

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT  
**A separate extension application must be submitted for each permit as per  
 OAR 690-315-0020(2).**

I, Wilber Brothers

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

77 West Adams Street  
 ADDRESS

Burns  
 CITY

OR  
 STATE

97720  
 ZIP

541-740-8849  
 PHONE

caseywilber@gmail.com  
 E-MAIL ADDRESS

the permit holder of:

Application Number G-17048-

Permit Number G-16425

[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: 10 Day: 01 Year: 2013**, be extended to October 1, 2023, [OAR 690-315-0020(3)(i)]

N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: 10 Day: 01 Year: 2013**, be extended to October 1, 2023. [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Pat Wilber 1-21-18  
 Signature Date  
Pat Wilber Pat Wilber Owner Owner  
 Printed Name Title

Before submitting your Application for Extension of Time, make sure the following items are included:

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- This completed Application for Extension of Time.
- Statutory fee of \$670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

**MAIL COMPLETED APPLICATION**  
along with the Supporting documents and/ or evidence and correct fee to:

**Water Resources Department**  
**Attn: Water Right Permit Extensions**  
**725 Summer Street NE, Suite A**  
**Salem, Oregon 97301**



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:  
[http://www.oregon.gov/owrd/PUBS/docs/forms/fillable\\_muni\\_quasi\\_ext\\_app\\_form\\_2014.doc](http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc)
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_690/690\\_315.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html)
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Questions to complete this application for an Extension of Time**

Please see the instruction sheet to help you answer these items.

**1. Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

**For Groundwater Permits**

**Has construction of the point of appropriation (well) authorized under this permit begun?**

Yes  No

**Date construction began Month:**01 **Day:** 08 **Year:** 2002

**Details of construction and attach documentation:** Original well drilled to a depth of 270 feet. Well production limited to 150 GPM according to bailer test, which was not sufficient to provide the needed quantity of water to justify the cost of power or required system development. Well deepened to 510 feet with a tested production rate of 300 GPM in September 2007. See attached well logs.

**For Surface/Reservoir Permit N/A**

**Has construction of the water system begun?**  Yes  No

**Date construction began Month:** \_\_\_\_\_ **Day:** \_\_\_\_\_ **Year:** \_\_\_\_\_

**Details of construction and attach documentation:** \_\_\_\_\_

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OAR 690-315-0020(3)(A)(e)(A)

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2<sup>nd</sup> column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1<sup>st</sup> column check the box for each condition (row) identified as relevant. In the 3<sup>rd</sup> column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4<sup>th</sup> column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2023
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2023
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2019
<input checked="" type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2023
<input checked="" type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2019- 2025
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Surface Water or Reservoir N/A</b>			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>OWRD</b>
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.**

Given the limited water expected to be available and the economic situation and revenue anticipated from the crops that could be grown, we could not justify the additional expenses involved to complete the installation of the system. After due consideration of these issues, it was decided we would wait to see if better conditions developed. Given the multiple contiguous years of severe drought, crop values have now increased sufficiently to justify the expense of completing the system and utilizing the available groundwater.

[OAR 690-315-0020(3)(e)]

**3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use chronological order. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)**

**CHART-B**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
2002	Original well constructed	10,000
2007	Well deepened, production increased	6,144
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
01/08/09	Date the permit was signed - find date above signature on last page of permit.	
	None	
10/01/13	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
02/18	Well pump test completed with production determined at 440 GPM	4,772

<b>Total Cost for Chart-B</b>		<b>20,916</b>

\* If exact cost is not known, you must provide your best estimate.

4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

**CHART-C**

DATE	<b>WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD</b> <i>List all work done during the last authorized extension period.</i>	COST*
10/01/13	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
	N/A	
	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
DATE	<b>WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED</b> <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
<b>Total Cost of Chart-C</b>		<b>0</b>

\* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: 20,916  
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

*TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.*

**6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**

*TIP: Report the rate in the same units of measurement as specified in the permit.*

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second) or,

Maximum rate used to date = \_\_\_\_\_ gpm (gallons per minute) or,

Acre-feet stored to date = \_\_\_\_\_ AF

**7. For Ground Water Permit Extensions (e.g. G-XXXX):**

*TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.*

**CHART-D**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well 1	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 50760		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	150 GPM	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
(Deepening)	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 51401		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	300 GPM	Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						300 GPM#		

NOTE: No water has yet been used under this permit other than for testing purposes.

8. Has a Permit Amendment Application been filed? Yes  No

If yes, identify Transfer No. T- \_\_\_\_\_

Has the Permit Amendment been approved? Yes  No  N/A

If yes, on what date was the Permit Amendment approved? \_\_\_\_\_

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[OAR 690-315-0020(3)(e)(C)]

**9. For Irrigation and Nursery Use Permits Extensions**

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: None from the well.

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# \_\_\_\_\_ Acres \_\_\_\_\_ (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_

(POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_ (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

**CHART-E**

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2019	Installation of power to the well by Idaho Power	33,000
2019	Purchase and installation of pump	16,000
2019	Flow meter purchase and installation	1,000
2020	Purchase and installation of approximately 500' of mainline pipe	4,000
2020-2023	Begin use of well to supplement surface water, and for primary use on new land	N/A
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>Total Cost</b>		<b>54,000</b>

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$ 54,000

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(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

**12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use:** *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* Summary is as contained in Chart E, above. It is expected that we will be able to meet all permit conditions and make full use of the well water sometime between 2019 and 2023 irrigation seasons. The amount of use will depend largely on the amount of water available from the Middle Fork Malheur River on an annual basis.

[OAR 690-315-0020(3)(k)]

**13. Justify the time requested to complete the project and/or apply the water to full beneficial use.** *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The funding for the remaining development (see Chart E) may need to be spread over more than one season. As much as 3-4 seasons may be needed. We will complete this development as quickly as possible within the 5-year period of extension.

[OAR 690-315-0020(3)(l)]

**14a. Will a denial of the extension result in undue hardship?** *(Describe the hardship and the effects.)* Yes. The well is needed to maximize crop production during this time of higher crop values. The amount available under our surface water rights is becoming less every year, so dependence upon groundwater is expected to increase.

**14b. Are there any other reasonable alternatives that exist for meeting your water use needs?** *(Explain in detail)* None that we are aware of. This is a very arid part of the state and the surface water availability is quite variable from year to year.

[OAR 690-315-0020(3)(h)]

**15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right?** *(Explain in detail, including how much time did this delay the project; list dates.)* No

[OAR 690-315-0020(3)(h)]

**16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over.** *(Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)* No

[OAR 690-315-0020(3)(h)]

**17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)**

Poor farming economy plus the high costs of completing the project.

[OAR 690-315-0020(3)(m)(n)]

**18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.**

None

[OAR 690-315-0040(2)(f)]

**19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) Yes. Such has not been the case in recent years, but the economy has improved in this respect, and crop values have increased, making the additional investment economically feasible.**

[OAR 690-315-0040(4)(d)]

**20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?) None**

**Attach permit, and documentation to the application**

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**Oregon Water Resources Department  
Attribute Report**

Report Date: Jan 31, 2019

**General:**

TRSQQ:	WM20.00S35.00E24SESE WM20.00S35.00E25NENE WM20.00S35.00E25NWNW WM20.00S35.00E25SENE WM20.00S35.00E24SWSE WM20.00S36.00E19SWSW WM20.00S36.00E30NWNW WM20.00S36.00E30SWNW
DLC:	-
Latitude:	43.8068640623
Longitude:	-118.3482263382
Buffer ft:	1320
DEM Elev. ft. (NAVD1929):	3514.3
Lidar Elev. ft. (NAVD1988):	NoData
Basin Name:	Malheur
Basin Plan:	-Malheur
County:	Harney
WM District:	10
WM Region:	EASTERN
ODFW Region, District:	High Desert, Southeast District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	<a href="#">Platcard for WM20.00S35.00E24</a> <a href="#">Platcard for WM20.00S35.00E25</a> <a href="#">Platcard for WM20.00S35.00E25</a> <a href="#">Platcard for WM20.00S35.00E25</a> <a href="#">Platcard for WM20.00S35.00E24</a> <a href="#">Platcard for WM20.00S36.00E19</a> <a href="#">Platcard for WM20.00S36.00E30</a> <a href="#">Platcard for WM20.00S36.00E30</a>
Well Logs:	<a href="#">Logs for WM20.00S35.00E24</a> <a href="#">Logs for WM20.00S35.00E25</a> <a href="#">Logs for WM20.00S35.00E25</a> <a href="#">Logs for WM20.00S35.00E25</a> <a href="#">Logs for WM20.00S35.00E24</a> <a href="#">Logs for WM20.00S36.00E19</a> <a href="#">Logs for WM20.00S36.00E30</a> <a href="#">Logs for WM20.00S36.00E30</a>

**Rules:**

Withdrawn Authority:	-
Groundwater Restricted:	-
GW Restricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-

## General

*Oregon Public Land Survey Quarter-quarters.* Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

*Donated Land Claims.* Oregon Water Resources Department. January 1, 1995. 1:100,000.

*Elevation.* DEM 10m. - -

*Elevation.* Lidar Elevation. DOGAMI Bare Earth 1:3.

*OWRD Administrative Basins.* Oregon Water Resources Department. January 1, 1995.

*Oregon Counties.* Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

*OWRD Watermaster Districts.* Oregon Water Resources Department. March 31, 2014.

*OWRD Regions.* Oregon Water Resources Department. January 1, 1995.

*ODFW Districts and Regions.* Oregon Department of Fish and Wildlife. August 28, 2012.

*Water Organizations* Oregon Water Resources Department. April 1, 2013. 1:24,000.

*Large Dams Inventory.* Oregon Water Resources Department. August 12, 2014. 1:24,000.

## Rules

*Withdrawn Authority Areas.* Oregon Water Resources Commission. January 1, 2007.

*OWRD Groundwater Restricted Areas.* Oregon Water Resources Department. October 5, 2016.

*OWRD Groundwater Restricted Areas - Subunits.* Oregon Water Resources Department. April 1, 2009.

*ODEQ Groundwater Management Areas (GWMAs).* Oregon Department of Environmental Quality. April 21, 2008.

*Groundwater Umatilla Municipal Wells 5-mile buffer.* Oregon Water Resources Department. June 28, 2012.

*National Marine Fisheries Service (NMFS) 4(d) Rule.* National Marine Fisheries Service. January 1, 2007.

*Division 33.* Oregon Water Resources Dept., 2018. September 20, 2018. 1:100,000.

*Irrigation Season of Use.* Oregon Water Resources Department, 2017.. March 24, 2017.

*Oregon Water Quality Assessment 2012.* This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

*Oregon Fish Habitat 2018.* Oregon Department of Fish and Wildlife, Jon K. Bowers, Ruth Schellbach, David L. Bradford. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. February 2, 2018. 1:24,000.

*Deschutes USGS Groundwater Study Area.* Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

*Deschutes Zones of Impact.* Oregon Water Resources Department.. October 25, 2007.

*Deschutes Zones Overlay.* Oregon Water Resources Department. October 25, 2007.

*Oregon State Scenic Waterway areas.* Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

## Hydrography

*Routed OWRD Streamcodes (conflated to the NHD).* Oregon Water Resources Dept., August 11, 2014.

*OWRD Lake Streamcodes (conflated to the NHD).* Oregon Water Resources Dept., August 7, 2015.

*Watershed Boundary Dataset (WBD), 10-digit (watershed).* Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

*Water Availability Basins.* Oregon Water Resources Department.. n.d. 1:100,000.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILBER BROTHERS  
77 W ADAMS ST  
BURNS, OR 97720

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

APPLICATION FILE NUMBER: G-17048

SOURCE OF WATER: WELL 1 (HARN 50760) IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 66.6 ACRES; SUPPLEMENTAL IRRIGATION USE ON 439.3 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND (CFS), BEING NO MORE THAN 0.83 CFS FOR IRRIGATION OF 66.6 ACRES

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 1, 2008

WELL LOCATION: NE ¼ NE ¼, SECTION 25, T20S, R35E, W.M.; 250 FEET SOUTH AND 60 FEET WEST FROM NE CORNER, SECTION 25

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 FOLLO

IRRIGATION	SUPPLEMENTAL IRRIGATION
NE ¼ NE ¼	40.0 ACRES
SW ¼ NE ¼	14.8 ACRES
SE ¼ NE ¼	39.0 ACRES
NE ¼ SE ¼	14.4 ACRES
SE ¼ SE ¼ 0.8 ACRE	12.8 ACRES
SECTION 25	
TOWNSHIP 20 SOUTH, RANGE 35 EAST, W.M.	
SW ¼ NW ¼	26.0 ACRES
SE ¼ NW ¼	1.2 ACRES
NE ¼ SW ¼	31.1 ACRES
NW ¼ SW ¼	40.0 ACRES
SW ¼ SW ¼ 5.0 ACRES	32.0 ACRES
SE ¼ SW ¼	39.8 ACRES
SW ¼ SE ¼ 6.0 ACRES	
SECTION 30	

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IRRIGATION	SUPPLEMENTAL IRRIGATION
NE ¼ NW ¼ 1.9 ACRES	22.0 ACRES
NW ¼ NW ¼	21.3 ACRES
SW ¼ NW ¼	0.1 ACRE
SE ¼ NW ¼	22.6 ACRES
NE ¼ SW ¼	0.8 ACRE
SW ¼ SE ¼	6.0 ACRES
SE ¼ SE ¼	36.8 ACRES

SECTION 31

SW ¼ SW ¼ 12.2 ACRES

SECTION 32

TOWNSHIP 20 SOUTH, RANGE 36 EAST, W.M.

NW ¼ NE ¼ 1.2 ACRES	
SW ¼ NE ¼ 17.0 ACRES	
NE ¼ NW ¼ 9.2 ACRES	7.0 ACRES
NW ¼ NW ¼	17.8 ACRES
SW ¼ NW ¼	0.8 ACRE
SE ¼ NW ¼ 20.6 ACRES	
NE ¼ SE ¼ 0.1 ACRE	
NW ¼ SE ¼ 4.8 ACRES	

SECTION 5

NE ¼ NE ¼ 0.8 ACRE

SECTION 6

TOWNSHIP 21 SOUTH, RANGE 36 EAST, W.M.

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Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. 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.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), 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.

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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 report 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 report seven consecutive annual 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 the user to 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 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 non-use or restricted use shall continue until the 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

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Page 4

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.

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

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.

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 not be valid, unless the Department authorizes the change in writing.

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

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415-030 adopted November 13, 1991, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

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.

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 substantially with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2013. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued JANUARY 8, 2009

*E. Timothy Wall*

for Phillip C. Ward, Director  
Water Resources Department

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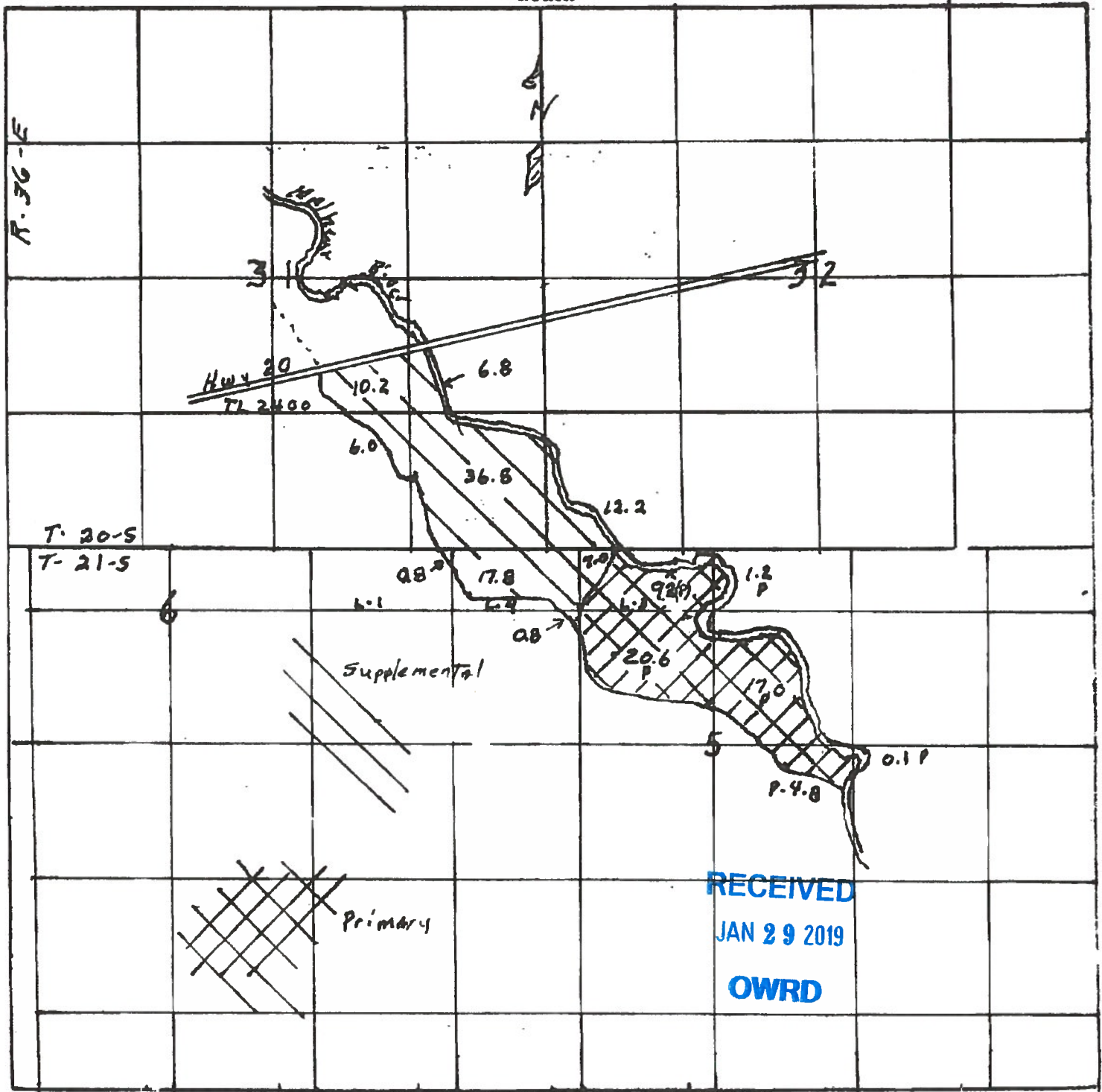
OWRD

# SECTION PLAT

Section 31-32 Township 20-5 Range 36-E  
Section 5-6 Township 21-5 Range 36-E

County of Harney State of OR

NORTH



Remarks scale - 8" = 1 mile - 660' -

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MAY 01 2019

# SECTION PLAT

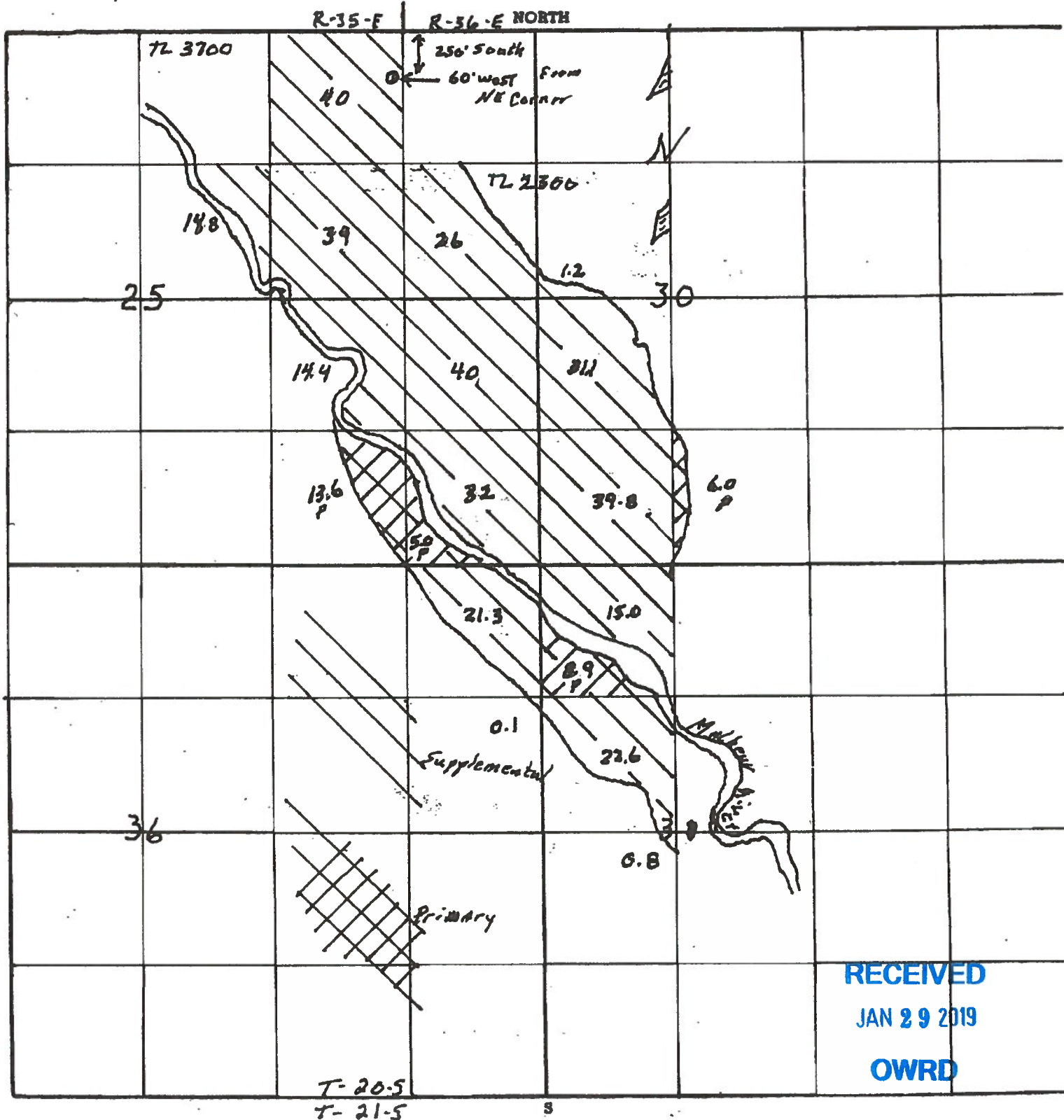
MAP 1 of 2

25 ~ 36  
Section 20-31-22

20-5  
Township 20-5

35-F  
Range 36-E

County of Harney State of OR



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MAY 01 2000

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

WELL I.D. # L51734  
 START CARD # 144595

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Name Wright, Kathleen Wilber Well Number \_\_\_\_\_  
 Address H.C. #1 Box B  
 City Tuntura State OR Zip 97911

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

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

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

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 270 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
18	0	35	benonite	0	35	50 SACKS
14	35	270				

How was seal placed: Method  A  B  C  D  E  
 Other pooured dry & tamped

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 14	0	60	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used  Inside  Outside  None  
 Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

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

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing  
 Artesian  
 Yield gal/min 150 Drawdown 8' Drill stem at \_\_\_\_\_ Time 1 hr.

Temperature of water 55° Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  No  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  No  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Harney Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 20 S N or S Range 35 E E or W. WM.  
 Section 25 NE 1/4 NE 1/4  
 Tax Lot 3700 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) Drewsey Valley

(10) STATIC WATER LEVEL:  
10 ft. below land surface. Date 1-20-02  
 Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 22'

From	To	Estimated Flow Rate	SWL
22	28	50	10
110	252	700	8

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

Material	From	To	SWL
topsoil, silty loam	0	1	
silt brn	1	8	
clay, sand	8	22	
gravel, med	22	28	10
clay, blue	28	70	
clay brn	70	74	
clay grey	74	110	
claystone	110	160	8
clay claystone grey	160	202	8
claystone grey	202	212	
clay grey	212	230	
vesicular basalt	230	252	
claystone grey	252	270	

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 JAN 28 2002

WATER RESOURCES DEPT.  
 SALEM, OREGON

Date started 1-8-02 Completed 1-20-02

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
 WWC Number \_\_\_\_\_  
 Signed \_\_\_\_\_ Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
 WWC Number 1424

# HARN 51401

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

WELL I.D. # L 51734  
 START CARD # 1001615

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Wilber Brothers Well Number \_\_\_\_\_  
 Name Wilber Brothers  
 Address 278 West "F" St  
 City Burns State OR Zip 97720

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

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

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

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 510 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Sacks or pounds
Diameter	From To	Material	From To	
	0 270	EXISTING		
	14 270 510			

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

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

(6) CASING/LINER:

Casing/Liner	Diameter	From To	Gauge	Material			
				Steel	Plastic	Welded	Threaded
Casing: <u>existing</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used  Inside  Outside  None  
 Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

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

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

Pump  Bailer  Air  Flowing  Artesian

Yield gal/min	Drawdown	Drill stem at	Time
<u>300</u>		<u>510</u>	1 hr.

Temperature of water 55° Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  No  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Harney Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 20 S N or S Range 35 E E or W. WM.  
 Section 25 NE 1/4 NE 1/4  
 Tax Lot 3700 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) Drewsey Valley

(10) STATIC WATER LEVEL:  
 \_\_\_\_\_ ft. below land surface. Date 9-14-07  
 Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found EXISTING

From	To	Estimated Flow Rate	SWL
<u>270</u>	<u>510</u>	<u>400</u>	<u>8</u>

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(12) WELL LOG:  
 Ground Elevation OWRD

Material	From	To	SWL
SWL prior to deepening			<u>8</u>
existing	0	270	
Claystone / clay grey	270	300	
rock blk basalt	300	450	
shale blk	450	470	
claystone / pumice	470	475	
claystone / shale clay grey	475	<u>510</u>	<u>8</u>

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SEP 26 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Date started 9-12-07 Completed 9-14-07

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
 WWC Number \_\_\_\_\_  
 Signed \_\_\_\_\_ Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.