Oregon Water Resources Department
Water Right Services Division

Water Right Application G-17861 in the name of ROARING SPRINGS RANCH INC.	)))	FINAL ORDER

Summary: Order approving Application G-17861 and issuing a draft permit, contingent upon well construction compliance for Well 1 (HARN 1704).

Authority
The application was processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410 and the Malheur Lake Basin (OAR 690-512). These statutes and rules can be viewed on the following website: https://www.oregon.gov/OWRD/programs/policylawandrules/Pages.default.aspx.

The Department's main page is https://www.oregon.gov/OWRD.

This Final Order is issued pursuant to ORS 537.625 and OAR 690-310-0200.

FINDINGS OF FACT

1. On May 15, 2014, Roaring Springs Ranch Inc. submitted an application to the Department for a water use permit.

2. On July 21, 2015, the Department issued a Proposed Final Order recommending approval of the application. The protest period closed September 4, 2015 and no protest was filed.

3. **The Department will issue a permit when evidence is submitted to the Department that determines Well 1 (HARN 1704) complies with minimum construction standards by being resealed, with an approved grout, to a minimum depth of at least 18 feet below land surface. Evidence must be submitted within one year of Final Order issuance, or this application is deemed denied.**

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order are incorporated herein.

2. The proposed use, as conditioned, will ensure the preservation of the public welfare, safety and health.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to OAR 137-004-0080 you may 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.

NOTE: When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety and health.

ORDER

Application G-17861 is approved and a draft permit is issued. **The Department will issue a permit when evidence is submitted to the Department that determines Well 1 (HARN 1704) complies with minimum construction standards.**

Evidence must be submitted within one year of Final Order issuance, or this application is deemed denied.

DATED JAN 27 2020

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

- If you have any questions about statements contained in this document, please contact Kim French at Kim.R.French@oregon.gov or 503-986-0816.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

STATE OF OREGON

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ROARING SPRINGS RANCH INC.
31437 HWY 205
FRENCHGLEN OR 97736

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

APPLICATION FILE NUMBER: G-17861

SOURCE OF WATER: WELL 1 (HARN 1704) IN DRY CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 246.83 ACRES

MAXIMUM RATE: 3.09 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 15, 2014

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	31 E	WM	23	NW SE	2553 FEET NORTH AND 10 FEET EAST FROM S1/4 CORNER, SECTION 23

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	31 E	WM	22	NE SE	8.36
34 S	31 E	WM	22	SE SE	10.55
34 S	31 E	WM	23	SW NW	7.54
34 S	31 E	WM	23	SE NW	8.49
34 S	31 E	WM	23	NE SW	39.93
34 S	31 E	WM	23	NW SW	39.65
34 S	31 E	WM	23	SW SW	40.00
34 S	31 E	WM	23	SE SW	40.00
34 S	31 E	WM	23	NW SE	10.99
34 S	31 E	WM	23	SW SE	13.46
34 S	31 E	WM	26	NW NE	0.17
34 S	31 E	WM	26	NE NW	14.45
34 S	31 E	WM	26	NW NW	13.23
34 S	31 E	WM	27	NE NE	0.01

1. **Water Use Measurement, Recording, and Reporting Condition:**

   A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.

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

   C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual 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.

   D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. **Static Water Level Condition:**

   The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. 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 permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

   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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

   A. Associate each measurement with an owner's well name or number and a Department well log ID; and

   B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
   C. Specify the method of measurement; and

   D. Certify the accuracy of all measurements and calculations reported to the Department.

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

A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or

B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or

C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or

D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or 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 causing substantial interference with senior water rights. The water user shall not 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.

3. **Dedicated Measuring Tube Condition:**

Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

4. **Well Identification Tag Condition:**

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

STANDARD CONDITIONS

1. 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.

2. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

3. If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or

reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

4. The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

5. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

6. Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

7. 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.

8. 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.

9. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.

10. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued _____

DRAFT – THIS IS NOT A PERMIT

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