

Name Clarence Phillis
By 66139 Crane Buchanan Rd
Address Star Route 2-324 Buchanan Road
Burns, Oregon 97720

Date filed November 5, 1990

Priority _____

Action suspended until F.P.D.

Return to applicant APR 15 1994

Date of approval _____

CONSTRUCTION

Date for beginning APR 15 1995

Date for completion OCT 01 1995

Extended to _____

Date for application of water OCT 01 1995

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed 5-24-94

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued APR 04 2008

Application No. _____

Permit No. _____

Certificate No. _____

HARNEY
Stream Index, Page No. 10

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

128 CWRE (w/CWRE128G) Sent 5-24-94
Pump Test OK 6/13/94
Cancelled 02/14/2018 V. 107, p. 692

FEES PAID

Date	Amount	Receipt No.
<u>11-5-90</u>	<u>440.00</u>	<u>68878</u>

Cert. Fee _____

FEES REFUNDED

Date	Amount	Check No.

September 26, 1994

Clarence Phillis
Star Route 2-324 Buchanan Road
Burns, OR 97720

REFERENCE: File G-12283

On September 6, 1994, we received the Claim of Beneficial Use and map you submitted for Permit G-11697 in your name.

If you have any questions, please call the Water Rights Section at 378-3739.

Sincerely,

DALLAS S. MILLER
Water Rights Specialist

DSM:tcb

cc: Chris T. Palmer, CWRE



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

May 25, 1994

CLARENCE PHILLIS
STAR RT 2 - 324 BUCHANAN RD
BURNS OR 97720

REFERENCE: File G-12283

We have received your notice that complete application of water has been made under Permit G-11697.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner 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 May 24, 1995. 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.

TES:jh

enclosure



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

June 13, 1994

CLARENCE PHILLIS
SR 2 324 BUCHANAN ROAD
BURNS OR 97720

RE: USER-ID # 13141

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

POD-ID	Well	Application	Permit	Certificate	Status
30003	A Well	G-12283	G-11697	0	Approved

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 Mike Zwart or Bill Ferber at the address below or by calling 378-8455.

Sincerely,

FRED LISSNER, Manager
Groundwater/Hydrology Section

cc: Water Rights Section

3391W



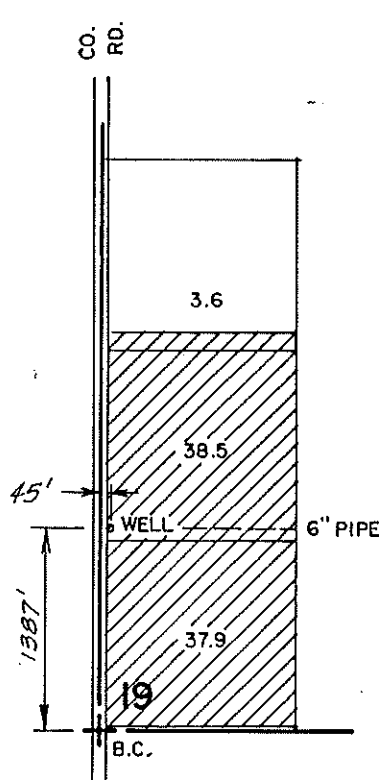
Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RECEIVED

NOV - 7 1990

T24S, R34E,
WM

WATER RESOURCES DEPT.
SALEM, OREGON



Application No. *B-12283*
Permit No. *G11697*

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.

CLARENCE PHILLIS

BURNS, OR.

WATER RIGHT APPLICATION MAP

Scale: 4" = 1 mile

Date: *Oct 1990*

Job: *1215*

Dsn:

Drn: *CTP*

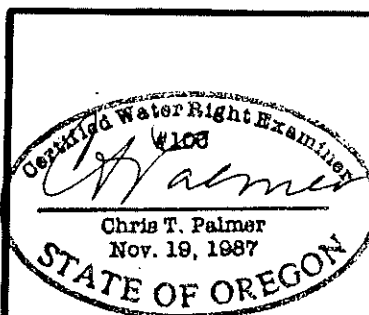
Ckd:

M.A.P.'s

M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No. *1*

of *1*

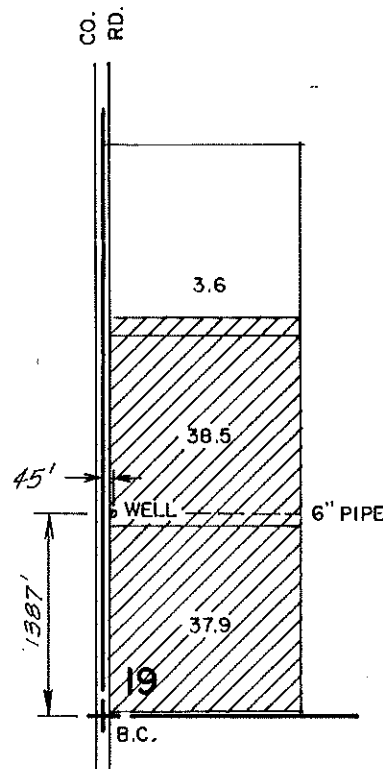


RECEIVED

NOV - 7 1990

T24S, R34E,
WM

WATER RESOURCES DEPT.
SALEM, OREGON



Application No. *B-12283*
Permit No. *G11697*

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.

CLARENCE PHILLIS

BURNS, OR.

WATER RIGHT APPLICATION MAP

Scale: 4" = 1 mile

Date: Oct 1990

Job: 1215

Dsn:

Drn: CTP

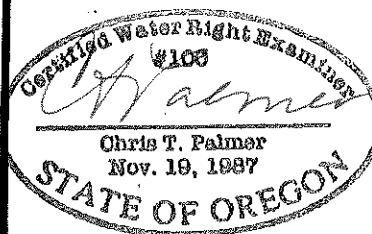
Ckd:



M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No. 1

of 1



February 14, 1994

Karen Russell, Assistant Director
WaterWatch of Oregon
921 Southwest Morrison, Suite 438
Portland, OR 97205

WATER
RESOURCES
DEPARTMENT

Re: Denial of Objections to Application File Number
G-12283 for Clarence Phillis

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Number G-12283 submitted by Clarence Phillis. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on application #G-12283 did include consideration of the elements specified in OAR 690-11-160 (1) as is documented by the information contained in the records of the Department including the Application File.

Your Objections include an allegation regarding the lack of sufficient measuring and reporting in the Report's Proposed Permit Conditions. Consistent with established policy, the Department requires some form of measuring and reporting condition on all permits issued. If a permit is issued on this Application it will include a sufficient measuring and reporting condition.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

You have objected to proposed permit condition #15. There is no proposed permit condition #15 for application #G-12283.

Your objections do not meet the requirements of OAR 690-11-170 (1). The Director has determined that you have not established that the Technical Review is defective and you have not identified elements of the proposed water use that may impair or be detrimental to the public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

WaterWatch
February 14, 1994
Application #G-12283
Page 3

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080). Send your protest by regular mail or deliver it in person.

Your protest must be received by the Water Resources Department in Salem, Oregon, no later than 5:00 p.m. on or before MAR 18 1994. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: Clarence Phillis

Water Watch OF OREGON

RECEIVED

APR 22 1993

WATER RESOURCES DIVISION
SALEM, OREGON

April 16, 1993

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
G-11796, Koch, Clackamas Co., Irrigation
G-12283, Harney Co., Irrigation.

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

The Technical Reports are Defective

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The reports fail to assess whether the proposed use is restricted by statute. OAR 690-11-160(1)(b).
- The reports fail to assess the proposed use with respect to conditions on other permits from the same source or the same type of use. OAR 690-11-160(1)(c).
- The reports fail to assess the use with respect to all applicable administrative rules. OAR 690-11-160. While the reports do appear to include an assessment of the uses pursuant to the Division 9 rules, they did not assess the uses with respect to the applicable basin plan.
- The reports fail to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the sections entitled CONFLICTS WITH OTHER WATER RIGHTS do not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the application. The rules are not that limited. These technical reports must evaluate the potential for conflict with existing rights - rights which are using the same source of water and rights from other sources which may be affected by the proposed withdrawals.
- The reports provide conclusions rather than evaluations of water availability. OAR 690-11-160(1)(f). The reports conclude that there is no potential to cause substantial interference with surface waters and that water is likely to be available. No evaluation is provided in the reports, although it appears that the referenced "Groundwater/Hydrology Section report" contains that information. To fulfill the requirements of the rules, and to meet the intent behind the rules these

evaluation should be included by either being inserted in the text of these reports or is an attachment to the report.

. The reports do not provide an evaluation of whether the amount requested is necessary to meet the proposed use. OAR 690-11-160(1)(g).

. Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).

The Uses As Proposed are Not in the Public Interest

1. The failure to require water use measurement and reporting violate Oregon's policies and goals which call for the control of Oregon's waters. Thus the proposed uses will impair and be detrimental to the public's interest.

When determining whether a proposed use is in the public interest the Commission is required to consider the "control of the waters of this state for all beneficial purposes" and the water resources policies in the statute. ORS 537.170(5)(c) and 537.170(5)(g). The Oregon Legislature has recognized that in order to maintain and increase the economic and general welfare of the people of Oregon the state must ensure "the proper utilization and control of the water resources of this state, and such use and control is therefore a matter of greatest concern and highest priority." ORS 536.220(1). The Legislature has also found that it is "in the interest of the public welfare" that activities be "designed to encourage, promote and secure the . . . control of" Oregon's water resources. ORS 536.220(2)(a).

The Groundwater Act of 1955 declares and finds that right to control of Oregon's water "from all sources of water supply belongs to the public . . ." ORS 537.525. The Act sets forth policies to ensure the "preservation of the public welfare, safety and health." *Id.* These policies call for the control of the groundwater resource in order to prevent depletion, to determine and maintain reasonably stable water levels, and to determine the characteristics of groundwater statewide. ORS 537.525. These statutory policies are reflected in the Commission's Groundwater Management Policy. OAR 690-410-010. When approving groundwater applications the state can impose conditions or limitations as needed to protect the "public welfare, safety and health." ORS 537.620(5).

Water use measurement and reporting requirements are essential if the State is to achieve these statutory policies and goals. These requirements generate critical information on actual water use and what is happening to the water resource. It also gives the Department information vital to management and enforcement efforts, it provides information necessary to "clean up" the Department's water right records and helps with future water use planning. *See* Testimony of Martha O. Pagel, Before the Senate Joint Committee on Water Policy, 2/2/93, pgs. 1-5. As a policy matter, WaterWatch believes that measurement and reporting should be required of every new permit issued in Oregon.

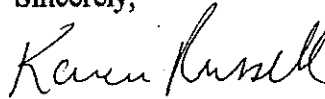
2. Proposed "condition" #15 makes no sense.

The "condition" #15 for these two proposed uses is not a condition of use, it is a finding. Thus, this condition should be stricken from the "proposed permit conditions" for both proposed uses. In addition, we question how findings can be made that the proposed uses will not impair or be detrimental to the public interest when the applications have not yet been subject to a public interest review. See page 1 of the cover letters to the technical reports.

Conclusion

We are open to discussion with the Department and the applicant on all of the issues raised in this objection letter. We are committed to working with the Department to cure the problems with the contents of this and other technical reports.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Russell".

Karen A. Russell
Legal Affairs Coordinator

Water Watch OF OREGON

April 16, 1993

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
G-11796, Koch, Clackamas Co., Irrigation
G-12283, Harney Co., Irrigation.

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

The Technical Reports are Defective

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The reports fail to assess whether the proposed use is restricted by statute. OAR 690-11-160(1)(b).
- The reports fail to assess the proposed use with respect to conditions on other permits from the same source or the same type of use. OAR 690-11-160(1)(c).
- The reports fail to assess the use with respect to all applicable administrative rules. OAR 690-11-160. While the reports do appear to include an assessment of the uses pursuant to the Division 9 rules, they did not assess the uses with respect to the applicable basin plan.
- The reports fail to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the sections entitled CONFLICTS WITH OTHER WATER RIGHTS do not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the application. The rules are not that limited. These technical reports must evaluate the potential for conflict with existing rights - rights which are using the same source of water and rights from other sources which may be affected by the proposed withdrawals.
- The reports provide conclusions rather than evaluations of water availability. OAR 690-11-160(1)(f). The reports conclude that there is no potential to cause substantial interference with surface waters and that water is likely to be available. No evaluation is provided in the reports, although it appears that the referenced "Groundwater/Hydrology Section report" contains that information. To fulfill the requirements of the rules, and to meet the intent behind the rules these

evaluation should be included by either being inserted in the text of these reports or is an attachment to the report.

The reports do not provide an evaluation of whether the amount requested is necessary to meet the proposed use. OAR 690-11-160(1)(g).

Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).

The Uses As Proposed are Not in the Public Interest

1. **The failure to require water use measurement and reporting violate Oregon's policies and goals which call for the control of Oregon's waters. Thus the proposed uses will impair and be detrimental to the public's interest.**

When determining whether a proposed use is in the public interest the Commission is required to consider the "control of the waters of this state for all beneficial purposes" and the water resources policies in the statute. ORS 537.170(5)(c) and 537.170(5)(g). The Oregon Legislature has recognized that in order to maintain and increase the economic and general welfare of the people of Oregon the state must ensure "the proper utilization and control of the water resources of this state, and such use and control is therefore a matter of greatest concern and highest priority." ORS 536.220(1). The Legislature has also found that it is "in the interest of the public welfare" that activities be "designed to encourage, promote and secure the . . . control of" Oregon's water resources. ORS 536.220(2)(a).

The Groundwater Act of 1955 declares and finds that right to control of Oregon's water "from all sources of water supply belongs to the public . . ." ORS 537.525. The Act sets forth policies to ensure the "preservation of the public welfare, safety and health." *Id.* These policies call for the control of the groundwater resource in order to prevent depletion, to determine and maintain reasonably stable water levels, and to determine the characteristics of groundwater statewide. ORS 537.525. These statutory policies are reflected in the Commission's Groundwater Management Policy. OAR 690-410-010. When approving groundwater applications the state can impose conditions or limitations as needed to protect the "public welfare, safety and health." ORS 537.620(5).

Water use measurement and reporting requirements are essential if the State is to achieve these statutory policies and goals. These requirements generate critical information on actual water use and what is happening to the water resource. It also gives the Department information vital to management and enforcement efforts, it provides information necessary to "clean up" the Department's water right records and helps with future water use planning. See Testimony of Martha O. Pagel, Before the Senate Joint Committee on Water Policy, 2/2/93, pgs. 1-5. As a policy matter, WaterWatch believes that measurement and reporting should be required of every new permit issued in Oregon.

2. **Proposed "condition" #15 makes no sense.**

The "condition" #15 for these two proposed uses is not a condition of use, it is a finding. Thus, this condition should be stricken from the "proposed permit conditions" for both proposed uses. In addition, we question how findings can be made that the proposed uses will not impair or be detrimental to the public interest when the applications have not yet been subject to a public interest review. See page 1 of the cover letters to the technical reports.

Conclusion

We are open to discussion with the Department and the applicant on all of the issues raised in this objection letter. We are committed to working with the Department to cure the problems with the contents of this and other technical reports.

Sincerely,



Karen A. Russell
Legal Affairs Coordinator

cc: File # G-12283

Water Watch

~~ODE & W~~

Watermaster 12

M-A. PALMER & SONS, INC

Box 61

BURNS, OR 97120

SET UP 4-20-93 TES

Caseworker SHOOK

Original to applicant

February 2, 1993

CLARENCE PHILLIS
STAR ROUTE 2-324 BUCHANAN RD
BURNS, OR 97720

REFERENCE FILE: G-12283

We are preparing to send you the technical review for the project described in your application for a permit to use water from a well for irrigation purposes.

Although you advised us that you were the owner of the property involved with this project, we will also have to have a copy of the legal description of the property in question. This can be taken from your deed or title insurance policy.

We will not restore permit G-4976. It is the responsibility of the record holder to keep us apprised as to any changes regarding an application or permit. Jack Hurlburt should have assigned the permit to you when you bought the property. We would have then sent correspondence to you for action.

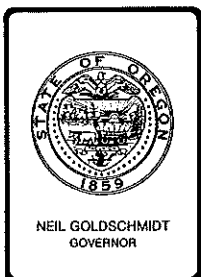
The Watermaster, would not have known about the cancellation until sometime after July 1975.

Further action will be withheld on your file G-12283 for a reasonable length of time pending receipt of the legal description.

Sincerely,

Thomas E. Shook
Water Right Specialist





Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 23, 1990

Clarence Phillis
Star Rt 2-324 Buchanan Rd
Burns OR 97720

REFERENCE: File G-12283

We received your application on November 5, 1990, describing the proposed use of 1.0 cubic foot per second of water from one well within the Hot Springs Creek Basin for irrigation of 80.0 acres. Supporting data and fees in the amount of \$440 were also received. Our Receipt 68878 is enclosed. The application has been assigned file number G-12283 and will be reviewed in detail as time allows.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 30-day waiting period and after public interest matters are resolved.

Applications which require additional information will be returned for correction and/or completion. In those cases, the process will, of course, be further delayed. If you feel that a delay in the processing of your application will cause a hardship, please advise.

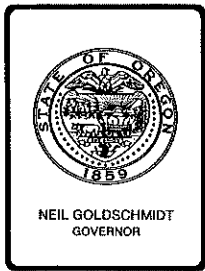
If the application is approved, the permit authorizing the described project will be subject to the Water Resources Commission's Basin Program statements, prior rights, and would require that the well be constructed and maintained in accordance with the General Standards for the Construction of Water Wells in Oregon. If you have any questions regarding these provisions or the Well Standards, please contact this office.

If you have any questions, please contact the Water Rights Section at the above telephone number.

Enclosure

SCB:t1e

cc: Chris T Palmer, CWRE



Application No. G-12283
Permit No.

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

October 30, 1990

Clarence Phillis
Star Route 2-324
Buchanan Road
Burns, OR 97720

REFERENCE: File G-5790

Your application for a permit to appropriate 1.0 cubic foot per second from one well for irrigation of 80.0 acres does not contain sufficient information, so could not be filed. The application is enclosed along with the land use forms and the check 557 by Tom Phillis in the amount of \$440.

As mentioned in my earlier correspondence, in order to have sufficient information to file the application, it will be necessary for you to submit a map of the proposed water use prepared by a Certified Water Rights Examiner. Or such other information needs to be supplied on the application as may be necessary to establish the location of the well and place of use to the proper quarter-quarter section.

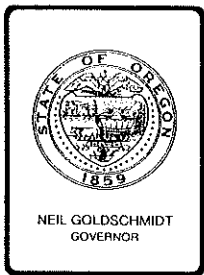
If you should have any questions, please call or write and advise me of a telephone number and time you can be reached.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

Enclosures

WJO



Application No. 2-12283
Permit No.

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

October 19, 1990

Clarence Phillis
Star Route 2-324 - Buchanan Rd.
Burns, OR 97720

REFERENCE: File G-5790

Your application for a permit to appropriate 1.0 cubic foot per second of water from one well for irrigation of 80.0 acres does not contain sufficient information and was not accompanied with the required land use information, so could not be filed.

The Water Resources Commission recently (effective August 9, 1990) adopted rules requiring that land use information be submitted with water use applications. This information is needed to meet the Commission's legal obligation to assure that the land use associated with a proposed water use is compatible with the local comprehensive plans.

Prior to submitting the application, it will be necessary for you to contact the local planning department for completion of the enclosed Land Use Information forms. These forms or receipt stub will need to be properly completed and submitted with the application.

The application and the check 557 by Tom Phillis in the amount of \$440 are enclosed.

In order to have sufficient information to file the application, it will be necessary for you to submit a map of the proposed water use prepared by a Certified Water Rights Examiner. Or such other information needs to be supplied on the application as may be necessary to establish the location of the well and place of use to the proper quarter-quarter section.

A current listing of Certified Water Right Examiners is enclosed.

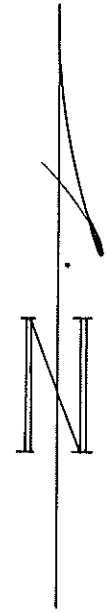
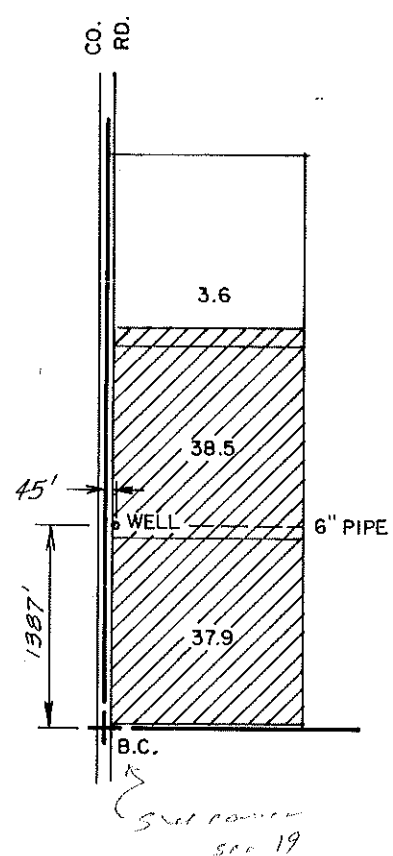
Sec 19

T24 S, R34 E, WM

RECEIVED

NOV - 5 1990

WATER RESOURCES OFFICE
PORTLAND, OREGON



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.

Application No. D-12283
Permit No. Superseded

	CLARENCE PHILLIS		BURNS, OR.	
	WATER RIGHT APPLICATION MAP			
	Scale: 4" = 1 mile	Date: Oct 1990	Job: 1215	
	Dsn:		M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	
	Drn: CTP			
Ckd:		Sht. No. 1	of 1	

APPLICATION PROCESSING OUTLINE

Basin: _____

Sub-basin: _____

Fees paid: Examination fees: 200Recording fees: 240

Total: _____

Application No. G12283
Permit No. 2

RATE AND DUTY _____ for irrigation

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

yes no

____ Name and mailing address of the applicant.
 ____ Source of the water.
 ____ Quantity of water to be appropriated.
 ____ Location of point of diversion to 1/4 1/4
 ____ Section.
 ____ Nature and place of use.
 ____ Name and mailing address of all legal owners
 ____ of the properties involved.
 ____ Signature of the applicant
 ____ Examination fees.

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

yes no

____ Water Resources Commission classification
 limits or restrictions -- If yes, note:

____ State Engineer's withdrawals -- If yes, note:

____ Legislative withdrawals -- If yes, note:

____ If policy statement is unclear check with Resources
 Management Division.

____ Scenic Waterway: _____
 ____ on _____ up-stream _____ v/in 1/4 mile

____ Notify Parks and Recreation Department
 Out-of-basin diversion

X ____ Need to route to Geology Section due to:
 ____ well within one mile of a stream
 ____ well within restricted surface water area
 ____ wells with request for greater than 5 cfs
 ____ well is for heating &/or cooling
 ____ well constructed by land owner
 ____ well is artesian
 ____ artificial ground water recharge project
 ____ ground water area under study

____ Within Irrigation District:
 ____ Notify _____ Need excerpt from District

____ Legal description of property
 Ownership statement

____ Other parties to Notify: _____

____ Water Resources Commission review if:

____ Request for greater than 5 cfs
 ____ Dam height greater than 10 feet
 ____ Storage of more than 9.2 acre-feet
 ____ Out-of-basin diversion
 ____ within or above a scenic waterway
 ____ conditional uses under basin programs
 ____ requests for larger rate or duty than allowed
 ____ ground water recharge project
 ____ other substantial public interest issues

____ requests for review by an agency or person
 ____ Watermaster consent forms sent with copy of draft permit

____ ~~application and map~~
 ____ Watermaster consents received
 ____ Hydrographic section consents requested
 ____ Hydrographic section consents received
 ____ O.D.F.V. sent copy of application and map (except
 groundwater) requesting consent

____ O.D.F.V. consents received
 ____ Report from D.E.O. received
 ____ Publish application information in weekly public
 notice.

____ Notify other owners of development

____ PROTESTED
 ____ filed
 ____ resolved

MAP OK
 LAND USE OK
 N.E.P.
 NO EXISTING RIGHTS
 FROM STATE
 NEED LEGAL

RECEIVED

FEB 11 1993

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT 'B'

LAND SALES CONTRACT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned
C. M. Rocca, 100 California Street, San Francisco, California,
who shall be hereinafter called the seller, has agreed to sell,
and the undersigned Clarence Phillis and Delores Phillis, hus-
band and wife, Maupin, Oregon, who shall be hereinafter called
the buyers, have agreed to buy:

The "Broken Shoe Ranch" located about three miles
North of Crane, Oregon, consisting of 760 acres,
more or less, of land, being the West Half of the
Northeast Quarter of Section 18, all of Section 19
and the Northwest Quarter of the Northeast Quarter
of Section 20, all in Township 24 South, Range 34
East of the Willamette Meridian, Harney County,
Oregon,

together with all equipment and personal property
there being used in the operation of the ranch,
the more particular identity of which will be made
in writing as an inventory auxilliary to this agree-
ment.

The agreed purchase price is ONE HUNDRED TWENTY-FIVE
THOUSAND & NO/100 DOLLARS (\$125,000.00), of which the sum of
FIFTEEN THOUSAND & NO/100 DOLLARS (\$15,000.00) has been hereto-
fore paid to the seller, receipt of which is hereby acknowledged,
and the buyers will pay the balance of ONE HUNDRED TEN THOUSAND
& NO/100 DOLLARS (\$110,000.00) under the following payment
schedule: the buyers will pay the sum of TEN THOUSAND & NO/100
DOLLARS (\$10,000.00) on or before one year from date and will
pay another installment of \$10,000.00 on or before two years
from date, and the buyers will then pay the sum of TEN THOUSAND,
THREE HUNDRED EIGHTY-FOUR & NO/100 DOLLARS (\$10,384.00) on the

67-12283

TECHNICAL REVIEW CHECKLIST

Application: 9-12283

Review Date: 2-2-93

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

SUMMARY

S Completeness
S Land Use
S GW Interference (if potential interference with surface water, see results of water availability analysis)
S Conflicts
S Water Availability
 S or U Satisfactory or Unsatisfactory
 Conclusions based on information available on the review date above.

N/A

The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

OK

No oath is required because application was filed before June 5, 1992.

OK

Application fees:

Examination fee:	\$ 200	10	100
Recording fee:	\$ 240	70	140
TOTAL REQUIRED	\$ 440		
TOTAL SUBMITTED	\$ 440		
AMOUNT DUE prior to issuance of permit	\$ —		

- OK Proposed dates of beginning and completion of construction, and complete application of water.
- OK A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).
- N/A A CWRE map is not required for applications filed before November 9, 1987.
- OK A written copy of the legal description of the property on which the water is to be used.
- OK A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- N/A No statement of ownership was required for applications filed before August, 1990.
- N/A The report from watermaster has been received.
- OK The proposed use is not restricted or prohibited by statute.
- OK The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- OK IRRIGATION use^a(s) is/are classified uses~~(s)~~ under the _____ Basin Program, OAR 690 - _____.
- OK The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of HARNEY COUNTY

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

For ground water applications:

OK A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.

OK The report from groundwater section has been received.

For reservoir applications:

N/A Plans, specifications and supporting information for the dam and impoundment area.

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 24 South Range: 34 East Section: 19 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160): NE	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	SE	SE	QQ	
Select Permit:G 11697 *		11/5/1990	IRRIGATION											3.6			38.5	37.9									
Additional Info: CLARENCE PHILLIS App: G12283 Permit: G11697																											
Select Permit:G 13214 *		12/13/1995	IRRIGATION											33.4													
Additional Info: CLARENCE PHILLIS App: G14226 Permit: G13214																											
Select Cert:60356 OR *		10/13/1983	IRRIGATION																						12.9		
Additional Info: CLARENCE L. PHILLIS App: S67715 Permit: S49172 Cert: 60356																											
Select Cert:60355 OR *		10/13/1983	STORAGE																						*		
Additional Info: CLARENCE L. PHILLIS App: R67714 Permit: R10199 Cert: 60355																											
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						

CORO
Road
NCR

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLARENCE PHILLIS
66139 CRANE BUCHANAN ROAD
BURNS OREGON 97720

confirms the right to use the waters of A WELL in the Hot Springs Creek Basin for IRRIGATION of 80 ACRES.

This right was perfected under Permit G-11697. The date of priority is NOVEMBER 5, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.00 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
24 S	34 E	WM	19	NW SW	3		1387 FEET NORTH AND 45 FEET EAST FROM SW CORNER, SECTION 19

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 .03 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The period of allowed use is March 1 through October 31.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
24 S	34 E	WM	19	SW NW	2		3.6
24 S	34 E	WM	19	NW SW	3		38.5
24 S	34 E	WM	19	SW SW	4		37.9

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. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

84051

Measurement, recording and reporting conditions:

- ~~/~~A. The water user shall maintain the meter or measuring device in good working order.
- ~~/~~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.
- ~~/~~C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.
- ~~/~~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 usable access port, and may also include an air line and pressure gauge to determine the water level elevation in the well at all times.
- ~~/~~The Director may require water level or pump tests 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 lands or place of use described.
- ~~/~~Issued _____.

Phillip C. Ward, Director
Water Resources Department

Completion Checklist for Claims of Beneficial Use

Application # G-12283

Permit # G-11697

Transfer # _____



PRE
7/1/04

Date 3/26/08

Reviewer LHN

Map Review:

- ☒ Permanent quality map (mylar or linen)
- ☒ CWRE stamp and signature
- ☒ Disclaimer
- ☒ Application & permit #; or transfer #
- ☒ North arrow
- ☒ Township, range and section
- ☒ Appropriate scale (1" = 1320', 1" = 400', or scale of assessor's map)
- ☒ Source
- ☒ Point(s) of diversion
- ☒ Point(s) of diversion (coordinates)
- ☒ Conveyances (pump, pipelines, ditches, etc.)
- ☒ Place of use (1/4 1/4, DLC, or Gov Lot; if irrigation, # of acres in each subdivision)

Report Review:

- ☐ Application & permit #; or transfer #
 - ☒ CWRE stamp and signature
 - ☒ Permittee's signature
 - ☐ Time limits
 - ☒ Date of survey
 - ☐ Type of use Implied Irr
 - ☐ Extent of use
 - ☒ Source(s) of water
 - ☐ Rate and Duty
 - ☒ Diversion rate for each use
 - ☒ Description of conveyances system (from POD to POU)
 - ☒ Diversion works description (pump make, serial model, capacity, and description)
 - ☒ System capacity
 - ☒ Calculated capacity of system
 - OR
 - ☐ Measured amount of use
 - ☐ Permit conditions
 - ☐ Fish screening
 - ☐ Meter/measuring device
 - ☐ Water use reporting
 - ☐ Other conditions
- No meter
pump test OK

Certificate Issuance Processing Checklist

- ☐ Map and COBU reviewed
- ☐ Conflict check (include copy of plat card printout)
- ☐ Check current ownership

Can certificate be processed further?

- ☐ Yes
- ☐ No

If "No" why? _____

If "Yes":

- ☐ Proposed
 - ☐ Final
- Certificate # _____

Mailing list:

Proposed:

Final:

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CLARENCE PHILLIS
STAR ROUTE 2-324 BUCHANAN ROAD
BURNS, OREGON 97720

503-493-2629

to use the waters of A WELL in the HOT SPRINGS CREEK BASIN for IRRIGATION OF 80.0 ACRES.

This permit is issued approving Application G-12283. The date of priority is NOVEMBER 5, 1990. The use is limited to not more than 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 SW 1/4, SECTION 19, T 24 S, R 34 E, W.M.; 1387 FEET NORTH AND 47 FEET EAST FROM THE SW CORNER OF SECTION 19.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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. The period of allowed use is March 1 through October 31.

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

A description of the proposed place of use under the permit is as follows:

SW 1/4 NW 1/4 3.6 ACRES
NW 1/4 SW 1/4 38.5 ACRES
SW 1/4 SW 1/4 37.9 ACRES

SECTION 19
TOWNSHIP 24 SOUTH, RANGE 34 EAST, W.M.

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

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director.

PAGE TWO

In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

Actual construction work shall begin on or before April 15, 1995 and shall be completed on or before October 1, 1995. Complete application of the water shall be made on or before October 1, 1996.

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

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

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

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

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, April 15, 1994.

/s/ A. REED MARBUT

Water Resources Department
Martha O. Pagel
Director

PUBLIC INTEREST REVIEW

The proposed water use described in Application # G-12283 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of 1.0 CFS from the/a Well
tributary to/within the Hot Springs Creek Basin
for the purpose(s) of IRR of 80.0 AC
The Technical Review Report limits the proposed use to The Normal IRR Season.

The proposed use described in Application # G-12283 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

If satisfactory-

Water use Application # G-12283 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

NA DB
If unsatisfactory-

Water use Application # _____ received an Unsatisfactory Report of Technical Review.

The Technical Review conducted according to OAR 690-11-160 on the water use application revealed that the proposed water use:

- a)-is prohibited by statute or scenic waterway criteria;
- b)-is not a classified use under the applicable basin program and an application for the use has not been filed under ORS 536.295 and OAR 690, Division 82;
- c)-cannot be modified to be consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-would conflict with (an) existing water right(s), or
- e)-water is not available from the source to support the proposed water use.

As the result of the above finding based on the Technical Review conducted on this water use Application, the Director concluded that the proposed water use would impair or be detrimental to the public interest.

PUBLIC INTEREST REVIEW
CHECKLIST

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application # 6-12283, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

I. Existing claims to water from the same source.

DB

There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

Comment: _____

II. Land use matters.

DB

The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.

Comment: _____

DP

Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.

Comment: _____

DB

There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.

Comment: _____

WA

If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.

Comment: _____

NA

An applicant for municipal water use has submitted information showing the proposed water use is compatible with comprehensive plan policies concerning urban services, urban growth boundaries, and Public Facilities Plans.

Comment: _____

III. Identified environmental concerns.

DB

The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

Comment: _____

IV. The character and extent of other natural resources which are present in the water source basin.

DB

The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.

Comment: _____

DB

There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

Comment: _____

V. Riparian characteristics.

DD

There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

Comment: _____

VI. Recreational use and potential of the water source and its basin area.

DB

There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

Comment: _____

VII. Agricultural potential of the area.

DB

There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

Comment: _____

VIII. Designated historic, cultural, or natural resource protection areas.

DB

There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

Comment: _____

IX. Identified health or safety requirements.

DB

There nothing in the record to indicate any identified health and safety requirements.

Comment: _____

**PUBLIC INTEREST REVIEW
FINDINGS AND CONCLUSIONS**

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).

The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record

of the Department and has made the following public interest determination.

The Director has determined that the proposed water use described in Application # G-12283:

____ WILL IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director hereby proposes rejection of the application and shall schedule a contested case hearing.

✓
____ WILL NOT IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director shall issue a water use permit with appropriate conditions.

A. Reed Marbut

A. Reed Marbut, Administrator
Water Rights/Adjudication Division

Signed this 15 day of April, 1984, in the office of the Director.

February 12, 1993

CLARENCE PHILLIS
STAR RT 2-324
BURNS, OR 97720

REFERENCE FILE: G-12283

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit. We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

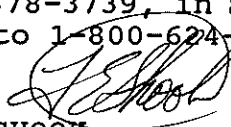
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before APRIL 19, 1993**, or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

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

Sincerely,


THOMAS E. SHOOK

Enclosures

CC: WATERWATCH OF OREGON, INC.
WATERMASTER, DISTRICT 12
M.A. PALMER AND SONS, INC.

Report Date: FEBRUARY 12, 1993

OREGON WATER RESOURCES DEPARTMENT

REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD

N.E., SALEM, OREGON, 97310, ON OR BEFORE 5 P.M., APRIL 19, 1993.

1. APPLICATION FILE NUMBER - G-12283

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

CLARENCE PHILLIS
STAR RT 2-324 BUCHANAN
BURNS, OR 97720
HARNEY Co. 503-493-2629

Date application received for filing and/or tentative date of priority: 11/5/1990

SOURCE: A WELL WITHIN THE HOT SPRS CREEK BASIN

Purpose and/or use: IRRIGATION OF 80 ACRES.

Flow: 1.0 CUBIC FOOT PER SECOND (CFS)

Point of Appropriation Location:

T 24 S, R 34 E, SEC. 19, NW 1/4 SW 1/4

Place of use:

SW 1/4 NW 1/4	3.6 Acres
NW 1/4 SW 1/4	38.5 Acres
SW 1/4 SW 1/4	37.9 Acres

Section 19

T 24 S, R 34 E, W.M.

GROUNDWATER AVAILABILITY

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

Pursuant to OAR 690-09-040, the proposed groundwater

withdrawal **will not** have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water **is** likely to be available to supply the proposed use.

CONFLICTS WITH OTHER WATER RIGHTS:

There **are no** existing rights from this point of diversion.

There **are no** existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Water in the amount of 1 CFS is likely available for **8** months of the **8** months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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

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

PROPOSED PERMIT CONDITIONS

Application: G-12283

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: MARCH 1 THROUGH OCTOBER 31
3. Rate of use: 1 CFS
4. A regulating device shall be installed pursuant to ORS 540-310.

5. A measuring device is not required at this time.
6. Water use development requirements:
 - A) Begin construction by (one year from issuance of permit).
 - B) Complete construction by October 1, 1995.
 - C) Completely apply the water to beneficial use by October 1, 1996.
7. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
8. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
9. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
10. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. When required by the department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. The use of water shall be limited when it interferes with any prior surface or ground water rights.
11. 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.

RECEIVED

OCT 18 1990

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

NOV - 5 1990

Application for a Permit to Appropriate Ground Water

Applicant(s) Clarence Phillis

(Please print or type - use dark ink)

Mailing Address: Star Route 2-324 Buchanan Road

Burns

OR

97720

(503) 493-2629

City

State

Zip

Daytime Phone No.

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

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): 1 well

RECEIVED

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

OCT 29 1990

Distance from development to stream: _____

Elevation difference between streambed and development: _____

WATER RESOURCES DEPT.
SALEM, OREGON

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: 16 inch Depth in feet: 400 ft

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

Estimated depth to water: Static Level 21ft pumping 60ft

Type of access port or measuring device: 2" pipe

Wells to be drilled by: Harold Cunningham

Address: decided

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: 1.0 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

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 80.0

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).*

Buried PVC mainline running east from the well-6"dia.- with
risers every 60 feet. Wheel lines run north-south from the
mainline-4"dia.

5. **PROJECT SCHEDULE:** *(List month and year)*

Proposed date construction work will begin completed

Proposed date construction work will be completed "

Proposed date water use will be completed "

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

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

 Applicant x 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):

 x 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: This application is To renew appl. 6-5790, permit 6-4976
which was canceled 6-23-75, by special order, 16125 page 466
I Took ownership of this property 3-27-74, started using
water 5-1-74.

I feel the state must restore water right 6-5790, permit 6-4976.
because in Feb of 74 The Horney Co. Water Master informed
me There was water rights on this land. If it was in
permit form at this time he should ~~have~~ had informed
me of this, Then it would been my place To complete
The appl. I feel The Horney Co Water is an ~~agent~~
agent of The State Water Com.

appl 6-5790, ~~permit~~ permit 6-4976 is for 320 A all is in
CRP but this 80.

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

Clarence Phillips
Signature of Applicant

Oct 15, 1990
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 5th day of November, 1990, at 8 o'clock, a M.

APPLICATION NO: 2-12283

TO: Water Rights Section

Nov. 12, 1991

FROM: Groundwater/Hydrology Section Karl C. Wozniak
Reviewer's Name

SUBJECT: Application G- 12283

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 surface water
 - b. ☒ will not { source, namely a tributary of Crowcamp Creek; or
 - c. ☐ will, if properly conditioned, adequately protect the surface water from interference:
 - i. ☐ The permit should contain condition #(s) _____;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☐ The permit should be conditioned as indicated in item 4 below; or
 - d. ☐ will, with well reconstruction, adequately protect the surface water from substantial interference.

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

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

REMARKS: _____

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

5. **THE WELL** which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. _____ review of the well log;
 - b. _____ field inspection by _____;
 - c. _____ report of CWRE _____;
 - d. _____ other: (specify) _____.
6. **THE WELL** construction deficiency:
- a. _____ constitutes a health threat under Division 200 rules;
 - b. _____ commingles water from more than one groundwater reservoir;
 - c. _____ permits the loss of artesian head;
 - d. _____ permits the de-watering of one or more groundwater reservoirs;
 - e. _____ other: (specify) _____.
7. **THE WELL** construction deficiency is described as follows: _____

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1991.

(Signature)

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

_____.

_____, 1991.

(Signature)

(WRFORM8\91)

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-12508, Harney County	)	ADDITIONAL POINT OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

BADGER VENTURES LLC
PO BOX 746
CRANE, OR 97732

Findings of Fact

1. On October 17, 2016, BADGER VENTURES LLC filed an application for an additional point of appropriation and a change in place of use under Certificate 84051. The Department assigned the application number T-12508.
2. Notice of the application for transfer was published on October 25, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 19, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12508 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 20, 2017, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2023 and for the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On November 21, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12508 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.

weekly notice on November 28, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 84051 in the name of CLARENCE PHILLIS (perfected under Permit G-11697)
Use: IRRIGATION OF 80.0 ACRES
Priority Date: NOVEMBER 5, 1990
Rate: 1.0 CUBIC FOOT PER SECOND
Limit/Duty: 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.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL, within the HOT SPRINGS CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	19	NW SW	3	1387 FEET NORTH AND 45 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	19	SW NW	2	3.6
24 S	34 E	WM	19	NW SW	3	38.5
24 S	34 E	WM	19	SW SW	4	37.9
Total						80.0

6. Transfer Application T-12508 proposes an additional point of appropriation approximately 1188 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	19	SW NW	2	3946 FEET NORTH AND 560 FEET EAST FROM THE SW CORNER OF SECTION 19

7. Transfer Application T-12508 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	19	NE SW		12.5
24 S	34 E	WM	19	NW SW	3	28.6
24 S	34 E	WM	19	SW SW	4	28.6
24 S	34 E	WM	19	SE SW		10.3
Total						80.0

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12508.
10. The proposed changes would not result in enlargement of the right.
11. The proposed changes would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

The additional point of appropriation and change in place of use proposed in Transfer Application T-12508 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, there, it is ORDERED:

1. The additional point of appropriation and change in place of use proposed in Transfer Application T-12508 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 84051 and any related decree.
3. Water right Certificate 84051 is cancelled.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this day FEB 14 2018.


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

Mailing date: FEB 15 2018

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLARENCE PHILLIS
66139 CRANE BUCHANAN ROAD
BURNS OREGON 97720

confirms the right to use the waters of A WELL in the Hot Springs Creek Basin for IRRIGATION of 80.0 ACRES.

This right was perfected under Permit G-11697. The date of priority is NOVEMBER 5, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.00 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
24 S	34 E	WM	19	NW SW	3		1387 FEET NORTH AND 45 FEET EAST FROM SW CORNER, SECTION 19

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.

The period of allowed use is March 1 through October 31.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
24 S	34 E	WM	19	SW NW	2		3.6
24 S	34 E	WM	19	NW SW	3		38.5
24 S	34 E	WM	19	SW SW	4		37.9

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. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or 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.
- 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

The Director may require water level or pump tests 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.

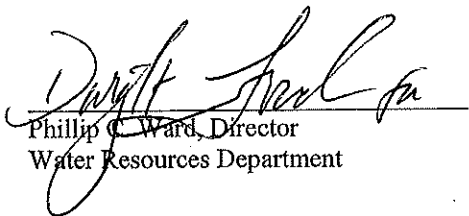
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

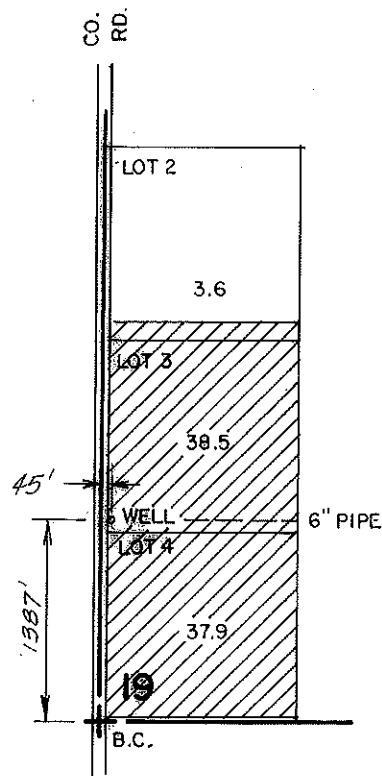
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued APR 04 2008


Phillip C. Ward, Director
Water Resources Department

T24 S, R34 E, WM



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.

FINAL PROOF SURVEY

UNDER
APPLICATION NO. G-12283
PERMIT NO. G-11697

IN THE NAME OF
CLARENCE PHILLIS

Scale: 4" = 1 MILE

Date: AUG 1994

Job: 1151

Dsn:

Drn: CHRIS

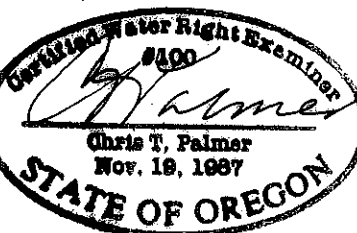
Ckd:



M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No.

of 1





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Date Mailed: April 4, 2008

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.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

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

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

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

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-12283

Permit: G-11697

Certificate: 84051

Permit/Certificate Holder:

CLARENCE PHILLIS ✓
66139 CRANE BUCHANAN ROAD
BURNS OREGON 97720

Copies Mailed	
by:	<u>Connie Vance</u> (STAFF)
on:	<u>APR 04 2008</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 10, ✓
2. Data Center (include copy of map) ✓
3. Water Availability ✓
4. Vault ✓
5. file ✓

Other persons to receive copies: (include map):

Chris T. Palmer, CWRE ✓

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-12508, Harney County	)	ADDITIONAL POINT OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

BADGER VENTURES LLC
PO BOX 746
CRANE, OR 97732

Findings of Fact

1. On October 17, 2016, BADGER VENTURES LLC filed an application for an additional point of appropriation and a change in place of use under Certificate 84051. The Department assigned the application number T-12508.
2. Notice of the application for transfer was published on October 25, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 19, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12508 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 20, 2017, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2023 and for the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On November 21, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12508 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12508.
10. The proposed changes would not result in enlargement of the right.
11. The proposed changes would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

The additional point of appropriation and change in place of use proposed in Transfer Application T-12508 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, there, it is ORDERED:

1. The additional point of appropriation and change in place of use proposed in Transfer Application T-12508 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 84051 and any related decree.
3. Water right Certificate 84051 is cancelled.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLARENCE PHILLIS
66139 CRANE BUCHANAN ROAD
BURNS OREGON 97720

confirms the right to use the waters of A WELL in the Hot Springs Creek Basin for IRRIGATION of 80.0 ACRES.

This right was perfected under Permit G-11697. The date of priority is NOVEMBER 5, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.00 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
24 S	34 E	WM	19	NW SW	3		1387 FEET NORTH AND 45 FEET EAST FROM SW CORNER, SECTION 19

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.

The period of allowed use is March 1 through October 31.

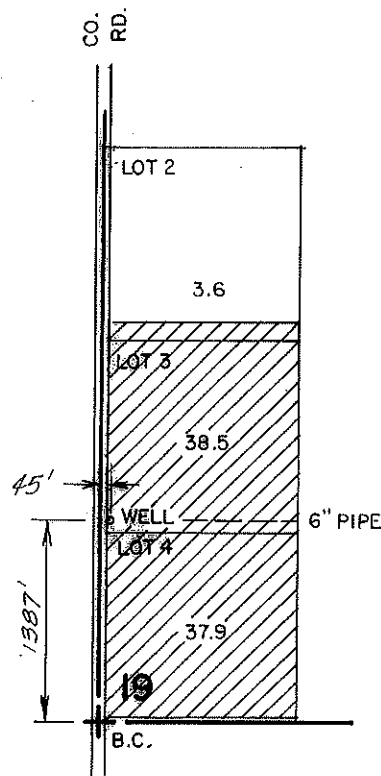
A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
24 S	34 E	WM	19	SW NW	2		3.6
24 S	34 E	WM	19	NW SW	3		38.5
24 S	34 E	WM	19	SW SW	4		37.9

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. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

T24 S, R34 E, WM



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.

FINAL PROOF SURVEY

UNDER
APPLICATION NO. G-12283
PERMIT NO. G-11697

IN THE NAME OF
CLARENCE PHILLIS

Scale: 4" = 1 MILE

Date: AUG 1994

Job: 1151

Dsn:

Drn: CHRIS

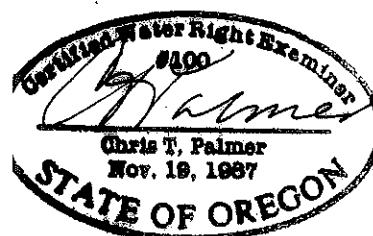
Ckd:

M A P's

M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No.

of 1





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Date Mailed: April 4, 2008

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.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

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

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

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

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-12283

Permit: G-11697

Certificate: 84051

Permit/Certificate Holder:

CLARENCE PHILLIS ✓
66139 CRANE BUCHANAN ROAD
BURNS OREGON 97720

Copies Mailed	
by:	<u>Corrie Vance</u> (STAFF)
on:	<u>APR 04 2008</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 10, ✓
2. Data Center (include copy of map) ✓
3. Water Availability ✓
4. Vault ✓
S. file ✓

Other persons to receive copies: (include map):

Chris T. Palmer, CWRE ✓

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-12283

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Clarence Phillips, the holder of Permit No. G-11697

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 18th day of May, 1994.

Remarks:

OK Jh

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of May, 1994.

Clarence Phillips
(Signature of Applicant)

SR2-324 Buchanan Rd
(Address)
Burns, Ore 97720

APPLICATION
CHECK-OFF LIST

~~RECEIPT POSTED~~
~~STREAM INDEXED & STREAM CODED~~
~~CONTENTS MARKED/STAMPED~~
~~SCENIC WATERWAY NOTED~~
~~FILE FOLDER TYPED~~
~~CALENDAR CARD TYPED~~
~~MAPS COPIED~~
~~APPLICATION COPIED~~
~~ACK LETTER TYPED~~

672283

RECEIVED

SEP - 3 1994

WATER RESOURCES DEPT.
SALEM, OREGON

SITE REPORT
for
CLAIM OF BENEFICIAL USE

I. GENERAL STATEMENT

On August 26, 1994 I conducted a survey of the subject site situated in Section 19, T 24 S, R 34 E, WM, Harney County, OR.

II. FIELD SURVEY METHODS

The field survey was done using a Nikon DTM-A10LG total station with related survey equipment. The control point was the SW corner of Section 19.

III. SOURCE OF WATER

A well located in the west side of the field. The well is steel cased with a concrete seal with a 2" diameter galv. pipe measuring port. A pump test was preformed on May 7, 1994 by the owner Clarence Phillis.

IV. DISTRIBUTION SYSTEM

PUMPS & MOTORS:

Vertical line shaft turbine with a 30 HP motor. A 15 HP in line booster pump.

MAIN LINE:

1300' of buried 6" diameter PVC with risers spaced @ 60'

LATERALS:

5360' of 4" diameter alum. wheel lines with 138 "rainbird" sprinkler heads with 5/32" nozzles spaced @ 40' intervals.

FINAL PROOF CALCULATIONS

RECEIVED
SEP 30 1994
WATER RESOURCES DEPT
SALEM, OREGON

Pumping level	=	48'
column losses	=	5'
main line losses	=	26'
lateral losses	=	60'
elevation	=	5'
operating pressure, 40 psi	=	92'
Total losses.....	=	236'

Theoretical capacity:

$$Q = (\text{HP} \times \text{Eff} \times 3960) / H = (45 \times 0.80 \times 3960) / 236 = 604 \text{ GPM} = \underline{1.35 \text{ CFS}}$$

Sprinkler head capacity:

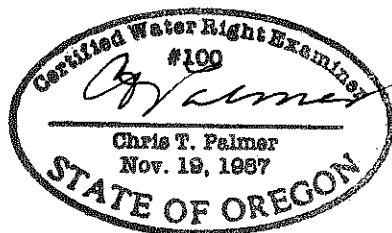
$$Q = (4.4 \text{ GPM/head}) \times 138 \text{ heads} = 607 \text{ GPM} = \underline{1.35 \text{ CFS}}$$

Duty of Water:

$$1/80 \text{ cfs/acre}, 80.0 \text{ acres beneficially irrigated.} \\ (80 \text{ acres}) (1/80 \text{ /cfs/acre}) = \underline{1.00 \text{ CFS}}$$

V. CERTIFICATION

I, Chris T. Palmer, Certified Water Rights Examiner registered in accordance with the laws of the State of Oregon, do hereby certify that the final proof site survey and inspection of the use was found to be completed under the terms and conditions of Permit No. G-11697 and that the facts contained in this report and the accompanying final proof map are correct to the best of my knowledge.

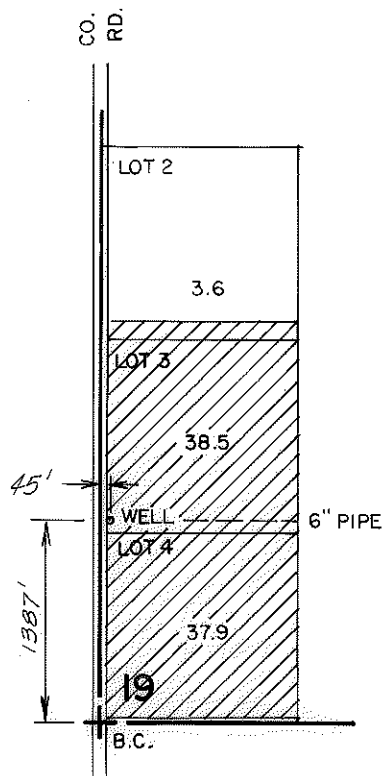


VI. ACKNOWLEDGEMENT

I, Clarence Phillis hereby agree to the above findings of Chris T. Palmer, Certified Water Rights Examiner, and do submit this site report and map as my claim of Beneficial Use of the water as provided under the terms and conditions of Permit No. G 11697.

Clarence Phillis
Clarence Phillis

T24S, R34E, WM



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.

	FINAL PROOF SURVEY UNDER APPLICATION NO. G-12283 PERMIT NO. G-11697			IN THE NAME OF CLARENCE PHILLIS	
	Scale: 4" = 1 MILE		Date: AUG 1994		Job: 1151
	Dsn:		M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720		Sht. No.
	Drn: CHRIS				of <u>1</u>
	Ckd:				

November 12, 1991

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files
FROM: Karl Wozniak
SUBJECT: Groundwater Application G-12283

Conclusion/Recommendations

The well listed on this application produces water from unconfined to semi-confined sedimentary and volcanoclastic rocks. Based on information contained in the application file and nearby well reports, groundwater use from this well is unlikely to have the potential for substantial interference with the nearest surface water source, namely Crowcamp Creek. In addition, because there are few nearby wells of record, withdrawals from this well are unlikely to adversely impact existing rights.

No well log in application file.

No well logs of record in well report files.

KCW

6-12283

TO: Water Rights Section

Nov. 12, 1991

FROM: Groundwater/Hydrology Section Karl L. Wozniak
Reviewer's Name

SUBJECT: Application G- 12283

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 surface water
 - b. ☒ will not { source, namely a tributary of Crowcamp Creek; or
 - c. ___ will, if properly conditioned, adequately protect the surface water from interference:
 - i. ___ The permit should contain condition #(s) _____;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface water from substantial interference.

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

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

REMARKS: _____

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1991.

(Signature)

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

_____, 1991.

(Signature)

(WRF08\91)

G-12283

Clarence Phillips

Harney County

Crowe Quad

Harney Basin (Hot Springs Creek Basin)

Harney Valley

1 well 1 cfs (448 gpm)

NW/SE 19-24S/34E 1387' N + 47' E fm SW cor S 19

16" diam.

400' CD

SWL at 21'

Drilled by Harold Cunningham?

No log in file.

Also listed on Appl. G-5790, Permit G-4976?

Jack Hurlburt = applicant. Physical location does not correspond to either well listed on this permit.

No well reports of record in S. 19 24S/34E

Existing GW rights:

Appl. G-8779 $\approx$ 1/4 mile S S. 30-24S/34E

Appl. G-12154 $\approx$ 1/4 mile W S. 25-24S/33E

Well located $\approx$ 3450' SE of tributary to Crowcamp Creek
2

Nearby wells produce water from unconfined to semi-confined sands & gravels

Tom-

Is this ok? or
should he have
his pipe purchased
(or is that what the
"mainline + wheel line" are?)

Jh

G-12283
TO JANET

1. NO & YES?

2. WHEELLINE & MAINLINE
ARE HIS IRRIGATION PIPE,

3. WE ACKNOWLEDGED
FORM 'C' A FEW WEEKS AGO.
I SUSPECT WE COULD NOT
LOCATE FILE WHEN FORMS
A & B ARRIVED.

4. (a) KEEP & "OK" FORMS
A & B, BUT DO NOT SEND
HIM ANYTHING.

(b) LOOKS AS IF FOLDER IS
SET UP PROPERLY.

TOM

PS

YOUR WORK ALGA LOOKS
GREAT!

NUMBER 81557

Check 200⁰⁰ NO Cash

 Surface Application

 Reservoir Application

 Ground Water Application

 Transfer Application

 Power Claim

 Hydroelectric Examination

 Hydroelectric License

 Copying

 Assignment

 Extension of Time

 Other

 P-6

 Quadrangle

 Basin

 Protest

 Constructors Examination

 Constructors License

 Adjudication

RECEIVED

Form B (690-9-77)

Application No. 212283

NOTICE OF COMPLETION OF CONSTRUCTION

Clarence Phillis, the holder of Permit No. G-11697
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the 25 day of April, 1994.

Remarks:

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

ment, you should so state in order that our records may not be unnecessarily encumbered.

Line are in place. Am ready for pump person to come
and test well for draw down.

IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of April, 1994.

Clarence Phillis

(Signature of Applicant)

582-324 Buchanan Rd, Burns, Ore

(Address)

97720

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

RECEIVED

APR 28 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Form A (690-9-77)

Application No. D 12283

NOTICE OF BEGINNING OF CONSTRUCTION

I, Clarence Phillis, the holder of Permit No. E 11697

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 25th day of April, 1994.

Remarks: Well was drilled years ago. Tested at 835 gpm.
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment
pump installed and pumping 400 gpm. main line, and
acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as
wheel lines in place.
authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of April, 1994.

Clarence Phillis
(Signature of Applicant)

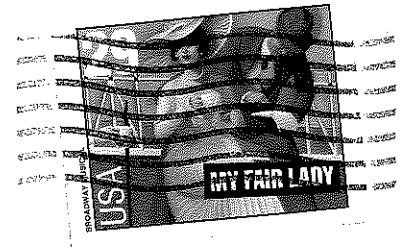
822-324 Buchanan Rd, Burns Ore
(Address)

97720

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

Tom Phollos
542-324 Buchanan Rd
Burns Ore 97720



Water Resources Dept.
Commerce Building
158 12th Street NE.
Salem, Or 97310-0210

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

NOV - 5 1990

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.

RECEIVED

OCT 29 1990

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant's Name: Clarence Phillips
Address: HC 73 - 324 Buchanan Rd.
City: Burns State: OR Zip: 97720 Day Phone: 493-2692

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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
<u>Code area 42</u>				<u>IRR</u>
<u>acc No 10673</u>				

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 city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

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

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

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

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

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

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

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

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Carol L. Smith
Title: Planning Director

Date: 10/25/90
Phone:

Signature: Coralie Smith

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: _____
 Address: _____

 Phone: _____

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.
☐ Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	