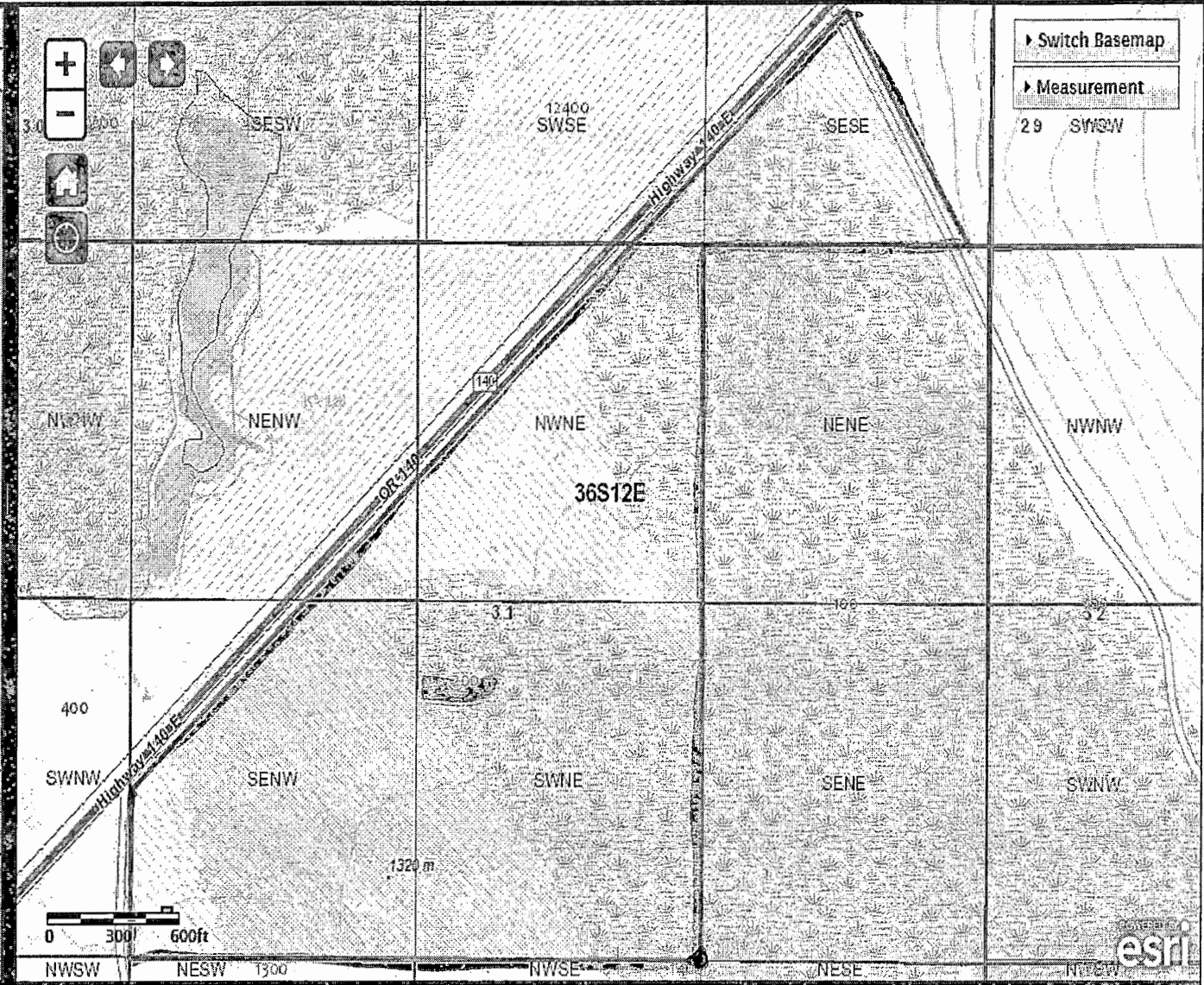
Tools

Legend

Layers

Print

Bookmarks



Switch Basemap

Measurement

29 SWSW



COURCHANE Corey A

From: Leonard Hill <lhill@co.klamath.or.us>
Sent: Wednesday, September 10, 2014 8:28 AM
To: COURCHANE Corey A
Subject: RE: Ownership verification
Attachments: Gallagher page 1.pdf; Gallagher page 2.pdf

I have attached the information you requested. Let me know if there is anything else.

Leonard Hill

Assessor

305 Main St.
Klamath Falls, Or. 97601
541-883-5111
541-851-3957-fax
lhill@co.klamath.or.us

From: COURCHANE Corey A [<mailto:corey.a.courchane@state.or.us>]
Sent: Wednesday, September 10, 2014 8:10 AM
To: Leonard Hill
Subject: Ownership verification

Good morning,

I'm finalizing water rights certification for:

R-3612-03100-00200-000
And
R-3612-00000-12400-000

I show these tax lots are owned by:

William Gallagher
PO Box 309
Beatty, OR 97621

Please verify that my information is correct.

Thank you for your assistance,

Corey Courchane

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Beatty, OR 97621

Please verify that my information is correct.

Thank you for your assistance,

Corey Courchane

*

- - Property Data Selection Menu - -

Prop ID : R353646 (Real Estate) (152677)
 Map Tax Lot: ~~R-3612-00000-12400-000~~
 Legal : TWP 36 RNGE 12, BLOCK SEC 30, TRACT
 S2SE4, ACRES 76.26, POTENTIAL*

Owner: **GALLAGHER WILLIAM L III**
 35825 SPRAGUE RIVER RD
 SPRAGUE RIVER, OR 97639

Situs :

Year Built :

Living Area:

Name(s) :

2013 Roll Values

Area : 008
 Sale Info : 05/10/93
 Deed Type : 01
 Instrument: M93-10809
 2013 Tax Status * No Taxes Due *
 Current Levied Taxes : 14.53
 Special Assessments : 18.75

RMV Land Non-LSU	\$	0	(+)
RMV Land LSU	\$	58,840	(+)
RMV Improvements	\$	0	(+)
RMV Total	\$	58,840	(=)
Land LSU	\$	1,860	
Total Exemptions	\$	0	
M5 Net Value	\$	2,510	
M50 Assd Value	\$	1,860	

(AD) Alt Disp (G)en Appr	(Y) primary (O)wnership	(SE) condary (H)istory	(L)and/Impr (.) More
-----------------------------	----------------------------	---------------------------	-------------------------

Enter Option from Above or <RET> to Exit: __

* - - Property Data Selection Menu

Owner: **GALLAGHER WILLIAM L IV & P**
 Prop ID : R353673 (Real Estate) (213672) **GALLAGHER RYAN ROSS**
 Map Tax Lot: ~~R-3612-03100-00200-000~~ 3944 REDONDO WAY
 Legal : TWP 36 RNGE 12, BLOCK SEC 31, TRACT KLAMATH FALLS, OR 97603
 E2NW4 W2NE4, ACRES 154.58, *

Situs : 36636 HWY 140 E Year Built : 1970
 ** additional addresses ** Living Area: 1392
 Name(s) : 2013 Roll Values
 Area : 008 RMV Land Non-LSU \$ 5,300 (+)
 Sale Info : RMV Land LSU \$ 139,960 (+)
 Deed Type : 01 RMV Improvements \$ 41,820 (+)
 Instrument: M02-70391 RMV Total \$ 187,080 (=)
 2013 Tax Status * No Taxes Due * Land LSU \$ 7,840
 Current Levied Taxes : 393.08 Total Exemptions \$ 0
 Special Assessments : M5 Net Value \$ 56,310
 M50 Assd Value \$ 50,360

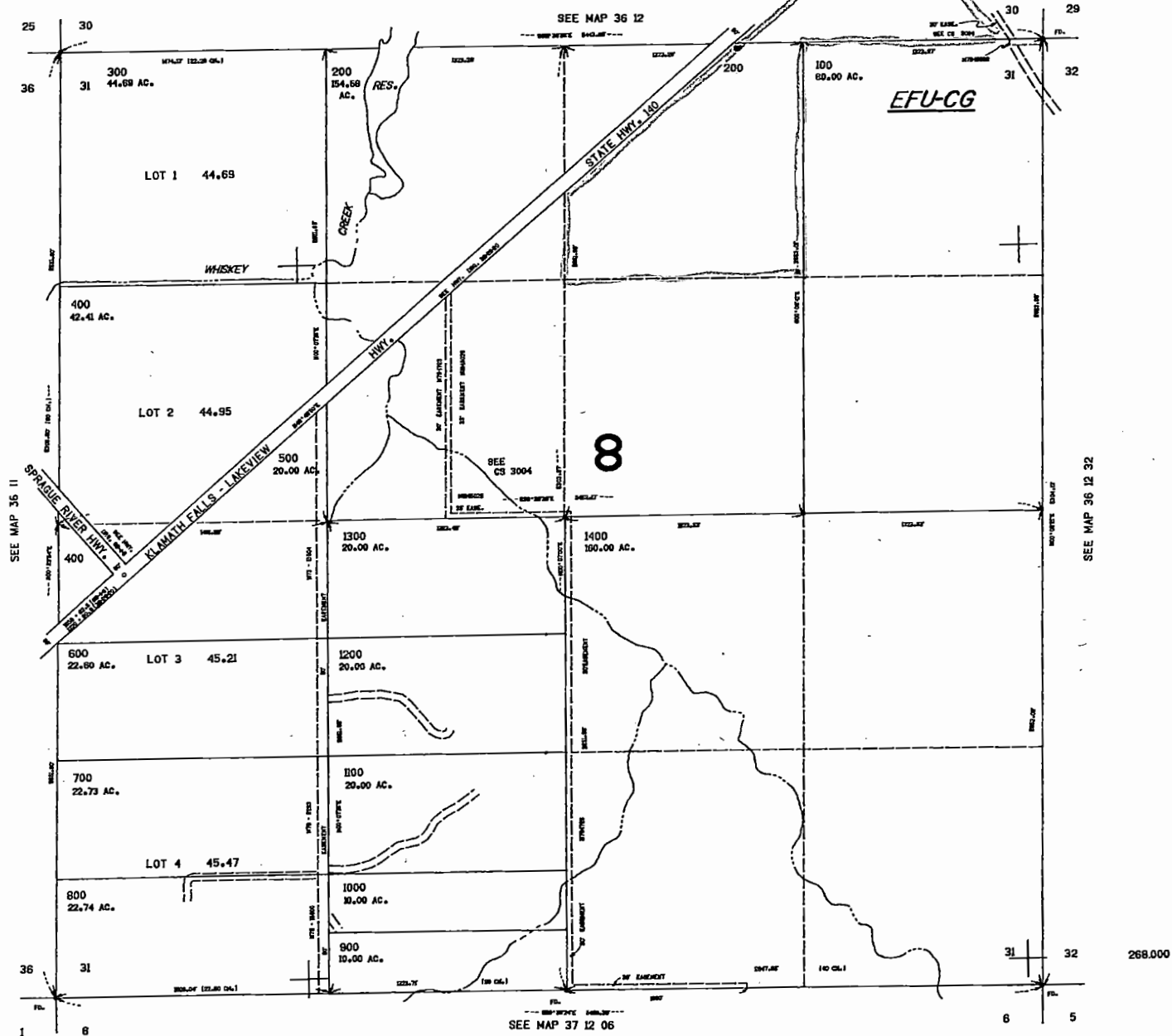
(AD) Alt Disp	(Y) primary	(SE) condary	(L) and/Impr
(G) en Appr	(O)wnership	(H)istory	(.) More

Enter Option from Above or <RET> to Exit: __

SECTION 31 T.36S. R.12E. W.M.
KLAMATH COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1"=400'



1.772.000

Water Rights Platcard Report

Meridian: Willamette Township: 36 South Range: 12 East Section: 31 Records per 999 Page: Search Platcards Maps! Learn about * View Map

Water Right	Changing Xmas	Priority	Use	Use Status	DLC	Gov't Lot	Q(160)	Q(160)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown		
Select Permit: G 12796 *		12/28/1995	IRRIGATION							31.3	40.2		3.8			34.3											
Additional Info: WILLIAM GALLAGHER App: G14232 Permit: G12796																											
Select Permit: S 43336 CN			IRRIGATION CN						40	20	40	40												40	40		
Additional Info: WILLIAM L GALLAGHER App: S57508 Permit: S43336																											
Select Permit: G 8604 CN		5/18/1979	IRRIGATION CN																					20			
Additional Info: GARY JOE TERPENING App: G9246 Permit: G8604																											
Select Cert: 20320 OR *		7/11/1949	IRRIGATION				1								40.6												
Additional Info: W WILLIAMS App: U315 Permit: U289 Cert: 20320																											
Select Cert: 54687 OR *		5/27/1982	IRRIGATION						40.3			40.3												33	33	33	33
Additional Info: WILLIAM L GALLAGHER App: G10731 Permit: G10021 Cert: 54687																											
Select Claim: KA 128 *		10/14/1864	IRRIGATION							15.5			25.7		44												
Additional Info: WILLIAM GALLAGHER Claim: KA128																											

NCR

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

to frac't sec's 15 & 16
of sec. 15

$\gamma 18^{\circ} 15'$

44.03
Fract
22.10
14
44.24

to frac't lots 3 & 4,
of " sec's 10 & 15. Then
of 10.

(60)

2
1
44.33

to mouth of North fork
Crague's river.

2.3 to 5.0

to frac't lots 22 & 33.

3
1
44.42

4
1
44.51

to frac't lots 25 & 26.

$\gamma 18^{\circ} 30'$

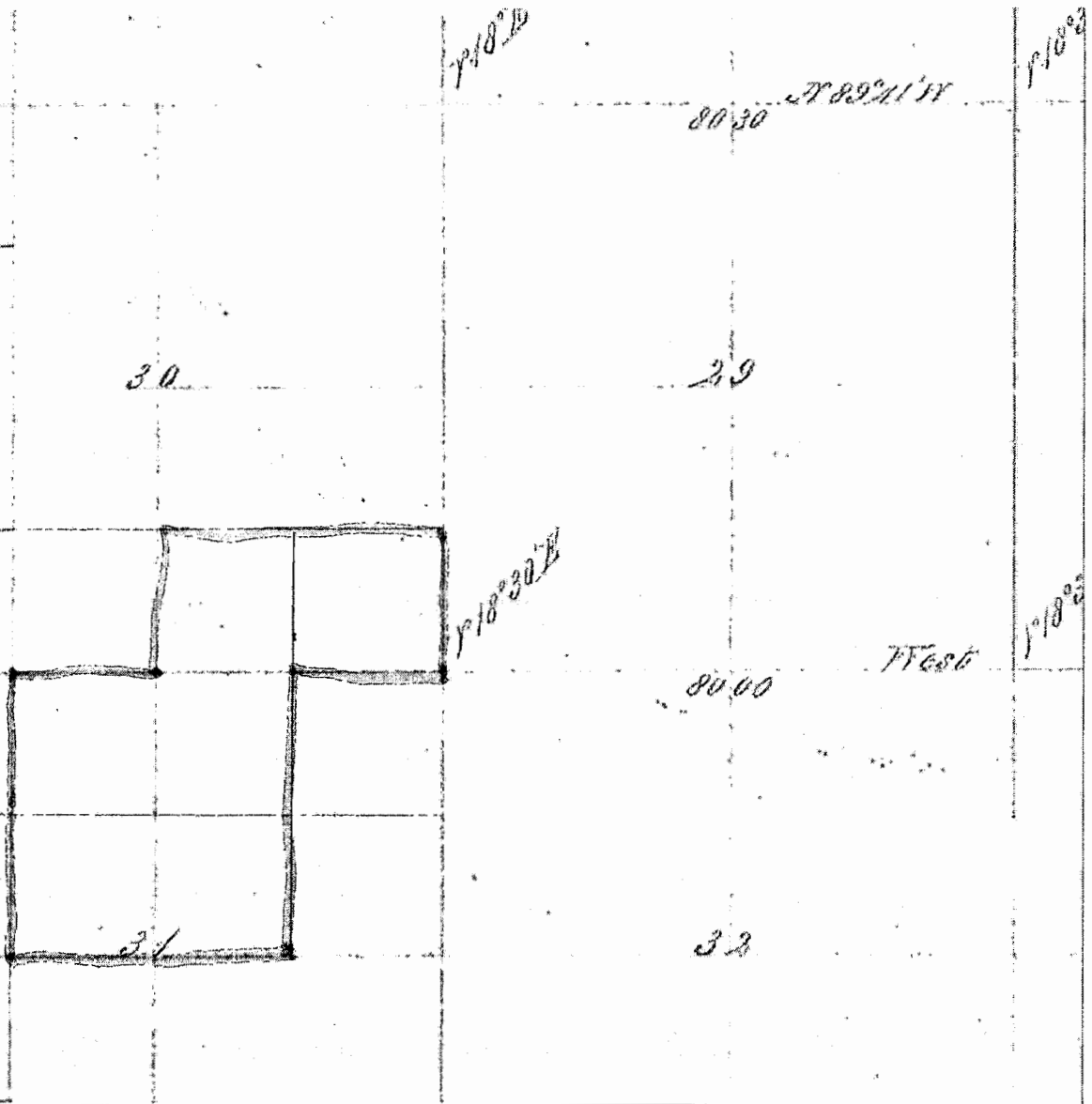
to frac't sec's 10 & 11. Then
of 11

(60)

Fract
22.28
17
44.69

3
1
44.95

3
1
45.21



$\gamma 18^{\circ} 15'$

80.30 N 89° 41' 11"

$\gamma 18^{\circ} 30'$

29

30

$\gamma 18^{\circ} 30'$

80.00 West

$\gamma 18^{\circ} 30'$

32

31

Pump Capacity Calculation Sheet

using Department designed formula:

$$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 50
Efficiency = 6.61
Lift = 6
PSI = 0

Results Calculated

(hp)(efficiency) = 330.5
Head based on psi = 0.0
Total dynamic head = 6.0
(head + lift)

Pump Capacity = 55.08 feet per second

Lift = SWL from 1981 well report. No PSI listed by CWRE. Info. was limited.

I also calculated CFS through 2 most recent water use reporting form. I took the peak or month with ~~most~~ highest AF, and converted to GPM to CFS.

$$\text{June 2012} = 278.4 / 30 = 9.28 \text{ AF/day converts to } 2099.9 \text{ gpm}$$

$$\frac{2099.9}{448.83} = \boxed{4.68 \text{ cfs}}$$

$$\text{June 2011 } 299.7 / 30 = 9.99 \text{ AF/day} = \frac{2260.6 \text{ gpm}}{448.83} = \boxed{5.04 \text{ cfs}}$$

user has made proof of beneficial use

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

~~WILLIAM GALLAGHER~~
~~P.O. BOX 309~~
~~BEATTY, OREGON 97621~~

PHONE: (541) 533-2494

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

APPLICATION FILE NUMBER: ~~G-14232~~

SOURCE OF WATER: ~~A WELL IN THE SPRAGUE RIVER BASIN~~

PURPOSE OR USE: ~~IRRIGATION OF 127.0 ACRES~~

MAXIMUM RATE: ~~1.588 CUBIC FEET PER SECOND~~

PERIOD OF USE: ~~MARCH 1 THROUGH OCTOBER 31~~

DATE OF PRIORITY: ~~DECEMBER 28, 1995~~

POINT OF DIVERSION LOCATION: ~~NW 1/4 SE 1/4, SECTION 31, T36S, R12E, W.M.; 10 FEET SOUTH AND 10 FEET WEST FROM THE C-E 1/16 CORNER OF SECTION 31~~
~~NE CORNER OF NW 1/4 SE 1/4 of Sec. 31. ← FPS map~~

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

~~SW 1/4 SE 1/4 1.8 ACRES ✓~~
~~SE 1/4 SE 1/4 15.6 ACRES ✓~~
SECTION 30
~~NW 1/4 NE 1/4 31.3 ACRES ✓~~
~~SW 1/4 NE 1/4 40.2 ACRES ✓~~
~~NE 1/4 NW 1/4 3.8 ACRES ✓~~
~~SE 1/4 NW 1/4 34.3 ACRES ✓~~

SECTION 31
TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

- Large*
- 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.

~~In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.~~

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

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place
Initial and Annual Measurements

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

After Use of Water has Begun
Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

Att. 7 years already completed
 All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

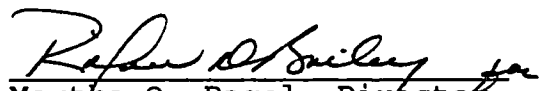
The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

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

Issued October 29, 1996


Martha O. Pagel, Director
Water Resources Department

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

SEE NEXT PAGE

Water Use Report Based on Water Right



excel
 text

Permit: G 12796 *

GALLAGHER, WILLIAM PO BOX 309 BEATTY, OR 97621

Records per page:

Acre-feet (AF) of Water Used

<u>Water Year</u>	<u>Report ID</u>	<u>Facility</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Total Water Used</u>	<u>Irrigated Acres</u>
2013	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	321.20	303.40	212.60	213.80	60.40	1111.40	
2012	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	235.10	278.40	252.80	217.60	73.90	1057.80	
2011	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	275.10	299.70	256.90	221.40	65.20	1118.30	
2010	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	291.40	312.85	230.45	212.90	75.25	1122.85	
2009	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	280.60	310.20	225.85	215.44	70.75	1102.84	
2008	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	319.01	280.55	229.66	205.50	50.45	1085.17	
2007	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	310.10	290.50	220.10	215.20	70.40	1106.30	
2006	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	318.90	288.10	218.20	216.30	60.50	1102.00	
2005	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	318.06	287.41	221.65	210.80	63.10	1101.02	
2004	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	318.05	282.55	219.90	212.10	62.05	1094.65	
2003	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	317.65	281.00	220.40	211.30	59.50	1089.85	
2002	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	309.40	276.60	214.10	204.45	56.66	1061.21	
2001	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	308.28	256.90	204.40	206.64	51.38	1027.60	
2000	<u>46114</u>	GALLAGHER WELL (KLAM 2099)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	194.45	291.67	252.78	243.06	116.67	1098.62	

- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:

- For diverted rights, the total amount diverted during the month;
- For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

Owner
Dennis A. Ensor, L.S. W.R.E.

RECEIVED

TRU SURVEYING, INC. LINE

TELEPHONE (541) 884-3691
2333 SUMMERS LANE • KLAMATH FALLS, OREGON 97603

SEP 20 1999

CLAIM OF BENEFICIAL USE AND SITE REPORT

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION G-14232 _____ PERMIT G-12796 _____

INFORMATION: THE SYSTEM HAS A USABLE FLOW METER, A Mc CROMETER FLOW METER. THE WELL HAS A USABLE ACCESS PORT. THERE HAS BEEN A PUMP TEST FOR PERMIT G-10021, CERTIFICATE 54687 AND AS THIS SYSTEM IS AN INTEGRAL PORTION OF THIS CERTIFICATE (NOT AN ISOLATED PORTION) AND WE REQUEST THAT IT BE USED FOR THIS REPORT.

SOURCE (S): WELL AS SHOWN ON PERMIT NUMBER G- 10021
CERTIFICATE NUMBER 54687

KLAM 2099 KLV

DIVERSION POINT (S): 10 FEET SOUTH AND 10 FEET WEST OF THE
NE CORNER OF THE NW1/4 SE1/4 OF SECTION 31,
T31S, R12EWM, KLAMATH COUNTY, OREGON.

MOTOR: 50HP U.S. ELECTRIC -- 1770 RPM
BOOSTER MOTOR 50HP GENERAL ELECTRIC -- 1700 RPM

PUMP: BOOSTER IS BERKLEY PUMP CO. (CENTRIFUGAL) 1600 RPM
4" DISCHARGE WITH 7" INLET

FLOW: BY Mc CROMETER FLOW METER 1925 GPM

PIPE AND/OR DITCH: 1/2 MILE OF 8" MAINLINE

SPRINKLERS: THERE ARE TWO 1/4 MILE WHEEL LINES AND 20 JOINTS
OF 6" HAND LINE

RECEIVED

SEP 20 1999

WATER RESOURCES DEPT.
SALEM, OREGON

USE(S): IRRIGATION OF ALFALFA AND PASTURE

LIFT: SEE PUMP TEST FOR PERMIT G-10021, CERTIFICATE 54687

SURVEY TIE: WELL LOCATION FROM PERMIT G-10021, CERTIFICATE
54687

SPECIAL
CONDITIONS:

REMARKS: I HAVE NOT PERFORMED ANY OF THE REQUIRED WATER LEVEL
MEASUREMENTS

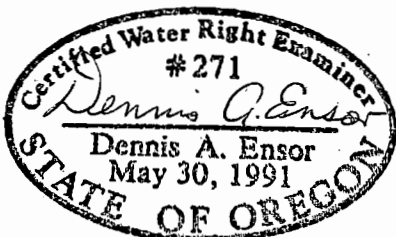
THE FINAL PROOF SURVEY AND INSPECTION OF THE USE AS FOUND TO BE
COMPLETED UNDER THE TERMS AND CONDITIONS OF PERMIT G-12796 WAS
COMPLETED BY ME ON 9 - 1 - 1999, AND THE FACTS CONTAINED IN THIS
REPORT AND ACCOMPANYING FINAL PROOF MAP ARE CORRECT TO THE BEST
OF MY KNOWLEDGE.

Dennis A. Ensor

CERTIFIED WATER RIGHT EXAMINER

I, WILLIAM GALLAGHER, AGREE TO THE FINDINGS OF THE CWRE AND DO
SUBMIT THIS SITE REPORT AND THE MAP AS MY CLAIM OF BENEFICIAL USE
OF THE WATER AS PROVIDED UNDER THE TERMS OF AND CONDITIONS OF MY
PERMIT G - 12796.

William Gallagher



2011

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

2012

200

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>

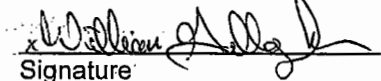
William Gallagher	Whiskey Creek Ranch	11641
Water Right Holder's Name	Water Right Holder's Business Name or Entity Name	USER ID#
PRStratton@aol.com	3944 Redondo Way, Klamath Falls, OR 97603	5412732441
Water Right Holder's Email	Water Right Holder's Complete Mailing Address	Phone Number

Facility Report ID	→ KLAM 2099 → 46114	Application: - Permit: - Other: -	Application: - Permit: - Other: -	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 - 20 11					
November - 20 11					
December - 20 11					
January - 20 12					
February - 20 12					
March - 20 12					
April - 20 12					
May - 20 12	235.10				
June - 20 12	278.40				
July - 20 12	252.80				
August - 20 12	217.60				
September - 20 12	73.90				
TOTAL *	1,057.80				
Unit of Measurement	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input checked="" 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	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF

RECEIVED BY OWRD
MAR 25 2013
SALEM, OR

Describe the method of measurement used: acre feet. If used for irrigation, total number of acres irrigated: 367

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

032113		William Gallagher, Partner/Owner	Whiskey Creek Ranch	5412732441
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.

* based on previous submissions

2010

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

2011

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>

William Gallagher

Whiskey Creek Ranch

14641

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

PRStratton@aol.com

3944 Redondo Way, Klamath Falls, OR 97603

5412732441

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→ 46114 ✓ Application: - Permit: G-12794 Other:	Application: - Permit: - Other:	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 - 2010				
November - 2010				
December - 2010				
January - 2011				
February - 2011				
March - 2011				
April - 2011				
May - 2011	275.10			
June - 2011	299.70			
July - 2011	256.90			
August - 2011	221.40			
September - 2011	65.20			
TOTAL *	1,188.30			
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

RECEIVED BY OWRD

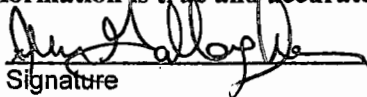
JUL 27 2012

SALEM, OR

Describe the method of measurement used: acre feet. If used for irrigation, total number of acres irrigated: 367

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

7/24/12



William Gallagher, partner/owner

Whiskey Creek Ranch

5412732441

Date

Signature

Name and Title (print)

Company

Phone Number

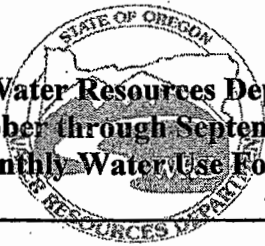
Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A; Salem, OR 97301.

~~2008~~

Oregon Water Resources Department
October through September
Monthly Water Use Form

USER-ID #11641

~~2009~~ w/ year
2009



per correct - 09
AG/phone

Facility → Report ID →	WELL 46114 ✓ Application: G - 14232 Permit: G - 12796			
October - 2008				
November - 2008				
December - 2008				
January - 2009				
February - 2009				
March - 2009				
April - 2009				
May - 2009	280.60			
June - 2009	310.20			RECEIVED
July - 2009	225.85			JUL 14 2010
August - 2009	215.44			WATER RESOURCES DEPT SALEM, OREGON
September - 2009	70.75			
TOTAL *	1102.84			

* 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: AF If used for irrigation, total number of acres irrigated: 367

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

William Gallogher
Signature
William Gallogher
Name

Owner/Partner
Title
3944 Redondo Way Klamath Falls Oregon 97603
Mailing Address

Whiskey Creek Ranch
Reporting Entity
541-273-2441
Phone Number

June 1 2010
Date
541-273-2441
Phone Number

2007



Oregon Water Resources Department
October through September
Monthly Water Use Form

USER-ID #11641

2008

Facility Report ID →	WELL 46114 Application: G - 14232 Permit: G - 12796 ✓			
October - 2007				
November - 2007				
December - 2007				
January - 2008				
February - 2008				
March - 2008				
April - 2008				
May - 2008	319.01			
June - 2008	280.55			
July - 2008	229.66			RECEIVED
August - 2008	205.50			JUL 14 2010
September - 2008	50.45			WATER RESOURCES DEPT SALEM, OREGON
TOTAL *	1085.17			

* 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: AF If used for irrigation, total number of acres irrigated: 367

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

William Gallagher
 Signature
William Gallagher
 Name

Owner/Partner
 Title
3944 Redondo Way Klamath Falls Oregon 97603
 Mailing Address

Whiskey Creek Ranch
 Reporting Entity
June 1 2010
 Date
541-273-2441
 Phone Number

2005

APP-G 14232
 Oregon Water Resources Department
 October 2005 through September 2006
 Annual Water Use - Monthly Quantities Form

USER-ID 11641

2006



Facility # POD-ID #	46114				
October - 2005					
November - 2005					
December - 2005					
January - 2006					
February - 2006					
March - 2006					
April - 2006					
May - 2006	318.90				
June - 2006	288.10				
July - 2006	218.20				
August - 2006	216.30				
September - 2006	60.50				
TOTAL *	1102.00				

* 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: AF If use is irrigation, total number acres irrigated 367

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

William Gallagher
Signature

Owner-Partner
Title

Whiskey Creek Ranch
Reporting Entity

12.30.2006
Date

William Gallagher
Name - Please Print

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

RECEIVED

JAN 02 2007

WATER RESOURCES DEPT.
 SALEM, OREGON

APP 9 14232



2004

Oregon Water Resources Department
October 2004 through September 2005
Annual Water Use - Monthly Quantities Form

USER-ID 11641

2005



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>	46114				
October - 2004					
November - 2004					
December - 2004					
January - 2005					
February - 2005					
March - 2005					
April - 2005					
May - 2005	318.06				
June - 2005	287.41				
July - 2005	221.65				
August - 2005	210.80				
September - 2005	63.10				
TOTAL *	1101.02				

* 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: AF. If use is irrigation, total number acres irrigated 367
 I certify this information is true and accurate to the best of my knowledge.

William Gallagher partner-owner Whiskey Creek Ranch 1-2-06
 Signature Title Reporting Entity Date

William Gallagher
 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

October 18, 2005

New address

WILLIAM & NADINE GALLAGHER,
WHISKEY CR RANCH

PO BOX 309 3944 Redondo Way
Beatty, OR 97621 Klamath Falls, OR 97603

REFERENCE: USER_ID 11641

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 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,

Garyl Ball

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

2003

Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 11641

2004



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>					
October - 2003					
November - 2003					
December - 2003					
January - 2004					
February - 2004					
March - 2004					
April - 2004					
May - 2004	318.05				
June - 2004	282.55				
July - 2004	219.90				
August - 2004	212.10				
September - 2004	62.05				
TOTAL *	1094.65				

RECEIVED
JAN 27 2005
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: AF. If use is irrigation, total number acres irrigated 367

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

William Gallagher
Signature

Owner/Partner Whiskey Creek Ranch
Title Reporting Entity

1-22-05
Date

William Gallagher
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

WILLIAM & NADI GALLAGHER
WHISKEY CR RANCH
PO BOX 309
BEATTY OR 97621

<http://www.wrd.state.or.us>

User-ID 11641

Password: 11641

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO		
46114		0	G	12796	G-14232	12/28/1995	IR	L	36	S	12	E	31	NWSE	1.588 C P A WELL	SPRAGUE R

RECEIVED
JAN 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

2003

Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 11641

2004



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>					
October - 2003					
November - 2003					
December - 2003					
January - 2004					
February - 2004					
March - 2004					
April - 2004					
May - 2004	318.05				
June - 2004	282.55				
July - 2004	219.90				
August - 2004	212.10				
September - 2004	62.05				
TOTAL *	1094.65				

* 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: AF. If use is irrigation, total number acres irrigated 367
I certify this information is true and accurate to the best of my knowledge.

William Gallagher
Signature

Owner/Partner
Title

Whiskey Creek Ranch
Reporting Entity

1-22-05
Date

William Gallagher
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.

PAGE 02
HARBERT
4252586255
01/24/2005 12:13

FAX COVER LETTER

To: *Water Resources* Fax #: *503-986-0902*
From: *William Gallagher*
Re: *Whiskey Creek Ranch*

Total number of pages, including this one: *2*

This fax is confidential and is intended for the person mentioned above. If you receive this fax in error, please notify the sending party.

2002

Oregon Water Resources Department
 October 2002 through September 2003
 Annual Water Use - Monthly Quantities Form

USER-ID 11641

2003



Facility <input type="checkbox"/>	POD-ID <input type="checkbox"/>	<u>46114-1R</u>			
October - 2002					
November - 2002					
December - 2002					
January - 2003					
February - 2003					
March - 2003					
April - 2003					
May - 2003		<u>317.65</u>			
June - 2003		<u>281.00</u>			
July - 2003		<u>220.40</u>			
August - 2003		<u>211.30</u>			
September - 2003		<u>59.50</u>			
TOTAL *		<u>1089.85</u>			

RECEIVED

JAN 32 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: AF If use is irrigation, total number acres irrigated 367

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

William Ballagher
 Signature

Partner-owner
 Title

Whiskey Creek Ranch
 Reporting Entity

1-20-04
 Date

William Ballagher
 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

WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
PO BOX 309
BEATTY OR 97621

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 11641
Password: 11641

46114

0 G 12796 G 14232 12/28/1995 IR L 36 S 12 E 31 NWSE 1.588 C P A WELL SPRAGUE R

USER-ID 11641

**RICHARD SCHMIDT, D.M.D., P.C.
670 SUPERIOR COURT, SUITE 101
MEDFORD, OR 97504
541-779-6170**

FAX COVER SHEET

DATE: 1-23-04

3 PAGES INCLUDING THIS COVER SHEET

ATTENTION: Mary Green

This fax is from: Dr. Richard Schmidt, D.M.D.
FAX #541-779-0989

Re: Water Resource

From: William J. Gallagher III
541-245-1661

RECEIVED
JAN 29 2003
WATER RESOURCES DEPT
SALEM, OREGON

**RICHARD SCHMIDT, D.M.D., P.C.
670 SUPERIOR COURT, SUITE 101
MEDFORD, OR 97504
541-779-6170**

FAX COVER SHEET

DATE: 1-29-03

2 PAGES INCLUDING THIS COVER SHEET

ATTENTION: Mary S Green
Water Use Program Coordinator

This fax is from: **Dr. Richard Schmidt, D.M.D.**
FAX #541-779-0989

Re: William Gallagher
541-533-2347

2001

Oregon Water Resources Department
 October 2001 through September 2002
 Annual Water Use - Monthly Quantities Form

USER-ID 11641

2002



G 14232

Facility <input type="checkbox"/>	(R)				
POD-ID <input type="checkbox"/>	46114				
October - 2001					
November - 2001					
December - 2001					
January - 2002					
February - 2002					
March - 2002					
April - 2002					
May - 2002	309.40				
June - 2002	276.60				
July - 2002	214.10				
August - 2002	204.45				
September - 2002	56.66				
TOTAL *	1061.21 AF				

* 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: AF. If use is irrigation, total number acres irrigated 367

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

William Gallego
Signature

Partner/owner
Title

WhiskeyCock Ranch
Reporting Entity
Flow Meter

12-29-01
Date

William Gallego
Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program,
 158 12th Street NE; Salem, OR 97310-0210



2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

G14232

USER-ID 11641

2001



Facility <input checked="" type="checkbox"/>	POD-ID <input type="checkbox"/>	46114 IR				
October - 2000						
November - 2000						
December - 2000						
January - 2001						
February - 2001						
March - 2001						
April - 2001						
May - 2001		308.28				
June - 2001		256.90				
July - 2001		204.40				
August - 2001		206.64				
September - 2001		51.38				
TOTAL *		1027.40				

* 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: AF If use is irrigation, total number acres irrigated 367

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

William Hallock
Signature

owner
Title

Flow meter
Reporting Entity

3-3-02
Date

Application: G 14232

Re: William L. Gallagher, Nadine Gallagher, Whiskey Creek Ranch
PO Box 309
Beatty, OR 97621

use-id 11641
Mr. Wynn,

As per our conversation last week, I have reviewed our electrical usage for last year from our well. Along with that, and considering our average pumping rate of approx. 2200 GPM, it varies from 1200 to 2500, but this is the best approximation I can come up with for our total water usage. Pod-id 46114 -1R

May: 63,360,000

June: 95,040,000

July: 82,368,000

August: 79,200,000

September: 38,016,000

I hope this will be sufficient for the year 2000. We are now keeping a better record of our usage and hopefully by this winter, I will be able to give you a more exact total for usage.

Thank you very much for your help. If there is anything more that you need, please contact me at 541-245-1661.

I will also mail a copy of this correspondence.

Sincerely,



William L. Gallagher

RECEIVED

MAY 21 2001

WATER RESOURCES DEPT.
SALEM, OREGON



~~app 11641~~
 Oregon Water Resources Department
 October 1999 through September 2000
 Annual Water Use - Monthly Quantities Form

USER-ID 11641



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>	46114				
October - 1999					
November - 1999					
December - 1999					
January - 2000					
February - 2000					
March - 2000					
April - 2000					
May - 2000	63,360,000	GALS			
June - 2000	95,040,000				
July - 2000	82,368,000				
August - 2000	79,200,000				
September - 2000	38,016,000	GALS			
TOTAL *					

* 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: _____ . If use is irrigation, total number acres irrigated _____

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

 Signature Title Reporting Entity Date

 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 158 12th Street NE; Salem, OR 97310-0210

Oregon Water Resources Department
PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Measurements for a Well on your water right:

Application **G 14232** Permit **G 12796** Certificate Transfer Pod 1

The well is listed as: A WELL

The well location is described as: In the NW quarter of the SE quarter of Section 31, Township 36.00S, Range 12.00E
 10 FEET SOUTH & 10 FEET WEST FROM C E1/16 CORNER, SECTION 31

WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
3944 REDONDO WAY
KLAMATH FALLS OR 97603

RECEIVED

APR 09 2008

Well History (if available):

Logid	Startcard	Type Work	Date	Depth
KLAM 2099		ORIGINAL HOLE	10/27/1981	150

Our records indicate that you are the holder of a **WATER RESOURCES DEPT SALEM, OREGON** permit which requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.** We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). **All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.**

MEASUREMENT REPORT (Complete one form for each well.)

Well Identification (Please correct any errors. Provide as much information as possible for wells without an OWRD Well Log ID.)

OWRD Well Log ID: KLAM 2099
 OWRD Site Name: _____
 Owners Site Name: GALLAGHER - NEW (Indicate "Not yet drilled" if proposed)
 Well Tag on Well: L- POD ID 2300 Date drilled: 10/27/1981
 Well Tag on Well Log: L- Total well depth (ft): 150
 Well drilled by: Norm Sevey Casing diameter (in): 12
 Owner on well log: BILL GALLAGHER

When did water use begin under this permit from this well? Date: Month/Yr June 1982

Measuring point (MP) is 3' ~~ft~~ above / below (circle one) land surface.
 Description of measuring point (e.g. 1/2-inch access port in sub seal): 5/16 Airline

Water Level Measurement:		Depth to Water Below Meas Point	Depth to Water Below Land Surface	Measurement Status*	Measurement Method**
Well Log ID	Date Measured (mm/dd/yyyy)			static <input checked="" type="checkbox"/> pumping <input type="checkbox"/> rising <input type="checkbox"/> flowing <input type="checkbox"/>	e-tape <input checked="" type="checkbox"/> airline <input checked="" type="checkbox"/> other <input type="checkbox"/>
KLAM 2099	3-1-08	<u>6'5"</u>	<u>6'7"</u>		

For airline measurements only: Airline pressure _____ psi Airline length _____ ft
 For flowing artesian wells only: Shut-in pressure _____ psi

Length of time well was idle prior to water-level measurement: 6 months
 Comments: _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): William Gallagher
 Signature of measurer: [Signature]
 Company: Owner
 License number (CWRE, RG, PE, WWC, Pump Installer): _____
 Daytime phone number: 541-273-2441 Email address: _____

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0834 or 503-986-0843. **Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1271.**

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/19/2008 GW/KCW

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

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
12/20/2006	STATIC	AIRLINE	0.25	6.17	WILLIAM GALLAGHER	IDLE 3 MONTHS
03/20/2005	STATIC	AIRLINE	0.25	6.17	WILLIAM GALLAGHER	IDLE 5.5 MOS

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

RECEIVED

SEP 24 2007

RE: Required Water Level Measurements for a Well on your water right:

Application **G 14232** Permit **G 12796** Certificate **466 OD/SB** Transfer

**WATER RESOURCES DEPT
SALEM, OREGON** Page 1

The well is listed as: **A WELL**

The well location is described as: **In the NW quarter of the SE quarter of Section 31, Township 36.00S, Range 12.00E
10 FEET SOUTH & 10 FEET WEST FROM C E1/16 CORNER, SECTION 31**

**WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
3944 REDONDO WAY
KLAMATH FALLS OR 97603**

Well History (if available):

Logid	Startcard	Type Work	Date	Depth
KLAM 2099		ORIGINAL HOLE	10/27/1981	150

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.** We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). **All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.**

MEASUREMENT REPORT (Complete one form for each well.)

Well Identification (Please correct any errors. Provide as much information as possible for wells without an OWRD Well Log ID.)

OWRD Well Log ID: KLAM 2099
 OWRD Site Name: Gallagher New
 Owners Site Name: GALLAGHER - NEW (Indicate "Not-yet-drilled"-if-proposed) Southside well
 Well Tag on Well: L-POD ID 2300 Date drilled: 10/27/81 10/27/1981
 Well Tag on Well Log: L- Total well depth (ft): 150
 Well drilled by: Norm Seavey well Drilling Casing diameter (in): 10"
 Owner on well log: BILL GALLAGHER

When did water use begin under this permit from this well? Date: Month/Yr June 1982

Measuring point (MP) is 3" 0.25' feet above / below (circle one) land surface.
 Description of measuring point (e.g. 1/-inch access port in sub seal): 5/16" airline in casing

Water Level Measurement:		Depth to Water Below Meas Point	Depth to Water Below Land Surface	Measurement Status*	Measurement Method**
Well Log ID	Date Measured (mm/dd/yyyy)			static <input checked="" type="checkbox"/> pumping <input type="checkbox"/> rising <input type="checkbox"/> flowing <input type="checkbox"/>	e-tape <input type="checkbox"/> <u>airline</u> <input checked="" type="checkbox"/> other <input type="checkbox"/>
KLAM 2099	<u>7/4/07</u>	<u>6' 5"</u>	<u>6' 2.5"</u>		

For airline measurements only: Airline pressure 6.42' 6.2" = 6.717' x CW psi Airline length 177 ft
 For flowing artesian wells only: Shut-in pressure _____ psi

Length of time well was idle prior to water-level measurement: 1/2 hour

Comments: _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): William Gallagher
 Signature of measurer: William Gallagher
 Company: _____
 License number (CWRE, RG, PE, WWC, Pump Installer): _____
 Daytime phone number: 541-273-2441 Email address: PR Strutton @ AOL.com

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0834 or 503-986-0843. **Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1271.**

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/20/2007 GW/KCW

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

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
12/20/2006	STATIC		0.25	6.17	WILLIAM GALLAGHER	IDLE 3 MONTHS
03/20/2005	STATIC	AIRLINE	0.25	6.17	WILLIAM GALLAGHER	IDLE 5.5 MOS

Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on: Application **G 14232** Permit **G 12796** Certificate Pod 1 Transfer Priority date: 12/28/1995
Listed on water right as:

Well Identification (if any, from our records): Log ID: **KLAM 2099** Well Tag: **L**

Well location: In the NW quarter of the SE quarter of Section 31, Township 36.00S, Range 12.00E
10 FEET SOUTH & 10 FEET WEST FROM C E1/16 CORNER, SECTION 31

WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
3944 REDONDO WAY
KLAMATH FALLS OR 97603

GW/KCW

Well History:			
Logid	Type Work	Date	Depth
KLAM 2099	ORIGINAL HOLE		

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.

MEASUREMENT REPORT (Complete one form for each well.)

Well Identification (Please provide a well id (next line) or as much information about the well as possible; correct any errors listed):

Well Log ID: **KLAM 2099** Well Tag: **L** Startcard #:

Well not yet drilled as of date:

Original owner on well log: **BILL GALLAGHER**

Well depth: **150 (ft)** Casing diameter: **12.00 (in)** Date drilled: **10/27/1981**

Owner's well name: **GALLAGHER - NEW** Drilled by: **Norm Sevey**

When did water use begin under this permit from this well? Date: Month/Yr **June 1982**

Show all water rights listing this well:

Application number(s): **G 10731 G 14232**

Permit number(s): **G 10021 G 12796**

Certificate number(s): **46600/88**

Date of measurement: **12-20-2006**

Description of measuring point (e.g. 1 1/4" port pipe on north side): **5/16" airline on casing**

Static water level above / below (circle one) measuring point: **6' 5"** feet, or airline pressure _____ psi

Measuring point distance above / below (circle one) land surface: **3"** feet, or airline length _____ feet

Static water level above / below (circle one) land surface: **6' 2.5"** feet

Shut-in pressure (if flowing artesian well): **NA** psi

Method of measurement: E-tape _____ Airline **X** Other(specify): _____

Water-level status when measured: Static **X** Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: **3 mos**

Comments (use back or extra sheet if necessary):

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): **William Gallagher**

Signature of measurer: *William Gallagher*

Company:

License number (CWRE, RG, PE, WWC, Pump Installer):

Daytime phone number: **541-273-2441** Email address: **PR Station @ AOL.com**

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0834 or 503-986-0831. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite, A, Salem, OR 97301-1271.

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

OWRD 2/14/2006 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top):

DATE	STATUS	METHOD	MP Height	WL H/L	MEASURED BY	COMMENTS
03/20/2005	STATIC	AIRLINE	0.25	6.17	WILLIAM GALLAGHER	IDLE 5.5 MOS
05/13/2004	STATIC	AIRLINE	0.50	6.50	WILLIAM GALLAGHER	IDLE 24 HRS
03/10/2003	STATIC	AIRLINE	0.25	6.24	WILLIAM GALLAGHER	IDLE 5 MONTHS

RECEIVED

JAN 02 2007

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on: Application **G 14232** Permit **G 12796** Certificate _____ Transfer _____
Listed on water right as: **A WELL** Pod 1 Priority date: **12/28/1995**

Well Identification (if any, from our records): Log ID: **KLAM 2099** Well Tag: _____

Well location: In the NW quarter of the SE quarter of Section 31, Township 36.00S, Range 12.00E
10 FEET SOUTH & 10 FEET WEST FROM C E1/16 CORNER, SECTION 31

**WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
PO BOX 309
BEATTY OR 97621**

RECEIVED
MAY 18 2005
**WATER RESOURCES DEPT
SALEM, OREGON**

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.

MEASUREMENT REPORT (Complete one form for each well.)

Well Identification (Please provide a well id (next line) or as much information about the well as possible; correct any errors listed):
Well Log ID: **KLAM 2099** Well Tag: **L PO PSD 2300** Startcard #: _____

Well not yet drilled as of date: _____
Original owner on well log: **BILL GALLAGHER**
Well depth: **150.00** (ft) Casing diameter: **12.00** (in) Date drilled: ~~03/10/2003~~ **10/27/1981**
Owner's well name: _____ Drilled by: **Norman Seavey**

When did water use begin under this permit from this well? Date: Month/Yr **June 1982**

Show all water rights listing this well:
Application number(s): **G10731** **G14232**
Permit number(s): **G10021** **G12796**
Certificate number(s): **4660D/SB**

Date of measurement: **3-20-05**
Description of measuring point (e.g. 1 1/4" port pipe on north side): **5/16" airline on west side of casing**

Static water level below (circle one) measuring point: **6' 5"** feet, or airline pressure _____ psi
Measuring point distance above (circle one) land surface: **2"** feet, or airline length _____ feet
Static water level below (circle one) land surface: ~~6' 2"~~ feet
Shut-in pressure (if flowing artesian well): _____ psi
Method of measurement: E-tape _____ Airline Other(specify): _____
Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____
Length of time well was idle before measurement: **5.5 mo's**

Comments (use back or extra sheet if necessary): _____
I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.
Person making measurement (print): **William Gallagher**
Signature of measurer: _____
Company: _____
License number (CWRE, RG, PE, WWC, Pump Installer): _____
Daytime phone number: **541-533-2347** Email address: **PRShatten@AOL.com**

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0834 or 503-986-0831. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1271.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/14/2005 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
05/15/2004	STATIC	AIRLINE	0.50	6.50	WILLIAM GALLAGHER	IDLE 24 HRS
03/10/2003	STATIC	AIRLINE	0.25	6.24	WILLIAM GALLAGHER	IDLE 5 MONTHS
03/18/2002	UNKNOWN	AIRLINE		5.92	WILLIAM GALLAGHER	IDLE 5 MONTHS

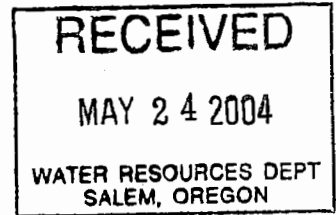
47

Oregon Water Resources Department

PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on: Application **G 14232** Permit **G 12796** Certificate
 Listed on water right as: **A WELL** Pod 1 Priority date: 12/28/1995
 Well log ID (if any, in our records): **KLAM 2099**
Well location: In the NW quarter of the SE quarter of Section 31, Township 36.00S, Range 12.00E
 10 FEET SOUTH & 10 FEET WEST FROM C E 1/16 CORNER, SECTION 31

WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
PO BOX 309
BEATTY OR 97621



Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.** We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). **All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.**

MEASUREMENT REPORT

(Complete one form for each well.)

Well Identification (Provide as much of the following information as possible; correct any errors from our files):

Well not yet drilled as of date: _____
 Original owner on well log: **BILL GALLAGHER**
 Well ID # (on tag attached to casing): **L POD 202300** Startcard number (if listed on well log): _____
 Well depth: **150.00 (ft)** Casing diameter: **12.00 (in)** Date drilled: ~~04/2002~~ **10/27/1981**
 Owner's well name: **Southside Privat well** Drilled by: **Norm Sevoy**

When did water use begin under this permit from this well? Date: Month/Yr **6/82**

Show all water rights listing this well:

Application number(s): **G 14232** **G 10731**
 Permit number(s): **G 12796** **G 10021**
 Certificate number(s): **466 OD/SB**

Date of measurement: ~~5-75-04~~

Description of measuring point (e.g. 1 1/4" port pipe on north side): **pump was out for repair direct measurement inside of casing**

Static water level **below** (circle one) measuring point: **6'** ~~feet~~ or airline pressure _____ psi
 Measuring point distance **below** (circle one) land surface: **6'** ~~feet~~ or airline length _____ feet
 Static water level **below** (circle one) land surface: ~~6.16~~ **6'** ~~feet~~
 Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other(specify): _____
 Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: **24 hr**

Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): **William Gallagher**
 Signature of measurer: *William Gallagher*
 Company: _____

License number (CWRE, RG, PE, WWC, Pump Installer): _____
 Daytime phone number: **541-941-9073** Email address: _____

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0834 or 503-986-0831. **Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1271.**

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/09/2004 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

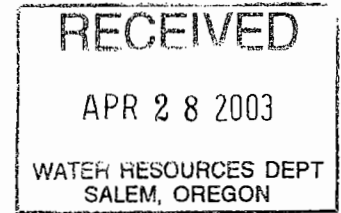
DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
03/18/2002	UNKNOWN	AIRLINE		5.92	WILLIAM GALLAGER	IDLE 5 MO
08/28/2001	STATIC	ETAPE	0.25	6.08	WILLIAM GALLAGER	IDLE 12 HRS
03/11/1987	STATIC		0.60		MARC NORTON	

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

RE: Required Water Level Report for a Well on Permit **G 12796** Certificate **0** Pod **1** Application **G 14232**

Listed on water right as: **A WELL** Well log ID (if any, in our records): **KLAM 2099** Priority date: **12/28/1995**
Well location: In the NW quarter of the SE quarter of Section 31, Township 36S, Range 12E
10 FEET SOUTH & 10 FEET WEST FROM C E1/16 CORNER, SECTION 31

**WILLIAM L GALLAGHER
 NADINE F GALLAGHER, WHISKEY CR RANCH
 PO BOX 309
 BEATTY OR 97621**



Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.** We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). **All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.**

MEASUREMENT REPORT
(Complete one form for each well.)

Well Identification (Provide as much of the following information as possible; correct any errors from our files):

Well not yet drilled as of date: _____
 Original owner on well log: **BILL GALLAGHER**
 Well ID # (on tag attached to casing): **L PODID 2300** Startcard number (if listed on well log): _____
 Well depth: **150.00** (ft) Casing diameter: **12.00** (in) Date drilled: **10/27/1981**
 Owner's well name: **Southside Well** Drilled by: **Norm Seavey Well Drilling**

When did water use begin under this permit from this well? Date: Month/Yr **6/82**

Show all water rights listing this well:

Application number(s): **610731 614232**
 Permit number(s): **610021 612796**
 Certificate number(s): **46600/SB**

Measurement Details: Date of measurement: **3/10/03**
 Description of measuring point (e.g. 1 1/4" port pipe on north side): **5/16" airline on W side of casing**

Static water level **below** (circle one) measuring point: **6'5"** feet, or airline pressure _____ psi
 Measuring point distance **above** (circle one) land surface: **3"** feet, or airline length _____ feet
 Static water level **below** (circle one) land surface: **6'2.5"** feet
 Shut-in pressure (if flowing artesian well): **na** psi
 Method of measurement: E-tape _____ Airline Other(specify): _____
 Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____
 Length of time well was idle before measurement: **5 months**
 Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): **William Gallagher**
 Signature of measurer: *William Gallagher*
 Company: _____
 License number (CWRE, RG, PE, WWC, Pump Installer): _____
 Daytime phone number: **541-533-2537** Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 245. **Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.**

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/19/2003 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

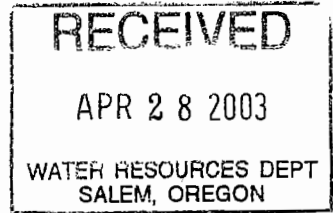
DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
03/18/2002	UNKNOWN	AIRLINE	-	5.92	WILLIAM GALLAGHER	IDLE 6 MO
06/28/2001	STATIC	ETAPE	0.25	6.08	WILLIAM GALLAGHER	IDLE 12 HRS
06/27/1981	STATIC	ETAPE	-	6.00	NORM SEVEY	

Oregon Water Resources Department
PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on Permit **G 12796** Certificate **0** Pod **1** Application **G 14232**

Listed on water right as: **A-WELL** Well log ID (if any, in our records): **KLAM 2099** Priority date: **12/28/1995**
Well location: In the NW quarter of the SE quarter of Section 31, Township 36S, Range 12E
10 FEET SOUTH & 10 FEET WEST FROM C E1/16 CORNER, SECTION 31

WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
PO BOX 309
BEATTY OR 97621



Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.** We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). **All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.**

MEASUREMENT REPORT
 (Complete one form for each well.)

Well Identification (Provide as much of the following information as possible; correct any errors from our files):

Well not yet drilled as of date: _____
 Original owner on well log: **BILL GALLAGHER**
 Well ID # (on tag attached to casing): **L PODID 2300** Startcard number (if listed on well log): _____
 Well depth: **150.00 (ft)** Casing diameter: **12.00 (in)** Date drilled: **10/27/1981**
 Owner's well name: **Southside Well** Drilled by: **Norm Seavey Well Drilling**

When did water use begin under this permit from this well? Date: Month/Yr **6/82**

Show all water rights listing this well:
 Application number(s): **G10731 G14232**
 Permit number(s): **G10021 G12796**
 Certificate number(s): **46600/SB**

Measurement Details: Date of measurement: **3/10/03**
 Description of measuring point (e.g. 1 1/4" port pipe on north side): **5/16" airline on W side of Casing**
 Static water level above / below (circle one) measuring point: **6'5"** feet, or airline pressure _____ psi
 Measuring point distance above / below (circle one) land surface: **3"** feet, or airline length _____ feet
 Static water level above / below (circle one) land surface: **10'2.5"** feet
 Shut-in pressure (if flowing artesian well): **NA** psi
 Method of measurement: E-tape _____ Airline Other(specify): _____
 Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____
 Length of time well was idle before measurement: **5 months**
 Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): **William Gallagher**
 Signature of measurer: **William Gallagher**
 Company: _____
 License number (CWRE, RG, PE, WWC, Pump Installer): _____
 Daytime phone number: **541-533-2537** Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 245.
Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/19/2003 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
03/18/2002	UNKNOWN	AIRLINE	.	5.92	WILLIAM GALLAGER	IDLE 5 MO
06/28/2001	STATIC	ETAPE	0.25	6.08	WILLIAM GALLAGER	IDLE 12 HRS
06/27/1981	STATIC	ETAPE		6.00	NORM SEVEY	

Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on Permit G 12796 Certificate 0 Pod 1 Application G 14232

Listed on water right as: A WELL Well log ID (if any, in our records): KLAM 2099 Priority date: 12/28/1995
Well location: In the NW quarter of the SE quarter of Section 31, Township 36S, Range 12E
10 FEET SOUTH & 10 FEET WEST FROM C E1/16 CORNER, SECTION 31

**WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
PO BOX 309
BEATTY OR 97621**

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.

MEASUREMENT REPORT (Complete one form for each well)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____
Original owner on well log: William + Nadine Gallagher
Well ID# (on tag attached to casing): L _____ Startcard number (if listed on well log): _____
Well depth: 150 Casing diameter: 12" Date drilled: 10-22-81
Owner's well name: W Drilled by: Norm Sevey Well Drilling

When did water use begin under this permit from this well? Date: Month/Yr June 1982

Show all water rights listing this well:
Application number(s): G 10731 G 14232
Permit number(s): G 10021 G 12796
Certificate number(s): 466 00/58

Measurement Details: Date of measurement: Oct 2001 / Feb 2002
Description of measuring point (e.g. 1 1/4" port pipe on north side): 5/16 Air Line on west side of casing

Static water level above / below (circle one) measuring point: 6' 5" feet, or airline pressure _____ psi
Measuring point distance above / below (circle one) land surface: 3" feet, or airline length _____ feet
Static water level above / below (circle one) land surface: 5' 8 1/2" feet
Shut-in pressure (if flowing artesian well): N/A psi

Method of measurement: E-tape _____ Airline X Other(specify): _____
Water-level status when measured: Static _____ Pumping _____ Rising _____ Flowing _____ Other _____
Length of time well was idle before measurement: 3 weeks / 5 mos.

Comments (use back or extra sheet if necessary): _____
I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): William Gallagher
Signature of measurer: William Gallagher
Company: _____
License number (CWRE, RG, PE, WWC, Pump Installer): _____
Daytime phone number: 541-533-2347 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 267.
Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 02/08/2002 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

DATE	STATUS	METHOD	MP Height	WL BLS MEASURED BY	COMMENTS
08/28/2001	STATIC	ETAPE	0.25	8.08 WILLIAM GALLAGHER	IDLE 12 HRS
08/27/1981	STATIC	ETAPE		6.00 NORM SEVEY	

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

RE: Required Water Level Report for a Well on Permit G 12796 Certificate 0 Pod 1 Application G 14232
 Listed on water right as: A WELL Well log ID (if any, in our records): KLAM 2099 Priority date: 12/28/1995
 Location: In the NW quarter of the SE quarter of Section 31, Township 36S, Range 12E
 10 FEET SOUTH & 10 FEET WEST FROM C-E1/16 CORNER, SECTION 31

**WILLIAM L GALLAGHER
 NADINE F GALLAGHER, WHISKEY CR RANCH
 PO BOX 309
 BEATTY OR 97621**

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

**MEASUREMENT REPORT
 (Complete one form for each well)**

Well Identification (provide as much of the following information as possible):
 Original owner of well (owner name on well log): William & Nadine Gallagher
 Owner's well name or number (if any): _____
 Well ID (number on tag attached to casing, if present): POD-ID 2300
 Well log startcard number (if listed on well log): _____
 Well depth: 150 ft Casing diameter: 12"
 Date drilled: 10-22-81 Driller: Norm Sevey Well Drilling

When did water use begin under this permit from this well? Date: Month/Yr. 6/82
 Show all water rights listing this well:
 Application number(s): G10731 G14232
 Permit number(s): G10021 G12796
 Certificate number(s): 466 CD/SB

Date of measurement: 6/28/01
 Description of measuring point (e.g. 1 1/4" port pipe on north side): 5/16 airline on West side of casing.

Static water level above/below (circle one) measuring point: 6.5' feet, or airline pressure _____ psi
 Measuring point distance above/below (circle one) land surface: 3' feet, or airline length _____ feet
 Static water level above/below (circle one) land surface: 6.1' feet
 Shut-in pressure (if flowing artesian well): n/a psi

Method of measurement: E-tape _____ Airline X Other(specify): _____
 Water-level status when measured: Static _____ Pumping _____ Recovering _____ Flowing _____
 Length of time well was idle before measurement: 12 hrs.
 Calculation / comments (show all work; use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.
 Person making measurement (print): William Gallagher
 Signature of measurer: [Signature]
 Company: _____
 License number (CWRE, RG, PF, WWC, Pump Installer): _____
 Daytime phone number: 541-533-2494 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503-378-8455 ext. 289, or toll free (within Oregon only) at 1-800-624-3199. Return this Form to 158 12th St. NE, Salem, OR 97310-4172.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 8, 1999

WILLIAM GALLAGHER
PO BOX 309
BEATTY, OR 97621

~~REFERENCE: File-G-14232~~

This will acknowledge that your claim of beneficial use and map in the name of WILLIAM AND NADINE GALLAGHER were received on SEPTEMBER 20, 1999. These will be reviewed in the future to insure they are complete and correct.

If you have any questions please contact me at (503) 378-8455, extension 263, or dial toll free (within Oregon only) at 1-800-624-3199, extension 263.

Sincerely,

STEVE BROWN
Program Analyst
Certificate Section

SCB:tcb

cc: DENNIS A. ENSOR, CWRE #271





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

June 24, 1999

WILLIAM GALLAGHER
PO BOX 309
BEATTY OR 97621

REFERENCE: File G-14232

This letter is in regard to your water use Permit G-12796. As we pointed out to you in our letter of September 29, 1998 your claim of beneficial use must be received in this office by **September 21, 1999**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner (if stored water is 9.2 or more acre-feet), which accompany a request from the permittee for issuance of a certificate of water right. If stored water is less than 9.2 acre-feet and if there is no secondary water right that permits the diversion of water from the reservoir you may be able to prepare your own claim of beneficial use.

You are hereby notified that unless your claim is received on or before **September 21, 1999**, your permit will be canceled without further notice.

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

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:jh

cc: Del Sparks, Watermaster
Erwin Ritter, CWRE

CERTIFIED - RETURN RECEIPT REQUESTED



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 29, 1998

WILLIAM GALLAGHER
PO BOX 309
BEATTY OR 97621

REFERENCE: File G-14232

We have received your notice that complete application of water has been made under Permit G-12796.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before September 21, 1999. A list of Certified Examiners is enclosed for your information.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In addition, before the Water Right Certificate is issued, you are required to submit a well pump test. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

enclosure

cc: Del Sparks, Watermaster
Erwin Ritter, CWRE

RECEIVED

SEP 21 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. G-14232

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

William Gallagher, the holder of Permit No. G-12796

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 3 day of June, 1998

Remarks: Flow Meter was installed Sept 16, 1998

(Handwritten signature/initials in a circle)

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of September, 1998

William Gallagher
(Signature of Applicant)

PO Box 309, South O - 97621
(Address)

SCHROEDER LAW OFFICES

3355 NE Davis
Portland, OR 97232
Telephone (503) 232-7110
Fax (503) 238-4076

P.O. Box 772
Boardman, OR 97818
Telephone (541) 481-5297
Fax (541) 481-4329

To: Dallas Miller
Water Rights Specialist
Telephone: (503) 378-3739
Company: Water Resources Department
Fax: (503) 378-8130

From: John F. Hogan
Date: December 22, 1998
Telephone: (503) 232-7110
Return Fax: (503) 238-4076

12/22/1998 10:27

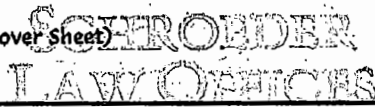
5032384076

SCHROEDER LAW WEST

PAGE 01

Re: Request for Extension (File G 14232)

Pages: 2 (Including Cover Sheet)



If You Have Problems Receiving This Fax, Please Call (503) 232-7110

COMMENTS:

3355 NE Davis
Portland, OR 97232
Telephone (503) 232-7110
Fax (503) 238-4076
P.O. Box 772
Boardman, OR 97818
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SCHROEDER LAW WEST

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Pages: 2 (Including Cover Sheet)

CONFIDENTIALITY NOTE: The documents accompanying this facsimile transmission contain information belonging to Schroeder Law Offices that is Confidential and/or legally privileged. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone to arrange for the return of the original documents to us.

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



SCHROEDER LAW OFFICES

P.O. BOX 772
200 N.W. 1ST
BOARDMAN, OR 97818
TELEPHONE (541) 481-5297
FAX (541) 481-4329

Legal Support for People Feeding the World

Laura A. Schroeder
Admitted in Oregon, Idaho, Nevada, & Washington

Portland Direct Line (503) 232-4033
Boardman Direct Line (541) 481-5297

December 22, 1998

BY FACSIMILE AND REGULAR MAIL

Dallas Miller
Water Rights Specialist
Water Resources Department
158 12th Street, NE
Salem, Oregon 97310-0210

12/22/1998 10:27 5032384076

SCHROEDER LAW WEST

PAGE 02

RE: Request for Extension (File G 14232)
Your letter dated December 14, 1998

Dear Mr. Miller:
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



SCHROEDER LAW OFFICES

P.O. BOX 772
200 N.W. 1ST
BOARDMAN, OR 97818
TELEPHONE (541) 481-5297
FAX (541) 481-4329

In response to the above referenced letter and pursuant to our telephone conversation of Friday, December 18, 1998, this letter confirms the Water Resources Department will not refund the \$100 fees submitted with the above requests for extension but will maintain these extension requests on file with their original date of filing pending receipt of additional information.

Admitted in Oregon, Idaho, Nevada, & Washington

Portland Direct Line (503) 232-4033
Boardman Direct Line (541) 481-5297

As we discussed, the administrative rules in effect at the time these requests were filed do not require the permit holder to wait until the expiration of the development period before submitting an extension request. Accordingly, there are no grounds for refusing the extension application or refunding the application fees at this time.

Thank you for providing us with the Department's current extension application form. However the form you sent us is incomplete and is missing page 2. We would appreciate your sending us a complete form so that we can provide you with any additional information that may be required.

Salem, Oregon 97310-0210

12/22/1998 10:27 5032384076

Very truly yours, LAW WEST

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SCHROEDER LAW OFFICES

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Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

2. Article Addressed to:

WILLIAM GALLAGHER
PO BOX 309
BEATTY OR 97621

G14232 WR

William Gallagher

5. Received By: (Print Name)

William Gallagher

6. Signature: (Addressee or Agent)

X

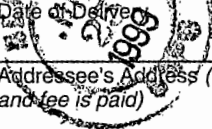
4a. Article Number

P-56551

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery



8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

MAIL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

WATER RESOURCES DEPT
158 12TH ST NE
SALEM OR 97310

June 20, 1995

Oregon

WATER
RESOURCES
DEPARTMENT

WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
PO BOX 309
BEATTY, OR 97621

USER-ID: 11641

With regard to the pump test requirements for the following well and its associated water right:

<u>Well</u>	<u>Permit</u>	<u>Certificate</u>
POD-ID 23003 A WELL	Permit G-10021,	Certificate 54687

cc: Water Rights File

The Water Resources Department has reviewed and accepted the pump test results you submitted. The Department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted.

We appreciate your cooperation in this program. If you have any questions, please contact me or Mike Zwart at the address or phone number listed below.

Sincerely,

R. Craig Kohanek
Water Data Coordinator

cc: Water Rights Section



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

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14232

Final Order

Application History

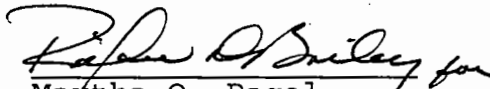
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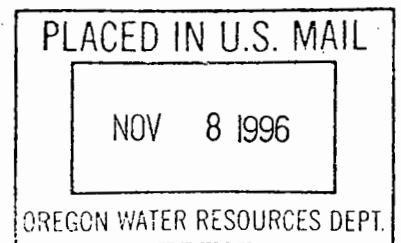
The proposed use would not impair or be detrimental to the public interest.

Order

Application G-14232 therefore is approved as proposed by the Proposed Final Order, and Permit G-12796 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED October 29, 1996


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

WILLIAM GALLAGHER
P.O. BOX 309
BEATTY, OREGON 97621

PHONE: (541) 533-2494

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

APPLICATION FILE NUMBER: G-14232

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 127.0 ACRES

MAXIMUM RATE: 1.588 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 28, 1995

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 31, T36S, R12E, W.M.; 10 FEET SOUTH AND 10 FEET WEST FROM THE C-E 1/16 CORNER OF SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	1.8 ACRES
SE 1/4 SE 1/4	15.6 ACRES
SECTION 30	
NW 1/4 NE 1/4	31.3 ACRES
SW 1/4 NE 1/4	40.2 ACRES
NE 1/4 NW 1/4	3.8 ACRES
SE 1/4 NW 1/4	34.3 ACRES

SECTION 31

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

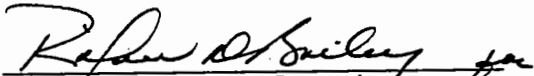
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

SEE NEXT PAGE

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

Issued October 29, 1996


Martha O. Pagel, Director
Water Resources Department

Application G-14232 Water Resources Department
Basin 14 Volume 2A, Whiskey Creek & Misc.
MGMT.CODES 7BG, 7BR, 7CG, 7CR, 7JG, 7JR

PERMIT G-12796
District 17

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14232

Final Order

Application History

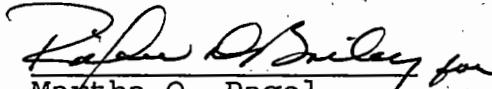
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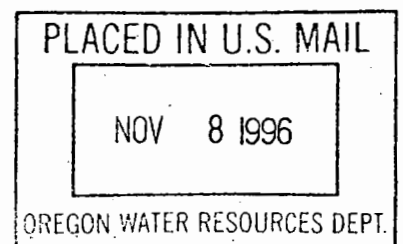
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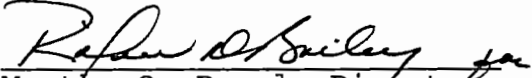
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Issued October 29, 1996


Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14232

Final Order

Application History

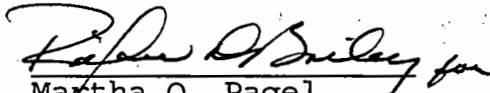
On December 28, 1995, WILLIAM GALLAGHER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 27, 1996. The protest period closed October 11, 1996, and no protest was filed.

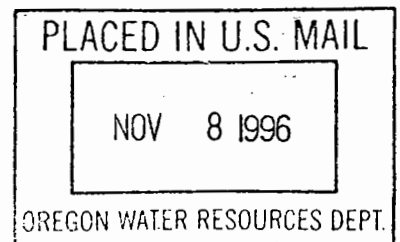
The proposed use would not impair or be detrimental to the public interest.

Order

Application G-14232 therefore is approved as proposed by the Proposed Final Order, and Permit G-12796 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED October 29, 1996


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

WILLIAM GALLAGHER
P.O. BOX 309
BEATTY, OREGON 97621

PHONE: (541) 533-2494

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

APPLICATION FILE NUMBER: G-14232

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 127.0 ACRES

MAXIMUM RATE: 1.588 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 28, 1995

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 31, T36S, R12E, W.M.; 10 FEET SOUTH AND 10 FEET WEST FROM THE C-E 1/16 CORNER OF SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	1.8 ACRES
SE 1/4 SE 1/4	15.6 ACRES
SECTION 30	
NW 1/4 NE 1/4	31.3 ACRES
SW 1/4 NE 1/4	40.2 ACRES
NE 1/4 NW 1/4	3.8 ACRES
SE 1/4 NW 1/4	34.3 ACRES

SECTION 31

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

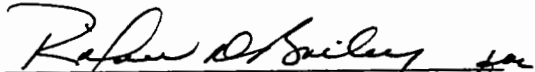
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

SEE NEXT PAGE

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

Issued October 29, 1996


Martha O. Pagel, Director
Water Resources Department

Application G-14232

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-14232 ✓

WATERMASTER # 17 ✓

REGIONAL MANAGER: ~~BOB MAIN~~

ODF&W - Klamath County: KLAMATH COUNTY ✓

CWRE (if agent):

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

CASEWORKER : LKS

FILE # G14232

FO CHECKLIST

REVIEW DATE: 10/11/96

WEEK # 57

PFO TO FO CONVERSION

INITIALS: JWG

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. If #1 = "Y", from whom were the comments received and when?
3. Verify names and addresses on the PFO CC list. ALL commentors (regardless of comment date), affected landowners (were they notified?), and those who paid the \$10 fee should be listed.
4. Verify payment of recording fees (circle the appropriate option)

$$\begin{array}{r} 200 \\ 100 \\ \hline 230 \\ 534 \end{array}$$

$$\begin{array}{r} -10 \\ 117 \\ \hline 107 \end{array}$$

 - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 - (2) Issue FO w/o permit if fees are lacking
5. Y / N Is the file lacking a signed oath of accuracy for the application?
6. Y / N Has ODFW asked for self certification on screening condition?
7. Y / N Is water use prohibited for one or more months of the normal use period?
8. Y / N If # 7 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. Y / N Is further processing possible? If not state reason: _____
10. _____ Notify applicant of additional information or fees required prior to permit issuance (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)
11. _____ Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)
 DENIAL FO w/o PERMIT
 LARRY JERRY

FO & PERMIT
 JEREMY

Respond to
 COMMENTS
 DOUG

Modify FO as needed to:

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

Once FO document is completed:

15. Save WordPerfect document in M:\T\FO\WEEK 57 & delete duplicates
16. Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14232

Proposed Final Order

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

Application History

On December 28, 1995, WILLIAM GALLAGHER submitted an application to the Department for the following water use permit:

- Amount of Water: 1.588 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION OF 127.0 ACRES
- Source of Water: A WELL IN THE SPRAGUE RIVER BASIN
- Area of Proposed Use: Klamath County within SECTION 30 AND SECTION 31, TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.
- Water Delivery System: According to the applicant the delivery system includes a combination of 2 wheel lines, 2 hand lines and ditches for runoff water.

On JULY 2, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 1.588 CFS of water from a well for Irrigation of 127.0 acres may be allowed from March 1 through October 31 of each year. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On JULY 16, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- Klamath River Basin Compact
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas

- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Klamath River Basin Compact allows the following uses: IRRIGATION OF 127.0 ACRES.

Senior water rights exist on A WELL IN THE SPRAGUE RIVER BASIN.

A WELL IN THE SPRAGUE RIVER BASIN is above a State Scenic Waterway.

Water is available for further appropriation for the period MARCH 1 THROUGH OCTOBER 31.

The Department finds that no more than 1.59 CFS would be necessary for the proposed use. The amount of water requested, 1.588 CFS, is allowable.

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

The Groundwater Section finds that there is **NOT** a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Klamath River Basin Compact.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

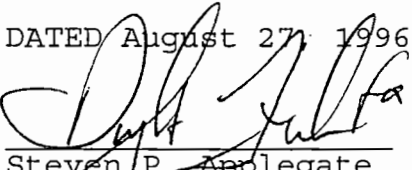
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

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

DATED August 27, 1996


Steven P. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **October 11, 1996**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

LKS

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF KLAMATH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WILLIAM GALLAGHER
P.O. BOX 309
BEATTY, OREGON 97621

PHONE: (541) 533-2494

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

APPLICATION FILE NUMBER: G-14232

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN WITHIN THE KLAMATH BASIN

PURPOSE OR USE: IRRIGATION OF 127.0 ACRES

MAXIMUM RATE: 1.588 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 28, 1995

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 31, T36S, R12E, W.M.; 10 FEET SOUTH & 10 FEET WEST FROM NE CORNER, NW 1/4 SE 1/4, SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 1.8 ACRES
SE 1/4 SE 1/4 15.6 ACRES
SECTION 30
NW 1/4 NE 1/4 31.3 ACRES
SW 1/4 NE 1/4 40.2 ACRES
NE 1/4 NW 1/4 3.8 ACRES
SW 1/4 NW 1/4 34.3 ACRES
SECTION 31

TOWNSHIP 36 SOUTH, RANGE 12 EAST, W.M.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the

aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-14232 Water Resources Department
Basin 14 Volume 2A Whiskey Creek & Misc.
LKS MGMT.CODE

PERMIT DRAFT
District 17

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14232

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T36S/R12E-31

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

TO: Water Rights Section

June 12, 1996

FROM: Groundwater/Hydrology Section

Michael Zwart

Reviewer's Name

SUBJECT: Application G-14232

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or _____ have the potential for substantial interference with the nearest
 - b. ___ will not _____ surface water source, namely _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7B;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) FC;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199____
(Signature)

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

_____, 199____
(Signature)

Water Resources Department

MEMO

June 12, 1996

TO Application G-14232

FROM GW: Michael Zwart
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

Yes

The source of appropriation is within or above a Scenic Waterway.

No

Yes

Use the Scenic Waterway condition (Condition 7J).

No

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

14232

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14232

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T36S/R12E-31

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

TO: Water Rights Section June 12, 1996
FROM: Groundwater/Hydrology Section Michael Zwart
SUBJECT: Application G- 14232 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

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

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:

- a. ___ review of the well log;
- b. ___ field inspection by _____;
- c. ___ report of CWRE _____;
- d. ___ other: (specify) _____

6. THE WELL construction deficiency:

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

7. THE WELL construction deficiency is described as follows: _____

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199_____
(Signature)

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

_____, 199_____
(Signature)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: June 12, 1996

From: MICHAEL ZWART *MZ*

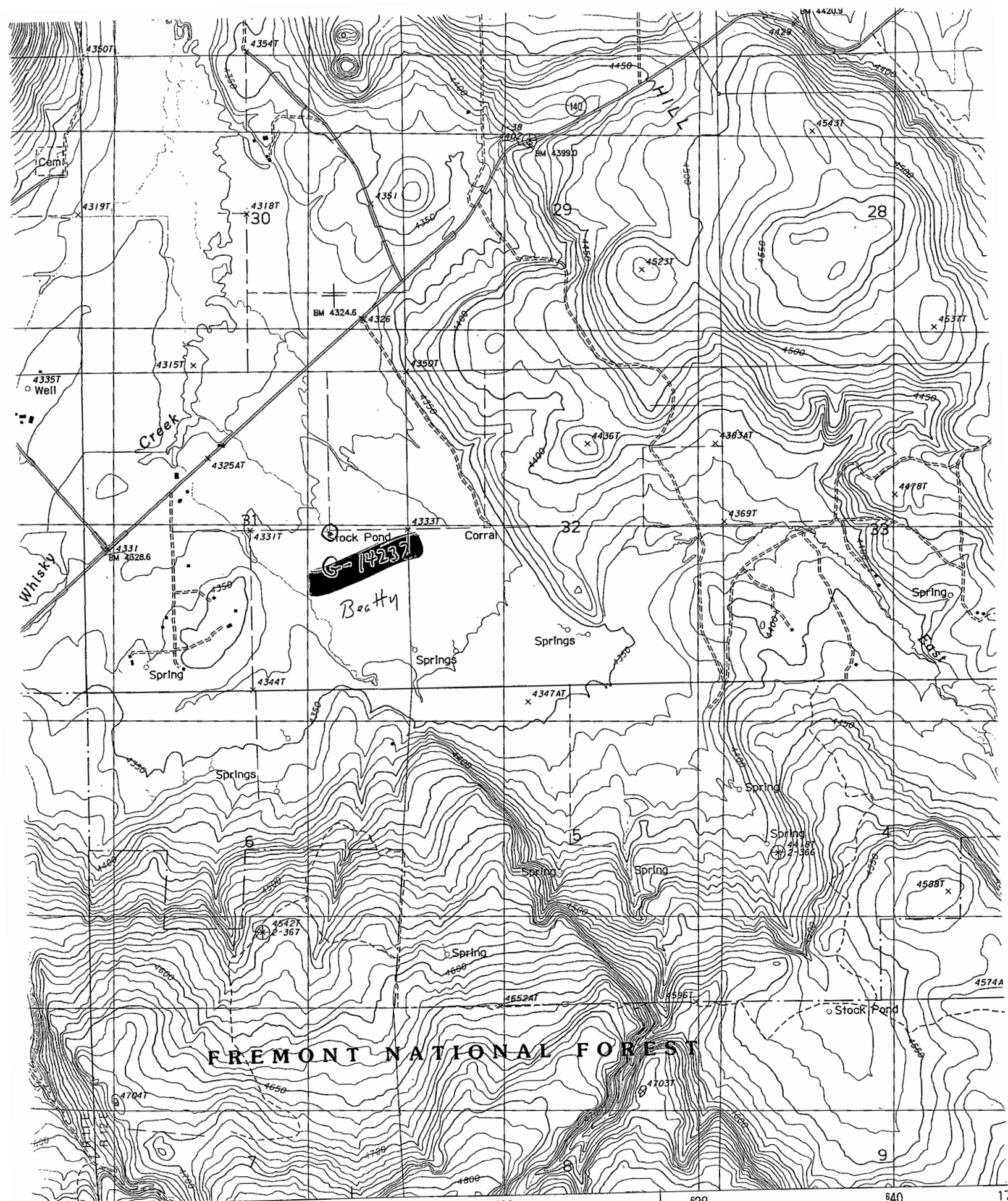
Subject: APPLICATION G-14232, WILLIAM GALLAGHER

This application proposes to use 1.588 of groundwater from one well for irrigation of 127 acres. The well is 150 feet in depth and penetrates a semi-confined to confined aquifer developed in basalt. The water level is 6 feet below land surface.

The nearest surface water source appears to be an unnamed intermittent tributary to Whisky Creek at a distance of less than 100 feet. Whisky Creek is about 3000 feet from the well. The aquifer is not likely in hydraulic connection with the nearby reach of either creek. There is no potential for substantial interference with the creek, based on the nature of the aquifer penetrated.

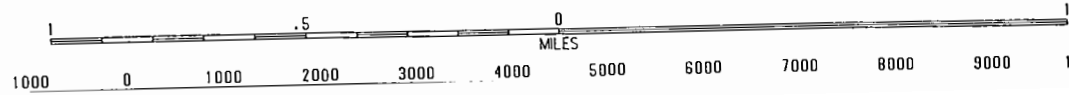
Permit conditions 7B and 7C are recommended.

Klam 2099 ✓ X CW



FREMONT NATIONAL FOREST

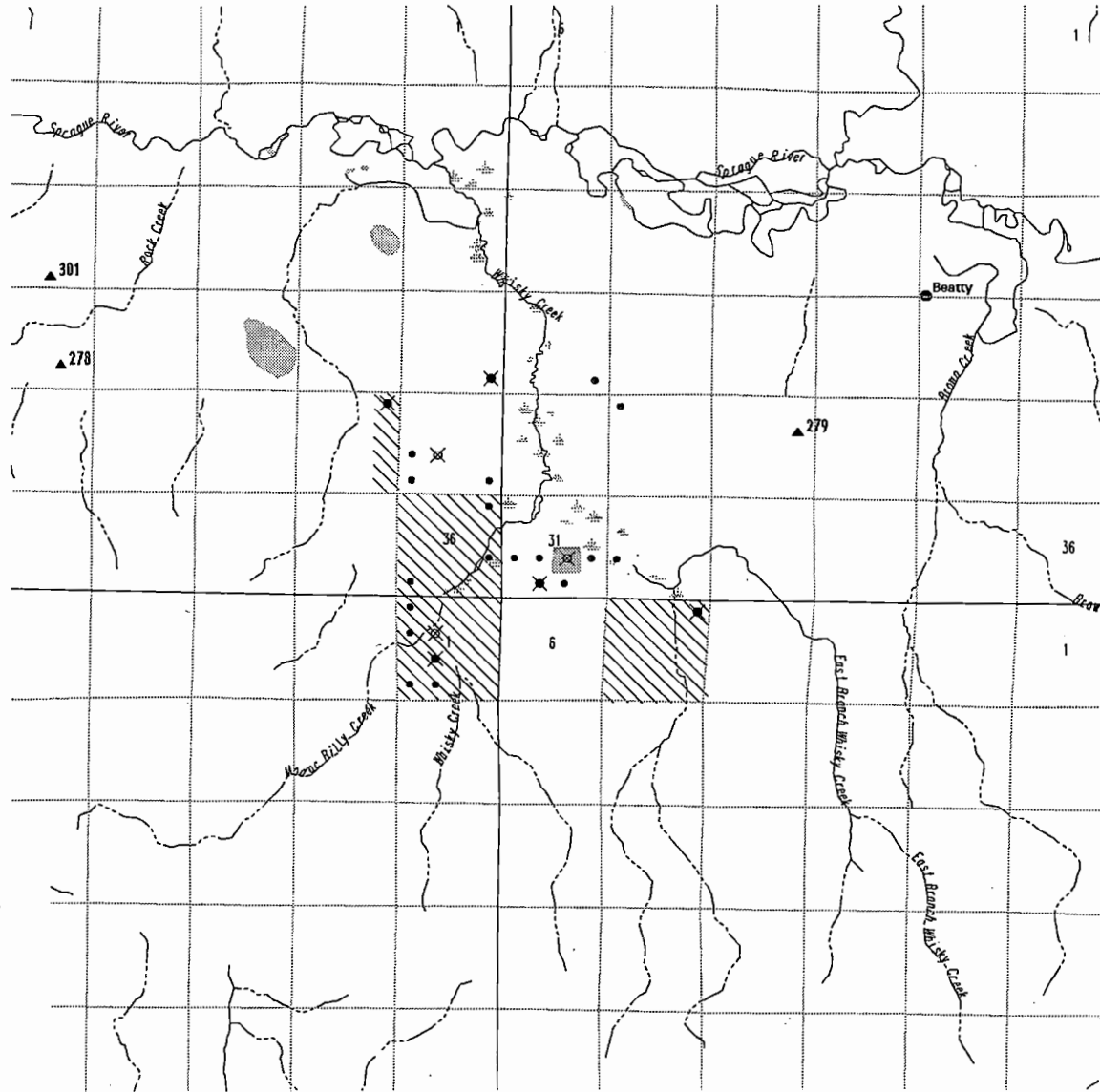
URVEY
 S/NOAA
 ... 1983
 ... 1988
 I CONIC
 ZONE 10



INTERIOR-GEOLOGICAL SURVEY

Wells in the vicinity of application G 14232

- Application well(s) in this 1/4-1/4 section
- ◻ Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ⊗ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- ▨ Regulated GW Area



365

WELLS WITHIN 1 MILE OF G 14232

DO	24
IR	7
LV	1

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14232

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 10498	36.00S11.00E24SESE	IC	5.8700	C
G 6914	36.00S11.00E26NENE	IR	0.2400	C
G 9533	36.00S11.00E25NESW	IR	0.2500	C
G 10021	36.00S12.00E31NWSE	IR	3.1600	C
G 8604	36.00S12.00E31SESW	IR	0.1339	C
G 6561	37.00S11.00E 1SENW	IR	0.5000	C
G 10431	37.00S11.00E 1SENW	IR	0.1800	C
G 9915	37.00S11.00E 1NESW	IR	0.4900	C
G 10260	37.00S12.00E 5NENE	IC	3.3500	C

PFO ACCURACY CHECKLIST

Application #: G-14232

1. CHECK NAME(S)/COMPANY NAME
 - * Assigned
 - * Signature Name
 - * Correct Name(s)/Company throughout PFO
 - * Correct Address & Phone Number on Draft Permit
2. CHECK SOURCE AND TRIBUTARY
 - * Consistent throughout PFO and Draft Permit
3. CHECK RATE OF USE
4. CHECK PRIORITY DATE & TR/IR DATES
5. CHECK POD IN DRAFT PERMIT
 - * Check Map against permit
 - * Check Township, Range and Section
6. CHECK POU IN PFO AND DRAFT PERMIT
 - * Check Map against both
 - * If Acres on Application do not agree with Map, use Map info
 - * Check Township, Range and Section
7. ADD VOLUME NUMBER/NAME AT END OF DRAFT PERMIT
8. COMPLETE READ THROUGH OF PFO
 - * Sentence Structure
 - * Punctuation
 - * Spelling, etc.

Name:
LKS

Laura Smedaker

Date:

8-19-96

JULY 2, 1996

WILLIAM GALLAGHER
PO BOX 309
BEATTY, OREGON 97621

Reference: File G-14232

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for Irrigation use is allowed under OAR 514, the Klamath Basin Compact, ORS 542.620.
4. The use of 1.588 cubic feet per second from a Well for Irrigation of 127.0 acres is available March 1 through October 31.

Summary of Initial Determinations

The use of 1.588 cfs from a Well for Irrigation of 127.0 acres may be allowed from March 1 through October 31 of each year.

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



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

G-14232
July 2, 1996
Page 2

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **JULY 16, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. You may be required to measure the amount of water used and report that use annually.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place
Initial and Annual Measurements

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

After Use of Water has Begun
Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

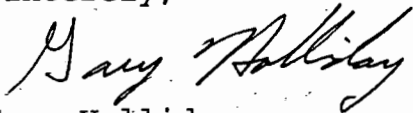
The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question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

4. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
5. The priority date for this application is December 28, 1995.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday
Initial Reviewer

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

MAP TO ACCOMPANY GROUND WATER APPLICATION

SITUATED IN THE W1/2 NE1/4, E1/2 NW1/4 SECTION 31,
S1/2 SE1/4, SECTION 30, T36S, R12EWM,
KLAMATH COUNTY, OREGON
MAY 1995

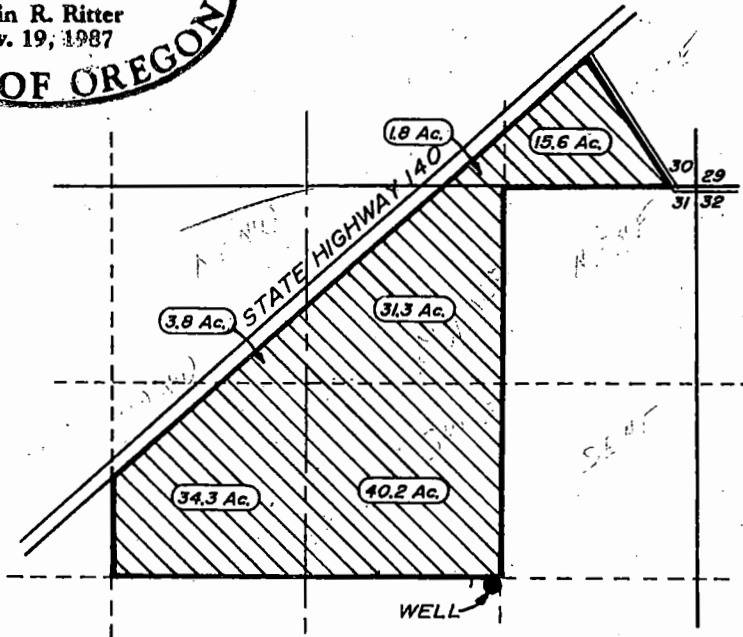
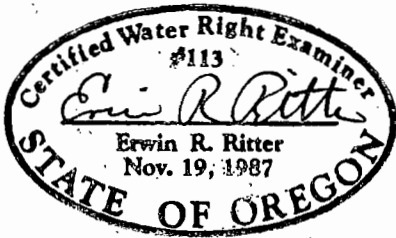
RECEIVED

DEC 28 1995

WATER RESOURCES DEPT.
SALEM, OREGON

MAP PREPARED FOR
--WILLIAM AND NADINE GALLAGHER--

MAP PREPARED FROM
--MAJOR LAND PARTITION 79-31--
--MAP OF WATER RIGHT PERMIT No. G-10021--
--WATER RIGHT CERTIFICATE VOL. 50, PAGE 54687--



Application No. G-14232
Permit No. G-12796

TOTAL AREA THIS APPLICATION
--127.0 ACRES--

SCALE
1" = 1320'



LANDS THIS APPLICATION (27.0 Ac.)

LOCATION OF EXISTING WELL
FROM CERTIFICATE UNDER PERMIT No. G-10021
10' SOUTH, 10' WEST FROM THE NORTHEAST
CORNER OF THE NW1/4 SE1/4 OF SECTION 31

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. G14232

RECEIVED

DEC 28 1995

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater

Applicant(s) William Gallagher
(Please print or type - use dark ink)

Mailing Address: PO Box 309
Beatty Ore 97621 591-533-2494
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.): _____

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.

Diameter of well: _____ Depth in feet: _____

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

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.588 cubic feet per second, OR 711 gallons per minute. If water is to be used from more than one groundwater 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 127
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).

a combination of 2 wheel lines & hand lines
and ditches for runoff water

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin Jan 1995

Proposed date construction work will be completed June 1996

Proposed date water use will be completed June 1996

NOTE: Prior to the issuance of a permit it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

RECEIVED

DEC 28 1995

WATER RESOURCES DEPARTMENT
SALEM, OREGON

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: _____

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

William Dallo
Signature

12-26-95
Date

Signature

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 28th day of December, 1995, at 8 o'clock, AM.

APPLICATION NO: G14232

PFO CHECKLIST

Application #: 6 14232 P.N. = 7/16/96

Basin: Klamath

WAB: _____

Township 36S Range 12E Section 30 1/4 1/4 _____

V.2A Whiskey Cr. & Misc.

- A1. Public Interest Screen Criteria No
- 1. Is the file complete by the Completeness Checklist? Yes
- 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) No
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) None
- 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary) Properly cond.
 - a. Is second groundwater review necessary? (objection) No
 - b. Is HB 1033 review complete? Yes
- 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- 6. Is the Proposed Use located in or above a Scenic Waterway? Yes - Klamath
- 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- 8. Is the use allowed or limited by the Basin Program? Allowed
- 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) No
- 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 11. Rate 1/40 Duty 3.0 Irrigation Season March -> Oct
- 12. Period of Allowed Use March -> Oct
- 13. Is use from a B.O.R. project and if so, is a signed contract in the file? N/A
- 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) N/A / Triage - N/A
- 15. Have conflicts been identified, verified and/or addressed? None identified by I.R.
- 16. Is the use Small (<0.1cfs, <9.2AF), Medium (>0.1 or <1.5cfs, >9.2 or <100AF) or Large (>1.5 cfs, >100 AF)? 1.588 cfs
request at 1.588 cfs
- 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO 75, 7B, 7C
- 18. Fill out Accuracy Checklist 127.0 ac x 1/80 = 1.59 cfs
- 19. Spell Check
- 20. Documents used in determination are attached and highlighted. See Also I.R. checklist
- 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
 - a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) No
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laura Smedaker

Date: 7-30-96 LKS

Basin: Klamath

Application # G-14232

Applicant Name Gallagher

Date: May 14, 1996

AREA

N Sensitive, threatened, endangered fish presence.

Source Watershed

INFORMATION/CONDITIONS

1. Are there water quality concerns? Y N

Are there water quality concerns related to sensitive, threatened or endangered fish? Y N

Should the application be denied? Y N
Should the application be restricted? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec
						X	X	X	X	X			

2. Are there adequate flows to protect sensitive, threatened or endangered fish? Y N

Should the application be denied? Y N

Should the application be restricted beyond water availability limitations? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec
					X	X	X	X	X	X			

3. Domestic

Should domestic use be conditioned to human consumption? Y N

4. Fish Screening and Passage

- A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).
- B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).
- C. No dam or obstruction without a fishway.
- M. Screening may be required.

5. Miscellaneous

- A. Reservoir Filling _____
- B. Water Quality Permits _____
- C. Return Flow _____
- D. Time Limited Water Right _____
- E. Other _____
- F. Livestock Limitation _____

6. Measurement and Reporting

- A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)
- B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)
- C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)
- T. Totalizing

FINDINGS

- Deny permit due to fishery concerns.
- Condition permit due to fishery concerns listed above.
- No sensitive, threatened or endangered fish present, therefore, no additional conditions.

IR MAILING LIST ADDITIONS

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE DELIVERY SYSTEM OR OTHER WATER WORKS:

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN COUNTIES:

OTHER:

IR CHECKLIST

Application #: G 14232 Vol Subbasin

Basin: 14 WAB: POU-WAB 010211160

Township 36 S Range 12 E Section 30, 31 1/4 1/4

- 1. Completeness checklist verified. Y / N or No Checklist
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N
- 3. Groundwater review A B C D
 - a. Is the well located in a groundwater limited area? Y N
- 4. SWW Y / N restrictions Y N
- 5. Basin Program limitations? Y N
- 6. Withdrawn? Y N season allowed
- 7. Basin Maps have been checked Y / N The River Mile is
- NA 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA
- 9. Rate/Duty/Season 1/80 3 March 1 - Oct. 31
- 10. Use Irrig Period of Allowed Use
- 11. Priority Date(s) Dec. 28, 1995
- 12. B.O.R. project Y N contract #
- 13. TMDL Basin? Y N (Tualatin, Yamhill, Pudding) DIVISION 33 Y / N (Abv Bonn > July 17, 92 //// Blw Bonn > April 18, 94 or June 3, 94)
- 14. Conflicts Y N
- 15. Land use approval OK'd needs approval county notified NA
- 16. Conditions? (BOR, GW, other) Y / N 7C, 7B, 7J
- 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 SCR) (14 15 19 - SWR)
- 18. Letter will be Good Limited Bad Bad w/IRshort because

Name:

Date: 6-26-96

January 8, 1996

WILLIAM GALLAGHER

PO BOX 309
BEATTY, OR 97621

REFERENCE: File(s) G-14232

This is to let you know we have received your water use permit application, supporting documentation and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the number listed above.

As you may know, we have a backlog of several thousand applications. Senate Bill 674, passed in the 1995 Legislature, gives the Department staffing and administrative tools to work through that backlog. The bill also sets up an expedited application review process for both pending and new applications. We have until October 31, 1996, to complete work on applications filed through June 30, 1995.

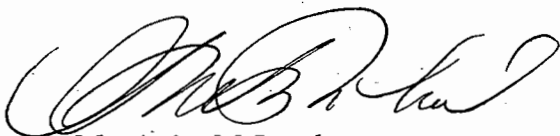
This application, and all applications filed between July 1, 1995, and October 31, 1996, must be processed by April 29, 1997. By that date, the Department must have reached a decision on your request or have scheduled a contested case hearing to settle any unresolved dispute related to your application.

If a permit is approved, the use allowed will be subject to existing Basin Program Rules, instream flow requirements, the demands of prior right holders and other limitations as needed to protect the resource. It may also be subject to new criteria or restrictions deemed necessary by the Oregon Water Resources Commission (a citizen body which oversees the agency's activities) to respond to water resource issues, including current and future Endangered Species Act fish listings.

The filing of an application does not allow you to use water. By law, an applicant may not legally store, divert or use water until the Department issues a final order approving a water right permit. Please bear in mind that the issuance of a permit is not guaranteed; therefore, the Department advises against investments in storage or delivery systems until you receive a permit.

If you have questions about your application, write to us at 158 12th St. NE, Salem, OR 97310 or call the Water Rights Information Group--Ext. 499 at 503-378-8455 or toll-free 800-624-3199. Please refer to your application file number in your inquiry.

Sincerely,



Ms. Anita McLoud
Water Rights Specialist
Water Rights Division



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

RECEIVED

DEC 28 1995

**WATER RESOURCES DEPT.
SALEM, OREGON**

**WATER
RESOURCES
DEPARTMENT**

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



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

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.

RECEIVED

Applicant Name: WILLIAM AND NADINE GALLAGER
 Address: P.O. BOX 303
BEATTY, OR 97621
 Phone: 503-533-3494

DEC 28 1995
 WATER RESOURCES DEPT.
 SALEM, OREGON

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): _____
- 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. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

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

RECEIVED
DEC 28 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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

Applicant's Name: WILLIAM GALLAGER
 Address: P.O. BOX 303
 City: BEATTY State: OR Zip: 97621 Day Phone: 503-533-3494

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

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING Rural Residential/RR-5)	(e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
36-12-12400	EFU-CG				✓
36-12-31-200	EFU-CG				✓

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

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

=====
 For Local Government Use Only **Application No. 614232**
Permit No.

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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); 54. 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 on the reverse of this form. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====
 Receipt for Request for Land Use Information

WRD Applicant Name: _____

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

City or County: KLAMATH COUNTY
 Staff Contact: J.K. LUNDAHL Phone: 983-420
 Signature: J.K. Lunda Date of Information Request: 5-5-95

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

Name/address of adjacent property owner within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # G14232

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

12-18-95

AW

Name and mailing address of applicant
Source of water
Quantity of water
Map showing location of POD & POU
Use of water
Names and addresses of legal owners
Signature of applicant
HB 2153/HB 2107 APPLICATION -- SEE REVERSE
Oath
Application date stamped per money receipt date
Land use approved _____ pending _____

If reservoir < 5 AF \$ _____, if > 5 AF \$ _____

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____
Entered into WRIS

SUPPORT SERVICES

1/9/96

a

Stamp contents with application number
Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
Place label on file and calendar card

APPLICATION SECTION

Stream Indexed Basin # _____
Plat Carded and copy made YES NO
If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete YES NO
Within Irrigation District _____
District Notified _____
District excerpt received _____

TR Mailed DATE _____

Public Interest Checklist complete _____

Management Codes _____

REMARKS: _____

Oregon and consented to by the Congress of the United States.

B. This compact shall remain in full force and effect until amended in the same manner as is required for it to be ratified to become operative or until terminated.

C. A copy of any proposed amendments to or termination of this compact shall be filed with the Board of Supervisors of Modoc County, California, and the County Court of Lake County, Oregon, at least 30 days prior to any legislative consideration by the legislatures of the States of California and Oregon.

ARTICLE VIII FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect the existing rights or powers of the United States of America, its agencies, or instrumentalities, in and to the use of the waters of the Goose Lake Basin nor its capacity to acquire rights in and to the use of said waters.

B. To subject any property of the United States of America, its agencies or instrumentalities to taxation by any state or subdivision thereof, nor to create an obligation on the part of the United States of America, its agencies or instrumentalities by reason of the acquisition, construction or operation of any property or works of whatsoever kind, to make any payments to any state or political subdivision thereof, state agency, municipality or entity, whatsoever in reimbursement for the loss of taxes.

C. To subject any property of the United States of America, its agencies or instrumentalities, to the laws of any state to any extent other than the extent to which these laws would apply without regard to the compact.

[1963 c.473 §2]

NEGOTIATIONS FOR INTERSTATE COMPACT ON COLUMBIA RIVER BASIN

Note: Sections 1 and 2, chapter 391, Oregon Laws 1989, provide:

Sec. 1. (1) The Governor shall request the chairperson of the Columbia River Compact Commission, created pursuant to P.L. 82-572, to convene a meeting of representatives of the seven participating states to begin work preliminary to formal negotiations for an interstate compact to manage the waters of the Columbia River Basin.

(2) The Governor shall designate a representative of the State of Oregon to attend preliminary meetings of the Columbia River Compact Commission as Oregon's representative to the commission.

(3) Upon receiving the report required under section 2 of this Act, the Governor shall request that the chairperson of the Columbia River Compact Commission convene formal negotiations to develop the interstate compact for the management of the waters of the Columbia River Basin [1989 c.391 §1]

Sec. 2. The representative designated under section 1 of this Act shall participate in discussions with other members of the commission regarding areas of agreements between the states and areas of conflict which need to be resolved. After the areas of agreement and conflict are identified, the representative shall report to the Governor and to the legislative leadership. [1989 c.391 §2]

KLAMATH RIVER BASIN COMPACT

542.610 Klamath River Basin Compact ratified; when effective. (1) The Legislative Assembly of the State of Oregon hereby ratifies the Klamath River Basin Compact set forth in ORS 542.620, and the provisions of such compact hereby are declared to be the law of this state upon such compact becoming effective as provided in subsection (2) of this section.

(2) The compact shall become effective when it has been ratified by the legislatures of the States of California and Oregon, and has been consented to by the Congress of the United States as provided in Article XIII of the compact. [1957 c.142 §1]

Note: The Klamath River Basin Compact became effective on September 11, 1957. The compact was ratified by the State of California by chapter 113, California Statutes 1957 (signed by Governor on April 17, 1957, and effective on September 11, 1957). The Congress of the United States consented to the compact by Public Law 222, 85th Congress (signed by President on August 30, 1957).

542.620 Klamath River Basin Compact. The provisions of the Klamath River Basin Compact are as follows:

ARTICLE I
PURPOSES

The major purposes of this compact are, with respect to the water resources of the Klamath River Basin:

A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control thereof for various purposes, including, among others: The use of water for domestic purposes; the development of lands by irrigation and other means; the protection and enhancement of fish, wildlife and recreational resources; the use of water for industrial purposes and hydroelectric power production; and the use and control of water for navigation and flood prevention.

B. To further intergovernmental cooperation and comity with respect to these resources and programs for their use and development and to remove causes of present and future controversies by providing (1) for equitable distribution and use of water among the two states and the Federal Government, (2) for preferential rights to the use of water after the effective date of this compact for the anticipated ultimate requirements for domestic and irrigation purposes in the Upper Klamath River Basin in Oregon and California, and (3) for prescribed relationships between beneficial uses of water as a practicable means of accomplishing such distribution and use.

ARTICLE II
DEFINITION OF TERMS

As used in this compact:

A. "Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries within the States of California and Oregon and all closed basins included in the Upper Klamath River Basin.

B. "Upper Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries upstream from the boundary between the States of California and Oregon and the closed basins of Butte Valley, Red Rock Valley, Lost River Valley, Swan Lake Valley and Crater Lake, as delineated on the official map of the Upper Klamath

River Basin approved on September 6, 1956, by the commissions negotiating this compact and filed with the Secretaries of State of the two states and the General Services Administration of the United States, which map is incorporated by reference and made a part hereof.

C. "Commission" shall mean the Klamath River Compact Commission as created by Article IX of this compact.

D. "Klamath Project" of the Bureau of Reclamation of the Department of the Interior of the United States shall mean that area as delineated by appropriate legend on the official map incorporated by reference under subdivision B of this Article.

E. "Person" shall mean any individual or any other entity, public or private, including either state, but excluding the United States.

F. "Keno" shall mean a point on the Klamath River at the present needle dam, or any substitute control dam constructed in section 36, township 39 south, range 7 east, Willamette Base and Meridian.

G. "Water" or "waters" shall mean waters appearing on the surface of the ground in streams, lakes or otherwise, regardless of whether such waters at any time were or will become ground water, but shall not include water extracted from underground sources until after such water is used and becomes surface return flow or waste water.

H. "Domestic use" shall mean the use of water for human sustenance, sanitation and comfort; for municipal purposes; for livestock watering; for irrigation of family gardens; and for other like purposes.

I. "Industrial use" shall mean the use of water in manufacturing operations.

J. "Irrigation use" shall mean the use of water for production of agricultural crops, including grain grown for feeding wildfowl.

ARTICLE III
DISTRIBUTION AND USE OF WATER

A. There are hereby recognized vested rights to the use of waters originating in the Upper Klamath River Basin validly established and subsisting as of the effective date of this compact under the laws of the state in which the use or diversion is made, including rights to the use of waters for domestic and irrigation uses within the

Klamath Project. There are also hereby recognized rights to the use of all waters reasonably required for domestic and irrigation uses which may hereafter be made within the Klamath Project.

B. Subject to the rights described in subdivision A of this Article and excepting the uses of water set forth in subdivision E of Article XI, rights to the use of unappropriated waters originating within the Upper Klamath River Basin for any beneficial use in the Upper Klamath River Basin, by direct diversion or by storage for later use, may be acquired by any person after the effective date of this compact by appropriation under the laws of the state where the use is to be made, as modified by the following provisions of this subdivision B and subdivision C of this Article, and may not be acquired in any other way:

1. In granting permits to appropriate waters under this subdivision B, as among conflicting applications to appropriate when there is insufficient water to satisfy all such applications, each state shall give preference to applications for a higher use over applications for a lower use in accordance with the following order of uses:

- (a) Domestic use,
- (b) Irrigation use,
- (c) Recreational use, including use for fish and wildlife,
- (d) Industrial use,
- (e) Generation of hydroelectric power,
- (f) Such other uses as are recognized under the laws of the state involved.

These uses are referred to in this compact as uses (a), (b), (c), (d), (e) and (f), respectively. Except as to the superiority of rights to the use of water for use (a) or (b) over the rights to the use of water for use (c), (d), (e) or (f), as governed by subdivision C of this Article, upon a permit being granted and a right becoming vested and perfected by use, priority in right to the use of water shall be governed by priority in time within the entire Upper Klamath River Basin regardless of state boundaries. The date of priority of any right to the use of water appropriated for the purposes above enumerated shall be the date of the filing of the application therefor, but such priority shall be dependent on commencement and completion of construction of

the necessary works and application of the water to beneficial use with due diligence and within the times specified under the laws of the state where the use is to be made. Each state shall promptly provide the commission and the appropriate official of the other state with complete information as to such applications and as to all actions taken thereon.

2. Conditions on the use of water under this subdivision B in Oregon shall be:

(a) That there shall be no diversion of waters from the Upper Klamath River Basin, but this limitation shall not apply to out-of-basin diversions of waters originating within the drainage area of Fourmile Lake.

(b) That water diverted from Upper Klamath Lake and the Klamath River and its tributaries upstream from Keno, Oregon, for use in Oregon and not consumed therein and appearing as surface return flow and waste water within the Upper Klamath River Basin shall be returned to the Klamath River or its tributaries above Keno, Oregon.

3. Conditions on the use of water under this subdivision B in California shall be:

(a) That the waters diverted from the Klamath River within the Upper Klamath River Basin for use in California shall not be taken outside the Upper Klamath River Basin.

(b) That substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, Oregon.

C. 1. All rights, acquired by appropriation after the effective date of this compact, to use waters originating within the Upper Klamath River Basin for use (a) or (b) in the Upper Klamath River Basin in either state shall be superior to any rights, acquired after the effective date of this compact, to use such waters (i) for any purpose outside the Klamath River Basin by diversion in California or (ii) for use (c), (d), (e) or (f) anywhere in the Klamath River Basin. Such superior rights shall exist regardless of their priority in time and may be exercised with respect to inferior rights without the payment of compensation. But such superior rights to use water for use (b) in California shall be limited to the quantity of water necessary to irrigate 100,000

WATER LAWS

acres of land, and in Oregon shall be limited to the quantity of water necessary to irrigate 200,000 acres of land.

2. The provisions of paragraph 1 of this subdivision C shall not prohibit the acquisition and exercise after the effective date of this compact of rights to store waters originating within the Upper Klamath River Basin and to make later use of such stored water for any purpose, as long as the storing of waters for such later use, while being effected, does not interfere with the direct diversion or storage of such waters for use (a) or (b) in the Upper Klamath River Basin.

ARTICLE IV HYDROELECTRIC POWER

It shall be the objective of each state, in the formulation and the execution and the granting of authority for the formulation and execution of plans for the distribution and use of the water of the Klamath River Basin, to provide for the most efficient use of available power head and its economic integration with the distribution of water for other beneficial uses in order to secure the most economical distribution and use of water and lowest power rates which may be reasonable for irrigation and drainage pumping, including pumping from wells.

ARTICLE V INTERSTATE DIVERSION AND STORAGE RIGHTS; MEASURING DEVICES

A. Each state hereby grants for the benefit of the other and its designees the right to construct and operate facilities for the measurement, diversion, storage and conveyance of water from the Upper Klamath River Basin in one state for use in the other insofar as the exercise of such right may be necessary to effectuate and comply with the terms of this compact. The location of such facilities shall be subject to approval by the commission.

B. Each state or its designee, exercising within the jurisdiction of the other a right granted under subdivision A of this Article, shall make provision for the establishment, operation and maintenance of permanent gaging stations at such

points on streams or reservoir or conveyance facilities as may be required by the commission for the purpose of ascertaining and recording the volume of diversions by the streams or facilities involved. Said stations shall be equipped with suitable devices for determining the flow of water at all times. All information obtained from such stations shall be compiled in accordance with the standards of the United States Geological Survey, shall be filed with the commission, and shall be available to the public.

ARTICLE VI ACQUISITION OF PROPERTY FOR STORAGE AND DIVERSION; IN LIEU TAXES

A. Subject to approval of the commission, either state shall have the right (1) to acquire such property rights in the other state as are necessary for the diversion, storage, conveyance, measurement and use of water in conformity with this compact, by donation or purchase, or (2) to elect to have the other state acquire such property rights for it by purchase or through the exercise of the power of eminent domain. A state making the latter election shall make a written request therefor and the other state shall expeditiously acquire said property rights either by purchase at a price satisfactory to the requesting state, or, if such purchase cannot be made, then through the exercise of its power of eminent domain, and shall convey said property rights to the requesting state or its designee. All costs of such acquisition shall be paid by the requesting state. Neither state shall have any greater power to acquire property rights for the other state through the exercise of the power of eminent domain than it would have under its laws to acquire the same property rights for itself.

B. Should any diversion, storage or conveyance facilities be constructed or acquired in either state for the benefit of the other state, as herein provided, the construction, repair, replacement, maintenance and operation of such facilities shall be subject to the laws of the state in which the facilities are located, except that the proper officials of that state shall permit the storage, release and conveyance of any water to which the other state is entitled under this compact.

C. Either state having property rights other than water rights in the other state acquired as provided in this Article shall pay to each political subdivision of the state in which such property rights are located, each and every year during which such rights are held, a sum of money equivalent to the average annual amount of taxes assessed against those rights during the 10 years preceding the acquisition of such rights in reimbursement for the loss of taxes to such political subdivisions of the state. Payments so made to a political subdivision shall be in lieu of any and all taxes by that subdivision on the property rights for which the payments are made.

ARTICLE VII POLLUTION CONTROL

A. The states recognize that the growth of population and the economy of the Upper Klamath River Basin can result in pollution of the waters of the Upper Klamath River Basin constituting a menace to the health and welfare of, and occasioning economic loss to, people living or having interests in the Klamath River Basin. The states recognize further that protection of the beneficial uses of the waters of the Klamath River Basin requires cooperative action of the two states in pollution abatement and control.

B. To aid in such pollution abatement and control, the commission shall have the duty and power:

1. To cooperate with the states or agencies thereof or other entities and with the United States for the purpose of promoting effective laws and the adoption of effective regulations for abatement and control of pollution of the waters of the Klamath River Basin, and from time to time to recommend to the governments reasonable minimum standards for the quality of such waters.

2. To disseminate to the public by any and all appropriate means information respecting pollution abatement and control in the waters of the Klamath River Basin and on the harmful and uneconomic results of such pollution.

C. Each state shall have the primary obligation to take appropriate action under its own laws to abate and control interstate pollution, which is defined as the deterioration of the quality of the

waters of the Upper Klamath River Basin within the boundaries of such state which materially and adversely affects beneficial uses of waters of the Klamath River Basin in the other state. Upon complaint to the commission by the state water pollution control agency of one state that interstate pollution originating in the other state is not being prevented or abated, the procedure shall be as follows:

1. The commission shall make an investigation and hold a conference on the alleged interstate pollution with the water pollution control agencies of the two states, after which the commission shall recommend appropriate corrective action.

2. If appropriate corrective action is not taken within a reasonable time, the commission shall call a hearing, giving reasonable notice in writing thereof to the water pollution control agencies of the two states and to the person or persons which it is believed are causing the alleged interstate pollution. Such hearing shall be held in accordance with rules and regulations of the commission, which shall conform as nearly as practicable with the laws of the two states governing administrative hearings. At the conclusion of such hearing, the commission shall make a finding as to whether interstate pollution exists, and if so, shall issue to any person or persons which the commission finds are causing such interstate pollution an order or orders for correction thereof.

3. It shall be the duty of the person against whom any such order is issued to comply therewith. Any court of general jurisdiction of the state where such discharge is occurring or the United States District Court for the district where the discharge is occurring shall have jurisdiction, on petition of the commission for enforcement of such order, to compel action by mandamus, injunction, specific performance, or any other appropriate remedy, or on petition of the person against whom the order is issued to review any order. At the conclusion of such enforcement or review proceedings, the court may enter such decree or judgment affirming, reversing, modifying, or remanding such order as in its judgment is proper in the circumstances on the basis of the rules customarily applicable in proceedings for court enforcement or review of

WATER LAWS

administrative actions.

D. The water pollution control agencies of the two states shall, from time to time, make available to the commission all data relating to the quality of the waters of the Upper Klamath River Basin which they possess as the result of studies, surveys and investigations thereof which they may have made.

ARTICLE VIII MISCELLANEOUS

A. Subject to vested rights as of the effective date of this compact, there shall be no diversion of waters from the basin of Jenny Creek to the extent that such waters are required, as determined by the commission, for use on land within the basin of Jenny Creek.

B. Each state shall exercise whatever administrative, judicial, legislative or police powers it has that are required to provide any necessary reregulation or other control over the flow of the Klamath River downstream from any hydroelectric power plant for protection of fish, human life or property from damage caused by fluctuations resulting from the operation of such plant.

ARTICLE IX ADMINISTRATION

A. 1. There is hereby created a commission to administer this compact. The commission shall consist of three members. The representative of the State of California shall be the Department of Water Resources. The representative of the State of Oregon shall be the Water Resources Commission of Oregon who shall serve as ex officio representative of the Water Resources Commission of Oregon. The President is requested to appoint a federal representative who shall be designated and shall serve as provided by the laws of the United States.

2. The representative of each state shall be entitled to one vote in the commission. The representative of the United States shall serve as chairman of the commission without vote. The compensation and expenses of each representative shall be fixed and paid by the government which he represents. Any action by the commission shall be effective only if it be agreed to by both voting

members.

3. The commission shall meet to establish its formal organization within 60 days after the effective date of this compact, such meeting to be at the call of the Governors of the two states. The commission shall then adopt its initial set of rules and regulations governing the management of its internal affairs providing for, among other things, the calling and holding of meetings, the adoption of a seal, and the authority and duties of the chairman and executive director. The commission shall establish its office within the Upper Klamath River Basin.

4. The commission shall appoint an executive director, who shall also act as secretary, to serve at the pleasure of the commission and at such compensation, under such terms and conditions and performing such duties as it may fix. The executive director shall be the custodian of the records of the commission with authority to affix the commission's official seal, and to attest to and certify such records or copies thereof. The commission, without regard to the provisions of the civil service laws of either state, may appoint and discharge such consulting, clerical and other personnel as may be necessary for the performance of the commission's functions, may define their duties, and may fix and pay their compensation. The commission may require the executive director and any of its employees to post official bonds, and the cost thereof shall be paid by the commission.

5. All records, files and documents of the commission shall be open for public inspection at its office during established office hours.

6. No member, officer or employee of the commission shall be liable for injury or damage resulting from (a) action taken by such member, officer or employee in good faith and without malice under the apparent authority of this compact, even though such action is later judicially determined to be unauthorized, or (b) the negligent or wrongful act or omission of any other person, employed by the commission and serving under such officer, member or employee, unless such member, officer or employee either failed to exercise due care in the selection, appointment or supervision of such other person, or failed to take all available action to suspend or discharge such other person after

knowledge or notice that such other person was inefficient or incompetent to perform the work for which he was employed. No suit may be instituted against a member, officer or employee of the commission for damages alleged to have resulted from the negligent or wrongful act or omission of such member, officer or employee or a subordinate thereof occurring during the performance of his official duties unless, within 90 days after occurrence of the incident, a verified claim for damages is presented in writing and filed with such member, officer or employee and with the commission. In the event of a suit for damages against any member, officer or employee of the commission on account of any act or omission in the performance of his or his subordinates' official duties, the commission shall arrange for the defense of such suit and may pay all expenses therefor on behalf of such member, officer or employee. The commission may at its expense insure its members, officers and employees against liability resulting from their acts or omissions in the performance of their official duties. Nothing in this paragraph shall be construed as imposing any liability upon any member, officer or employee of the commission that he would otherwise not have.

7. The commission may incur obligations and pay expenses which are necessary for the performance of its functions. But it shall not pledge the credit of any government except by and with the authority of the legislative body thereof given pursuant to and in keeping with the constitution of such government, nor shall the commission incur any obligations prior to the availability of funds adequate to meet them.

8. The commission may:

(a) Borrow, accept or contract for the services of personnel from any government or agency thereof, from any intergovernmental agency, or from any other entity.

(b) Accept for any of its purposes and functions under this compact any and all donations, gifts, grants of money, equipment, supplies, materials and services from any government or agency thereof or intergovernmental agency or from any other entity.

(c) Acquire, hold and dispose of real and personal property as may be necessary in the

performance of its functions.

(d) Make such studies, surveys and investigations as are necessary in carrying out the provisions of this compact.

9. All meetings of the commission for the consideration of and action on any matters coming before the commission, except matters involving the management of internal affairs of the commission and its staff, shall be open to the public. Matters coming within the exception of this paragraph may be considered and acted upon by the commission in executive sessions under such rules and regulations as may be established therefor.

10. In the case of the failure of the two voting members of the commission to agree on any matter relating to the administration of this compact as provided in paragraph 2 of this subdivision A, the representative from each state shall appoint one person and the two appointed persons shall appoint a third person. The three appointees shall sit as an arbitration forum. The terms of appointment and the compensation of the members of the arbitration forum shall be fixed by the commission. Matters on which the two voting members of the commission have failed to agree shall be decided by a majority vote of the members of the arbitration forum. Each state obligates itself to abide by the decision of the arbitration forum, subject, however, to the right of each state to have the decision reviewed by a court of competent jurisdiction.

11. The commission shall have the right of access, through its authorized representatives, to all properties in the Klamath River Basin whenever necessary for the purpose of administration of this compact. The commission may obtain a court order to enforce its right of access.

B. 1. The commission shall submit to the Governor or designated officer of each state a budget of its estimated expenditures for such period and at such times as may be required by the laws of that state for presentation to the legislature thereof. Each state pledges itself to appropriate and pay over to the commission one-half of the amount required to finance the commission's estimated expenditures as set forth in each of its budgets, and pledges further that concurrently with approval of this compact by its legislature the sum of not less than \$12,000 will be appropriated by it to be paid over to

WATER LAWS

the commission at its first meeting for use in financing the commission's functions until the commission can prepare its first budget and receive its first appropriation thereunder from the states.

2. The commission shall keep accurate accounts of all receipts and disbursements, which shall be audited yearly by a certified public accountant, and the report of the audit shall be made a part of its annual report. The accounts of the commission shall be open for public inspection during established office hours.

3. The commission shall make and transmit to the legislature and Governor of each state and to the President of the United States an annual report covering the finances and activities of the commission and embodying such plans, recommendations and findings as may have been adopted by the commission.

C. 1. The commission shall have the power to adopt, and to amend or repeal, such rules and regulations to effectuate the purposes of this compact as in its judgment may be appropriate.

2. Except as to matters involving exclusively the management of the internal affairs of the commission and its staff or involving emergency matters, prior to the adoption, amendment or repeal of any rule or regulation the commission shall hold a hearing at which any interested person shall have the opportunity to present his views on the proposed action in writing, with or without the opportunity to present the same orally. The commission shall give adequate advance notice in a reasonable manner of the time, place and subject of such hearings.

3. Emergency rules and regulations may be adopted without a prior hearing, but in such case they may be effective for not longer than 90 days.

4. The commission shall publish its rules and regulations in convenient form.

ARTICLE X

STATUS OF INDIAN RIGHTS

A. Nothing in this compact shall be deemed:

1. To affect adversely the present rights of any individual Indian, tribe, band or community of Indians to the use of the waters of the Klamath River Basin for irrigation.

2. To deprive any individual Indian, tribe, band or community of Indians of any rights,

privileges, or immunities afforded under federal treaty, agreement or statute.

3. To affect the obligations of the United States of America to the Indians, tribes, bands or communities of Indians, and their reservations.

4. To alter, amend or repeal any of the provisions of the Act of August 13, 1954, (68 Stat. 718) as it may be amended.

B. Lands within the Klamath Indian Reservation which are brought under irrigation after the effective date of this compact, whether before or after section 14 of said Act of August 13, 1954, becomes fully operative, shall be taken into account in determining whether the 200,000 acre limitation provided in paragraph 1 of subdivision C of Article III has been reached.

ARTICLE XI

FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect any rights, powers or jurisdiction of the United States, its agencies or those acting by or under its authority, in, over and to the waters of the Klamath River Basin, nor to impair or affect the capacity of the United States, its agencies or those acting by or under its authority in any manner whatsoever, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

B. To subject any property of the United States, its agencies or instrumentalities, to taxation by either state or any subdivision thereof, unless otherwise provided by Act of Congress.

C. To subject any works or property of the United States, its agencies, instrumentalities or those acting by or under its authority, used in connection with the control or use of waters which are the subject of this compact, to the laws of any state to an extent other than the extent to which those laws would apply without regard to this compact, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

D. To affect adversely the existing areas of Crater Lake National Park or Lava Beds National Monument, or to limit the operation of laws relating to the preservation thereof.

E. To apply to the use of water for the maintenance, on the scale at which such land and water areas are maintained as of the effective date of this compact, of officially designated waterfowl management areas, including water consumed by evaporation and transpiration on water surface areas and water used for irrigation or otherwise in the Upper Klamath River Basin; nor to affect the rights and obligations of the United States under any migratory bird treaty or the Migratory Bird Conservation Act (45 Stat. 1222), as amended to the effective date of this compact.

ARTICLE XII GENERAL PROVISIONS

A. Each state and all persons using, claiming or in any manner asserting any right to the use of the waters of the Klamath River Basin under the authority of either state shall be subject to the terms of this compact.

B. Nothing in this compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

C. Should a court of competent jurisdiction hold any part of this compact to be contrary to the Constitution of either state or the United States, all other provisions shall continue in full force and effect, unless it is authoritatively and finally determined judicially that the remaining provisions cannot operate for the purposes, or substantially in the manner, intended by the states independently of the portions declared unconstitutional or invalid.

D. Except as to matters requiring the exercise of discretion by the commission, the provisions of this compact shall be self-executing and shall by operation of law be conditions of the various state permits, licenses or other authorizations relating to the waters of the Klamath River Basin issued after the effective date of this compact.

E. The physical and other conditions peculiar to the Klamath River Basin constitute the basis for this compact, and neither of the states hereby, nor the Congress of the United States by its consent, considers that this compact establishes any general principle or precedent with respect to any other

interstate stream.

ARTICLE XIII RATIFICATION

A. This compact shall become effective when ratified by the legislature of each signatory state, and when consented to by an Act of Congress of the United States which will, in substance, meet the provisions hereinafter set forth in this Article.

B. The Act of Congress referred to in subdivision A of this Article shall provide that the United States or any agency thereof, and any entity acting under any license or other authority granted under the laws of the United States (referred to in this Article as "the United States"), in connection with developments undertaken after the effective date of this compact pursuant to laws of the United States, shall comply with the following requirements:

1. The United States shall recognize and be bound by the provisions of subdivision A of Article III.

2. The United States shall not, without payment of just compensation, impair any rights to the use of water for use (a) or (b) within the Upper Klamath River Basin by the exercise of any powers or rights to use or control water (i) for any purpose whatsoever outside the Klamath River Basin by diversions in California or (ii) for any purpose whatsoever within the Klamath River Basin other than use (a) or (b). But the exercise of powers and rights by the United States shall be limited under this paragraph 2 only as against rights to the use of water for use (a) or (b) within the Upper Klamath River Basin which are acquired as provided in subdivision B of Article III after the effective date of this compact, but only to the extent that annual depletions in the flow of the Klamath River at Keno resulting from the exercise of such rights to use water for uses (a) and (b) do not exceed 340,000 acre-feet in any one calendar year.

3. The United States shall be subject to the limitation on diversions of waters from the basin of Jenny Creek as provided in subdivision A of Article VIII.

4. The United States shall be governed by all the limitations and provisions of paragraph 2 and subparagraph (a) of paragraph 3 of subdivision B of

Article III.

5. The United States, with respect to any irrigation or reclamation development undertaken by the United States in the Upper Klamath River Basin in California, shall provide that substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, unless the Secretary of the Interior shall determine that compliance with this requirement would render it less feasible than under an alternate plan of development, in which event such return flows and waste waters shall be returned to the Klamath River at a point above Copco Lake.

C. Upon enactment of the Act of Congress referred to in subdivision A of this Article and so long as such Act shall be in effect, the United States, when exercising rights to use water pursuant to state law, shall be entitled to all of the same privileges and benefits of this compact as any person exercising similar rights.

D. Such Act of Congress shall not be construed as relieving the United States of any requirement of compliance with state law which may be provided by other federal statutes.

ARTICLE XIV
TERMINATION

This compact may be terminated at any time by legislative consent of both states, but despite such termination, all rights then established hereunder or recognized hereby shall continue to be recognized as valid by the states.

[1957 c.142 §2]

542.630 Water Resources Director to represent state in administering the Klamath River Basin Compact. The Water Resources Director shall be the only representative of this state in administering the Klamath River Basin Compact set forth in ORS 546.620. The director shall receive no additional compensation for services as such representative, but, subject to any other applicable

law regulating mileage and traveling and other expenses for state officers, shall receive actual and necessary traveling and other expenses incurred in the performance of official functions as such representative, to be paid in the same manner and out of the same moneys as other similar expenses of the director are paid. [1957 c.142 §3]

**TEST STUDY OF INTEGRATED
LAND-WATER MANAGEMENT**

542.710 Test stream and watershed study.

(1) The Department of Higher Education, under the direction of the State Board of Higher Education acting through the Agricultural Experiment Station of Oregon State University, is authorized to conduct a test stream and watershed study in order to ascertain in a scientific manner the interrelation between all factors operating in watersheds upon maximum resource productivity of the area for the greatest public benefit.

(2) In conducting the study the Department of Higher Education, under the direction of the State Board of Higher Education acting through the Agricultural Experiment Station of Oregon State University, may:

(a) Enlist the cooperation of other state agencies concerned with fields under study and may reimburse such agencies for use made of facilities and personnel.

(b) Acquire the services of other persons as necessary for the purposes of this section. [Formerly 184.460]

542.720 Assistance and grants for study. For purposes of ORS 542.710, the State Board of Higher Education may accept assistance and grants in the form of real or personal property, money, labor, equipment or technical assistance from the United States or any of its agencies, political subdivisions or from other persons subject to the conditions imposed thereon regardless of conflicting state law and may, unless enjoined by the terms of the grant or donation, convert the same into money to be used for the purposes of ORS 542.710. [Formerly 184.470]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **131207**

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

INVOICE # _____

RECEIVED FROM: Lori Callaghy APPLICATION 514232
 BY: _____ PERMIT _____
 TRANSFER _____

CASH: CHECK: # 2412 OTHER: (IDENTIFY)
 TOTAL REC'D \$ 536.00

01-00-0 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

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

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES	\$ <u>2.00</u>
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ <u>200.00</u>	842.004	\$ <u>334.00</u>
842.005	TRANSFER	\$	842.006	\$
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$
_____	OTHER (IDENTIFY)	_____	_____	_____

06-00-0 WELL CONST. START FEE

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

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

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

RECEIPT # **131207** DATED: 12-28-95 BY: J. Kessner
 Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

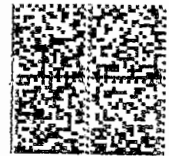
Oregon

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301

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William Gallagher
P.O. Box 309
Beatty, OR 97621

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OCT 21 2014
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