

ASSIGNED FILE#: G 12559

ECKLEY  
No 1 BOX 441 30042 WEAVER SPRINGS LN  
BURNS OR 97720

Address

Date filed

Priority

Action suspended until C-25

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning 2-28-97

Date for completion 10-1-98

Extended to 10/1/05, 10/1/2014,  
10-1-2025

Date for application of water 10-1-99

Extended to 10/1/05, 10/1/2014,  
10-1-2025

PROSECUTION OF WORK

Form "A" filed 2/28/97

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Application No. G 12559

Permit No. G 12391 G-18126

Certificate No.

Harney

Stream Index, Page No. 12

12-0040

V 1 Basin 12 Mis e

ASSIGNMENTS

Date	Assigned To Whom	Address	Volume	Page
2/22/2010	GORDON BLOOMQUIST 30042 WEAVER SPRINGS LN BURNS OR 97720			
8/8/2013	SUNNYSIDE DAIRY, LLC 4581 MAPLE GROVE ROAD SUNNYSIDE WA 98944			

REMARKS

118 sent 3/10/97  
No Pump test as of 9/11/08

FEES PAID

Date	Amount	Receipt No.
6-7-91	790. <sup>00</sup>	74942
9-27-99	100.00	33254
2-22-10	75. <sup>00</sup>	99252
2-22-10	500. <sup>00</sup>	99247
8-8-13	75. <sup>00</sup> Cert. Fee	109543

FEES REFUNDED

Date	Amount	Check No.

Fees Paid Cont.

8-19-13	\$10.00	109672
2-17-16	575.00	118957

Completion Checklist for Claims of Beneficial Use

Application # 6-12559

Permit # 6-12301

Transfer # 0



Chris Palmer, CWRE #100

Date 12-8-2006

Reviewer Gary Clark

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 2 wells - permit 1 well
- Point(s) of diversion
- Point(s) of diversion (coordinates) *measured &c*
- Conveyances (pump, pipelines, ditches, etc.)
- Place of use (1/4 1/4, DLC, or Gov Lot; if irrigation, # of acres in each subdivision)

*★* Use in SW SW sec 2 not included in permit. Ownership?

Report Review:

- Application & permit #; or transfer #
- CWRE stamp and signature *only*
- Permittee's signature
- Time limits *will log & ext request &*
- Date of survey *Jan 21, 2002*
- Type of use *IR - Alfalfa*
- Extent of use *127.6 acres*
- Source(s) of water *2 wells*
- Rate and Duty
- Diversion rate for each use *by pivot*
- 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
- NA* Fish screening
- 62* Meter/measuring device
- OK* Water use reporting
- No* Other conditions *Pump test*

- original well applied for  
 barn 1316 265' deep  
 perforations 72' - 192'

- COBA -> 2 wells 1 for each  
 pivot. 120' deep 1997 well  
 115' deep 2000 well



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

March 22, 2016

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

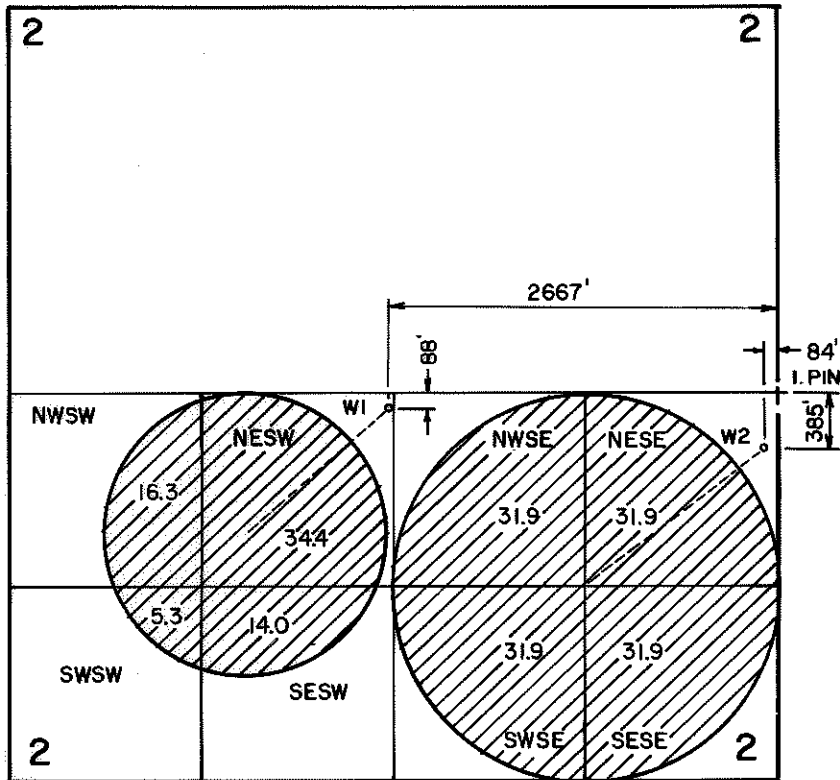
The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-12559 (Permit G-12301)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us).

# T 26 S north of Malheur Lake, R 30 E, WM



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 FEB 04 2002  
 WATER RESOURCES DIVISION  
 SALEM, 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.

	<b>FINAL PROOF SURVEY</b>		IN THE NAME OF JOSEPH R. & LOIS E. ECKLEY		
	UNDER APPLICATION G 12559 PERMIT G 12301		Scale: 4" = 1 MILE	Date: JAN. 23, 2002	Job: 2053
	Dsn:		M.A. PALMER & SONS, INC. ENGINEERING & SURVEYING 711 Ponderosa Village • Box 61 Burns, Oregon 97720		Sht. No.
	Dm: CHRIS				of 1
Ckd:					

### Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- 1. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? yes  
**If the permit has been cancelled, the Extension Application cannot be accepted.**
- 2. Is the extension applicant's name and mailing address the permit holder of record? yes  
 If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.
- 3. Did Construction begin on or before the "A" date (Actual Construction date), If no "A" date then by the "C" date (Completion Date)? yes  
**IF NO, Return application, The Extension cannot be granted.**
- 4. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- 5. Is the appropriate Extension of Time Application used? yes  
 If the wrong application form is used, the Extension Application cannot be accepted.
  - If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
  - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
- 6. Are the requested date(s) for extension identified (Page 1)? yes
  - Check the permit to see if it includes a "B-Date" and/or a "C-Date."  
 "B-Date" = date by which construction of the water delivery system for the permit is to be completed.  
 "C-Date" = date by which full beneficial use of water under the permit is to be accomplished AND CONSTRUCTION MUST BEGIN by if no "A" DATE.
- 7. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? yes  
 (If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)  
 If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.
- 8. Are all questions on the application answered? yes  
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)
- 9. Has the \$575 fee been paid? yes  
 \*If applicable, has the \$85 fee for the Assignment been paid? \_\_\_\_\_  
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)  
 If the fee has **NOT** been paid, the application cannot be accepted.  
**\*\*NOTE:** If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks).
- 10. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Non-Muni Extension Application to Mabelle Bamberger or Corey Courchane. For municipal application route to, Mabelle Bamberger. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Caren Date: 2-18-16

Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)

Monthly Use

user_id	owner	water use report_id	pod_facility_name	Logid (wells only)	water month	water year	cal-endar month	cal-endar year	water_used (acre feet)
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	1	2000	Oct	1999	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	2	2000	Nov	1999	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	3	2000	Dec	1999	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	4	2000	Jan	2000	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	5	2000	Feb	2000	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	6	2000	Mar	2000	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	7	2000	Apr	2000	5.07
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	8	2000	May	2000	20.42
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	9	2000	Jun	2000	20.42
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	10	2000	Jul	2000	35.76
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	11	2000	Aug	2000	29.62
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	12	2000	Sep	2000	11.21

Water Year Total (Acre Feet) 122.49



**Water Solutions, Inc.**

February 15, 2016

Machelle Bamberger  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Extension Application for Permit G-12301 (Sunnyside Dairy, LLC)

Dear Ms. Bamberger:

On behalf of my client, Sunnyside Dairy, LLC, please find enclosed an extension application for Permit G-12301. Also enclosed are supporting documents and a check in the amount of \$575 for application fees.

Should you have any questions concerning this application, please do not hesitate to contact me.

Respectfully,

Molly Reid  
Senior Water Resources Consultant  
(541) 310-7264 Cell

Cc: Rosalio Brambila, Manager, Sunnyside Dairy, LLC  
File

Enclosures: Extension Application  
Check #6618  
Supporting Documents

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

I, Sunnyside Dairy, LLC – Rosalio Brambila (Manager)

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

4581 Maple Grove Road  
ADDRESS

Sunnyside  
CITY

WA  
STATE

98944  
ZIP

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(509) 837-4779  
PHONE

rosalio@oorddairy.com  
E-MAIL ADDRESS

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the permit holder of:

Application Number G-12559

Permit Number G-12301

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

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do hereby request that the time in which to:

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complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: October Day: 1 Year: 2014**, be extended to October 1, 2020 [OAR 690-315-0020(3)(i)]

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

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: October Day: 1 Year: 2014**, be extended to October 1, 2020 [OAR 690-315-0020(3)(i)]

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

<u>Rosalio Brambila</u>	<u>2-11-16</u>
Signature	Date
<u>Rosalio Brambila</u>	<u>Manager</u>
Printed Name	Title



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

- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

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**MAIL COMPLETED APPLICATION**  
along with the Supporting documents and/ or evidence

**\$575 STATUTORY FEE TO:**

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

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**GENERAL TIPS:**

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

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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

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

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

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

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

For Groundwater Permits

Has construction of the well begun?  Yes  No

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

**Details of construction and attach documentation:** See previous extension application – attached. Well logs attached.

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	2014
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	2014
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<b>Surface Water or Reservoir</b>			N/A
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A

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

Permit Conditions have been met.

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

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

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	See previous extension application and order (attached.)	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
	See previous extension application and order (attached)	
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	See previous extension application and order (attached)	
<b>Total Cost for Chart-B</b>		N/A

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

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

**CHART-C**

DATE	<b>WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD</b> <i>List all work done during the last authorized extension period.</i>	COST*
10-1-2014	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
2013	Property purchased from foreclosure (Weaver Springs)	\$4.3M
6-2014	Remaining acreage put to use (55 acres)	\$126,500
5-2014	Purchased two pivots	\$75,000
10-2014	Contract farming costs	<del>\$51,000</del>
10-1-2014	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
DATE	<b>WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED</b> <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
1-2016	Preparation of extension application	<del>\$5,000</del>
6-2015	Drilled additional well; purchased pump, electricity, piping	\$125,000
2014-2016	Hired water rights consultant to help organize water rights records and prepare necessary applications for extensions, amendments, and claims.	<del>\$10,000</del>
<b>Total Cost of Chart-C</b>		<del>\$392,500</del> 326,500

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

5. **Cost of project to date: \$392,500 (Sunnyside's Expenses)**  
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

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

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

**7. For Ground Water Permit Extensions (e.g. G-12301):**

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

**CHART-D**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 8 below)	Maximum instantaneous rate used to date from this well - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1	2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 50149	L- 14600	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2.1 cfs approx..	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 50516	L- 41297	Yes <input type="checkbox"/> No <input type="checkbox"/>	x	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 51788	Deepening	Yes <input type="checkbox"/> No <input type="checkbox"/>	1.2 cfs approx..	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						3.3 cfs		

**8. If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location.**

Has or will a Permit Amendment Application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T- Permit Amendment will be filed as soon as extension is approved, to add points of appropriation, correctly identify the location of existing wells, and amend a portion of the place of use.

Well # 2 Actual location: NESE Section 2, T26S R30E

Well # 1 Actual location: NESW Section 2, T26S R30E

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

**9. Provide the total number of acres irrigated to date under this permit (if applicable). List by year, the number of acres irrigated each year since permit issuance, and provide a copy of the application map identifying the acres irrigated. 197.6 acres by 2005, and remaining 57.4 acres in mid 2014.**

Total acres irrigated to date: 255

**Ground Water Permits:** Please specify which wells are being utilized for this irrigation.

Well #1 Acres 255 Well # \_\_\_\_\_ Acres \_\_\_\_\_

Well #2 Acres 255 Well # \_\_\_\_\_ Acres \_\_\_\_\_

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
May 2016 or as soon as extension is approved	Need to file a permit amendment to show place of use changes, add wells to permit, and correctly identify location of existing wells.	<del>\$5,000</del>
May 2016 approx.	Install flowmeters on new well	\$10,000
March 2016	Static water level measurements on wells	<del>\$1,500</del>
December 2016	Water Use Reporting	
Year: 2020	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>Total Cost</b>		<b>\$ 16,500</b>

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

**11. Estimated remaining cost to complete the project: \$16,500**

*(The total cost from CHART-E)*

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

**12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements.**

At the time of the filing of the previous extension (2011), the owner of the property was Gordon Bloomquist. In 2013 the property went in to foreclosure and was sold to Sunnyside Dairy LLC. The permit was assigned to the new owner and a farm manager was brought in. The former farm manager mishandled the application of resources and as a result delayed the development of the permitted acreage. When the remaining acreage was developed, the applicant was informed by OWRD that it was too late to file for a permit amendment to change the location of a portion of the acres, as well as to add additional POAs as the changes were made within six months of the October 2014 completion date. The applicant experienced some construction

problems in one of the existing wells and needed to replace one of the wells in order to put the water to full beneficial use under the terms and conditions of the permit.

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

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

The land to which this groundwater permit is appurtenant went through foreclosure in 2013. This land is part of a larger piece of property that has multiple water rights. The applicant purchased the property out of foreclosure and began the daunting process of assessing and cleaning up the property and the water rights. The applicant is currently working with the local watermaster (JR Johnson) to address WRD's concerns pertaining to the place of use and correct well locations. The 255 acres of this water right have been developed; however some of the acres and wells are not in the location originally proposed in the permit. Additionally, a portion of the remaining lands developed overlap another water right (Permit G-16421 – of which the applicant is also preparing a permit amendment to amend a portion of the place of use.) We are requesting this additional extension so that the applicant can file a permit amendment to address both the place of use and POA/APOA changes, and to apply water to beneficial use under the terms and conditions of the permit.

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

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

The new landowner (permittee) has made significant financial investments in the development of this permit – which is part of a larger property project. Financial resources have been diverted to complete development of additional water rights on this property. Given the complexity of the multiple water rights associated with this large property, and the delays caused by purchasing a foreclosed property, replacing a farm manager, drought - circumstances beyond the control of the permit holder, an extension of time until 2020 is both reasonable and necessary to apply water to beneficial use under the terms and conditions of the permit.



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Attachment #1  
Map of Water Use Development of G-12301  
Permit Extension Application for Sunnyside Dairy G-12301

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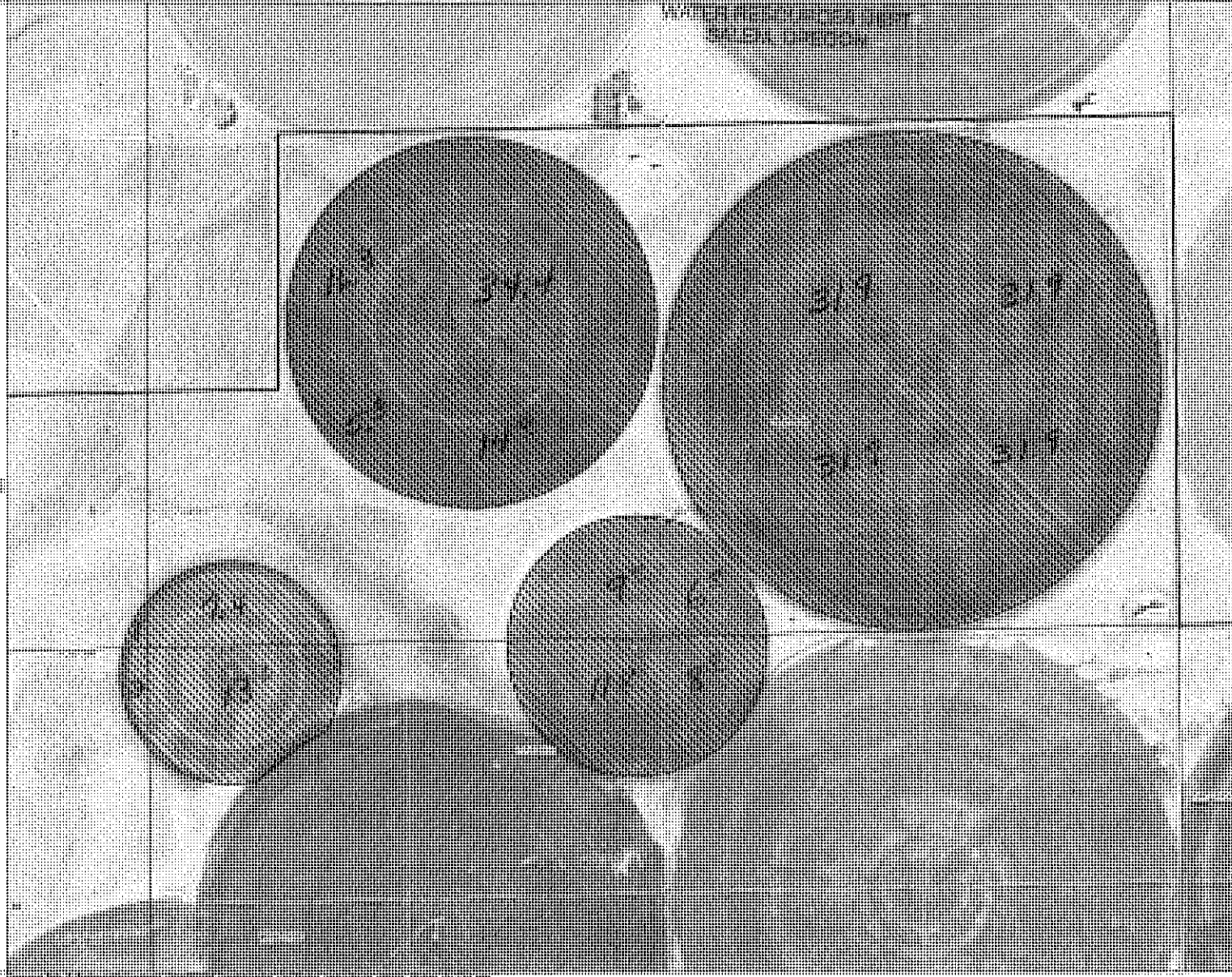


FIGURE 1

Weaver Springs Water Right  
Application G-12559, Permit G-12301  
Sunny Side Dairy, Harney County, Oregon  
Township 26 South, Range 30 East

LEGEND

- Place of Use, G-12301
- All Other Features
- Weaver Springs Property Tax Lot
- Road

*developed by previous extension 10/2005*

*developed in mid 2014*

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250 500  
Feet

MAP NOTES:  
Date: February 15, 2016  
Data Sources: USGS, OWRD, ESRI, Air Photo from NAIP, 2014



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Attachment #2  
Permit G-12301 and Permit Map  
Permit Extension Application for Sunnyside Dairy G-12301

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STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOE ECKLEY  
HC 71 BOX 441  
BURNS, OREGON 97720

(541) 493-2560

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

APPLICATION FILE NUMBER: G-12559

SOURCE OF WATER: A WELL WITHIN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 255.0 ACRES

Rate of use: 3.19 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR IRRIGATION FROM MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 7, 1991

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 1, T26S, R30E, W.M.; 260 FEET SOUTH AND 40 FEET EAST FROM THE W 1/4 CORNER OF SECTION 1

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4	40.0 ACRES
NW 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	35.0 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	40.0 ACRES
SE 1/4 SE 1/4	40.0 ACRES

SECTION 2

TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.

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Application G-12559

Water Resources Department

PERMIT G-12301

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WATER RESOURCES DEPT  
SALEM, OREGON PAGE 2

Measurement, recording and reporting conditions:

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

#### STANDARD CONDITIONS

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

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

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

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

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

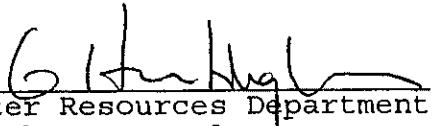
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued February 29, 1996

  
Water Resources Department  
Martha O. Pagel  
Director

B - ext. to 10/1/05

C - ext. to 10/1/05

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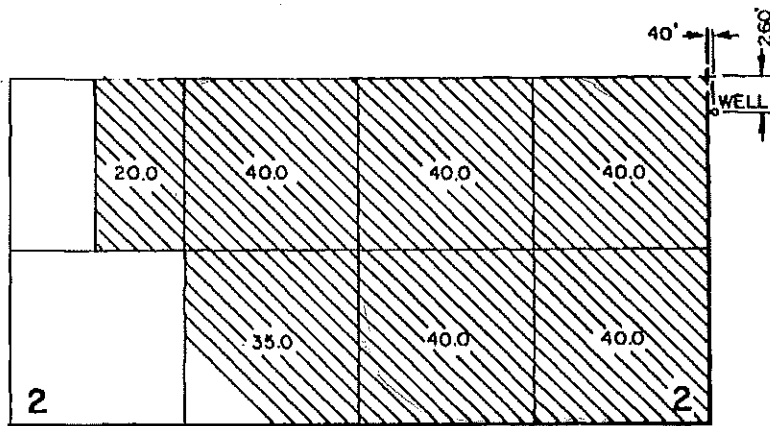
Application G-12559  
Basin 12

Water Resources Department  
Volume 1 Basin 12 & Misc.

PERMIT G-12301  
District 10

Application No. 6-12559  
 Permit No. G12301

T 26 S north of Malheur Lake,  
 R 30 E, WM



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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

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	JOE ECKLEY		BURNS, OR	
	WATER RIGHT APPLICATION MAP			
	Scale: 4" = 1 MILE	Date: MAY 1991	Job: 1277	
	Den:		Sht. No. 1	
Drn: CTP	of 1			
Ckd:	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720			

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Attachment #3  
Previous Extension Application and Final Order  
Permit Extension Application for Sunnyside Dairy G-12301

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Oregon Water Resources Department **RECEIVED**  
Water Right Services Division

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Water Rights Application  
Number G-12559

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**Final Order**  
**Extension of Time for Permit Number G-12301**  
**Permit Holder: Gordon Bloomquist**

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request 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 file 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.

**Application History**

Permit G-12301 was issued by the Department on February 29, 1996. The permit called for completion of construction By October 1, 1998 and complete application of water to beneficial use by October 1, 1999. One prior permit extension has been granted for Permit G-12301. The most recent extension resulted in the full application of water being extended to October 1, 2005. On February 29, 2011, Gordon Bloomquist submitted to the Department an Application for Extension of Time for Permit G-12301. In accordance with OAR 690-315-0050(2), on August 30, 2011, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2014, and the time to apply water to full beneficial use to October 1, 2014. The protest period closed October 14, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated August 30, 2011.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

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Order

The extension of time for Application G-12559, Permit G-12301, therefore, is approved. The deadline for completing construction is extended from October 1, 2005 to October 1, 2014. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2005 to October 1, 2014.

DATED: January 6, 2012



Dwight French  
Water Rights Services Division Administrator, for  
PHILLIP C. WARD, DIRECTOR

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- 
- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
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Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem Oregon 97301  
(503) 986-0900  
www.wrd.state.or.us

# Application for Extension of Time for a Water Right Permit

(Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per  
OAR 690-315-0020(2).

This application and a summary of review criteria and procedures that are generally applicable to this  
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

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I, Gordon Bloomquist

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

WATER RESOURCES DEPT  
SALEM, OREGON

30042 Weaver Springs LN  
ADDRESS

CITY

Burns

STATE

OR

ZIP

97720

541-495-2445  
PHONE

E-MAIL ADDRESS

APP # G-12559

the permit holder of:

Application Number

G-12066

PERMIT #

G-12301

Permit Number

G-12301 G-12129  
[OAR 690-315-0020(3)(b)]

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do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the  
equipment necessary to the use of water), which time now expires on October 1, 2005, be  
extended to October 1, 2014.

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

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now  
expires on October 1, 1, be extended to October 1, 2014

OB. 2-14-2011

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

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

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### MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

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

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#### GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:  
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:  
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

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- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

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

Answer the Following Questions to Complete this Application for Extension of Time

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit?  Yes  No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 1991

Details of construction: Pivot + main line installed

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

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit?  Yes  No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



**TIP:** The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.	Date Satisfied	Describe How Permit Condition Has Been Satisfied
		Unsure of previous owners Construction Details

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\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- 2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.	Date Will Compl	Explain Why Permit Condition Has NOT Been Satisfied
		Flow meters will be installed upon approval of permit Amendment Application
		Pump test will be conducted on approval of permit Amendment Application

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\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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[OAR 690-315-0020(3)(e)]  
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- 3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued, e.g. well drilled.</i>	COST
1980	WELL DRILLED	

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATES SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work actions done during the permitted time period.</i>	COST
1991	Date the permit was signed - find date above signature on last page of permit.	
	PIVOTS INSTALLED	100,000 <del>000</del>


1996	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	


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10/1/2000	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
-----------	--	--

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CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" and PRIOR TO THE DATE OF COMPLETE APPLICATION OF WATER UP TO THE DATE OF THE APPLICATION FOR EXTENSION OF TIME <i>Complete only if the user is requesting an extension of time.</i>	COST
1997	WELL DRILLED - PIPE + WIRE	35,000 <del>000</del>

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Total Cost for Chart-C		
------------------------	--	--

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





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6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 197.6

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Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # 41297 Acres 197.6 Well # \_\_\_\_\_ Acres \_\_\_\_\_

Well # 81445 Acres 197.6 Well # \_\_\_\_\_ Acres \_\_\_\_\_

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[OAR 690-315-0020(3)(g)]  
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7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-F

APPROXIMATE DATE RANGE (Projected)	WORK OR ACTION TO BE ACCOMPLISHED (Projected)	ESTIMATED COST (Projected)
2013	Install Flow meters	1800.00
	Conduct pump test	RECEIVED
		FEB 22 2010
2013	Final Proof Survey	1800.00
		WATER RESOURCES DEPT SALEM, OREGON
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost:		2800.00

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

8. Estimated remaining cost to complete the project: 2800.00  
(The total cost from CHART-F)

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

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D). Ranch split between 2 owners then resold during permit time.

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

CBU Denial letter did not come was not sent until April of 2008!

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



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

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



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

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

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

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

5-B) For Ground Water Permit Extensions (e.g. G-XXXX):



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

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**CHART-E**

Well ID	Well Type	Well Depth	Well Location	Well Status	Maximum Instantaneous Rate	Is Well Authorized	Permit Reference No.
HAEN 1316	HAEN	NA		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	3.19 CFS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	6-8979
		41297		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	3.19 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
		81445		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	3.19 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
				Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit					3.19 CFS		

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5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T-\_\_\_\_\_

Well # 41297: Actual location: 26 30 Sec 2 NBSW

Well # 81445: Actual location: 26 30 Sec 2 SE SE

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

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9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

NA

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

yes

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9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

NO

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

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

5 years is requested due to the fact that we want ample time to prove up on new POA.

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

Ranch has changed hands 3 times in last 2 years and I am still working learning about all mistakes on water

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

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Dwain Blazyn  
Signature

WATER RESOURCES DEPT - 12 - 18 - 2009  
SALEM, OREGON Date

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FEB 22 2010

WATER RESOURCES DEPT  
SALEM, OREGON

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DEC 29 2009

WATER RESOURCES DEPT  
SALEM, OREGON

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SALEM, OREGON

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SALEM, OREGON

Attachment #4

Well Logs

Permit Extension Application for Sunnyside Dairy G-12301

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WELL ID # L14600

STATE OF OREGON WATER SUPPLY WELL REPORT

harn 50149

APR - 9 1997

(START CARD) # 85985

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

(1) OWNER: Well Number 2 SALEM, OREGON
Name Joseph R. Eckley
Address HC 71 Box 441
City Burns State OR Zip 97720

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 110 ft.
Explosives used Yes No Type Amount

Table with columns: HOLE (Diameter, From, To), SEAL (Material, From, To), Sacks or pounds. Includes entries for Bentonite and none.

How was seal placed: Method A B C D E
Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes entries for 12 inch casing.

Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Includes entry for Mill knife.

(8) WELL TESTS: Minimum testing time is 1 hour
Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem at Time
1300 16' 1 hr.
1300 16' 2 hr.
1300 16' 5 hr.
Temperature of water 54° Depth Artesian Flow Found NO
Was a water analysis done? Yes By whom NO
Did any strata contain water not suitable for intended use? No Too little
Salty Muddy Odor Colored Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Harney Latitude Longitude
Township 26 or S Range 30 E or WM.
Section 2 NE 1/4 SE 1/4
Tax Lot 400 Lot Block Subdivision
Street Address of Well (or nearest address) HC 71 Box 441 Burns OR

(10) STATIC WATER LEVEL:
29 1/2 ft. below land surface. Date 3-24-97
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 40'

Table with columns: From, To, Estimated Flow Rate, SWL. Includes entries for 40' to 70' (1000 gpm) and 85' to 105' (400 gpm).

(12) WELL LOG:
Ground Elevation

Table with columns: Material, From, To, SWL. Includes entries for Sandy loam topsoil, Sandy loam & clay mix, Red cinders & clay mix, Pumice layers & Red cinders, Pumice layers & Black cinders, Black cinders & Black sand, Hard Black Basalt, Blue Clay, Black cinders - coarse, Black sand.

Date started 2-27-97 Completed 3-29-97

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

Signed Joseph R. Eckley WWC Number Date 4-7-97

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

Signed Joseph R. Eckley WWC Number Date 4-7-97

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

HARN  
50516

WELL I.D.# 41297

(START CARD) # 102213

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

(1) OWNER: Well Number #3  
Name Joseph RECKLEY  
Address HC 71, Box 441  
City Burns State OR Zip 97720

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

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

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

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 97 ft.  
Explosives used  Yes  No Type Amount

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
20"	0'	4'	Bentonite	0	20'	22-50# sacks
16"	4'	20'				

How was seal placed: Method  A  B  C  D  E  
 Other  
Backfill placed from \_\_\_ ft. to \_\_\_ ft. Material Bentonite  
Gravel placed from \_\_\_ ft. to \_\_\_ ft. Size of gravel

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 12"	0'	76'	2.50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) PERFORATIONS/SCREENS:

From	To	Steel size	Number	Diameter	Tote/pipe size	Casing	Liner
<del>Table content is crossed out with a large X.</del>							

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min 50 Drawdown 0 Drill stem at Time 1 hr.

Temperature of water 52° Depth Artesian Flow Found NA  
Was a water analysis done?  Yes By whom ND  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other None  
Depth of strata: None

(9) LOCATION OF WELL by legal description:  
County Harney Latitude Longitude  
Township 26 N or S Range 30 E or W WM.  
Section 2 NE 1/4 SW 1/4  
Tax Lot 400 Lot Block Subdivision  
Street Address of Well (or nearest address)

(10) STATIC WATER LEVEL:  
66' ft. below land surface. Date 2/2/2000  
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:  
Depth at which water was first found 70 feet

From	To	Estimated Flow Rate	SWL
70'	75'	50 gpm	70'
81'	89'	50 gpm	67'
92'	99'	50 gpm	67'

(12) WELL LOG:  
Ground Elevation

Material	From	To	SWL
sandy soil	1'	4'	
Black Cinders (Fine)	4'	36'	
Black & Red cinders (Coarse)	36'	50'	
Black Cinders w/white pumice	50'	62'	
Sand stone (Brown)	62'	70'	
Sand Stone - Pumice & Distortive	70'	75'	70'
Black Basalt	75'	81'	70'
Clay (aqua blue)	81'	89'	67'
Sand Stone medium	89'	92'	67'
Black sand (water bearing)	92'	99'	67'
Black Cinders w/pumice layers	99'	115'	67'

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SALEM, OREGON

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FEB 16 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

Date started 9-23-98 Completed 4-20-2000  
(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Joseph R. Eckley WWC Number Date 4-23-2000

(bonded) Water Well Constructor Certification:

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

Signed Joseph R. Eckley WWC Number Date 4-23-2000

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

This is new well drilled 2000' from ext. app. SCVA 2-14-11 \*

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WATER RESOURCES DEPT SALEM, OREGON

STATE OF OREGON
WATER SUPPLY WELL REPORT

06-15-2011

WELL LABEL # L 41297

(as required by ORS 537.765 & OAR 690-205-0210)

START CARD # 1013761

(1) LAND OWNER Owner Well I.D.

First Name Jim Last Name Robie
Company
Address 30042 Weaver Springs Lane
City Burns State Or Zip 97720

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

(3) DRILL METHOD Rotary Air Rotary Mud Cable Auger Cable Mud
Reverse Rotary Other

(4) PROPOSED USE Domestic Irrigation Community
Industrial/ Commercial Livestock Dewatering
Thermal Injection Other

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
Depth of Completed Well 247.00 ft.

Table with columns: Dia, From, To, Material, SEAL, Amt, lbs

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

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: Yes Type Amount

(6) CASING/LINER Casing Liner Dia + From To Gauge Stil Plste Wld Thrd

Table with columns: Casing, Liner, Dia, From, To, Gauge, Stil, Plste, Wld, Thrd

Shoe Inside Outside Other Location of shoe(s)

Temp casing Yes Dia From To

(7) PERFORATIONS/SCREENS Perforations Method Screens Type Material

Perf/S Casing/ Screen green Liner Dia From To Scrn/slot width Slot length # of slots Tele/ pipe size

Table with columns: Perf/S, Casing/ Screen, Dia, From, To, Scrn/slot width, Slot length, # of slots, Tele/ pipe size

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

Pump Bailer Air Flowing Artesian

Table with columns: Yield gal/min, Drawdown, Drill stem/Pump depth, Duration (hr)

Temperature 52 F Lab analysis Yes By

Water quality concerns? Yes (describe below)

Table with columns: From, To, Description, Amount, Units

(9) LOCATION OF WELL (legal description)

County Harney Twp 26.00 S N/S Range 30.00 E E/W WM
Sec 2 NE 1/4 of the SW 1/4 Tax Lot 400
Lat 0 or DMS or DD
Long 0 or DMS or DD
Street address of well Nearest address

30042 Weaver Springs Lane

(10) STATIC WATER LEVEL Date SWL(psi) + SWL(ft)

Table with columns: Existing Well / Predeepening, Completed Well, Date, SWL(psi), + SWL(ft)

WATER BEARING ZONES Depth water was first found 91

Table with columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft)

(11) WELL LOG Ground Elevation

Table with columns: Material, From, To, Ground Elevation

Date Started 06-10-2011 Completed 06-14-2011

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date

Electronically Filed

Signed

(bonded) Water Well Constructor Certification

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

License Number 1424 Date 06-15-2011

Electronically Filed

Signed TIMOTHY K RILEY (E-filed)

Contact Info (optional)

**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)**  
**Monthly Use**

<b>user_id</b>	<b>owner</b>	<b>water use report_id</b>	<b>pod_facility_name</b>	<b>Logid (wells only)</b>	<b>water month</b>	<b>water year</b>	<b>cal-endar month</b>	<b>cal-endar year</b>	<b>water_used (acre feet)</b>
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	1	2001	Oct	2000	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	2	2001	Nov	2000	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	3	2001	Dec	2000	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	4	2001	Jan	2001	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	5	2001	Feb	2001	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	6	2001	Mar	2001	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	7	2001	Apr	2001	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	8	2001	May	2001	70.81
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	9	2001	Jun	2001	118.05
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	10	2001	Jul	2001	85.93
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	11	2001	Aug	2001	85.02
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	12	2001	Sep	2001	87.76
<b>Water Year Total (Acre Feet)</b>									<b>447.57</b>



**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)**  
**Monthly Use**

<b>user_id</b>	<b>owner</b>	<b>water use report_id</b>	<b>pod_facility_name</b>	<b>Logid (wells only)</b>	<b>water month</b>	<b>water year</b>	<b>cal-endar month</b>	<b>cal-endar year</b>	<b>water_used (acre feet)</b>
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	1	2002	Oct	2001	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	2	2002	Nov	2001	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	3	2002	Dec	2001	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	4	2002	Jan	2002	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	5	2002	Feb	2002	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	6	2002	Mar	2002	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	7	2002	Apr	2002	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	8	2002	May	2002	0.07
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	9	2002	Jun	2002	0.84
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	10	2002	Jul	2002	0.84
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	11	2002	Aug	2002	0.02
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	12	2002	Sep	2002	0.00

**Water Year Total (Acre Feet) 1.77**

**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)**  
**Monthly Use**

user_id	owner	water use report_id	pod_facility_name	Logid (wells only)	water month	water year	cal-endar month	cal-endar year	water_used (acre feet)
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	1	2003	Oct	2002	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	2	2003	Nov	2002	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	3	2003	Dec	2002	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	4	2003	Jan	2003	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	5	2003	Feb	2003	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	6	2003	Mar	2003	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	7	2003	Apr	2003	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	8	2003	May	2003	33.01
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	9	2003	Jun	2003	99.03
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	10	2003	Jul	2003	102.34
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	11	2003	Aug	2003	82.53
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	12	2003	Sep	2003	0.00

**Water Year Total (Acre Feet)      316.91**

**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)**  
**Monthly Use**

<b>user_id</b>	<b>owner</b>	<b>water use report_id</b>	<b>pod_facility_name</b>	<b>Logid (wells only)</b>	<b>water month</b>	<b>water year</b>	<b>cal-endar month</b>	<b>cal-endar year</b>	<b>water_used (acre feet)</b>
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	1	2004	Oct	2003	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	2	2004	Nov	2003	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	3	2004	Dec	2003	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	4	2004	Jan	2004	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	5	2004	Feb	2004	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	6	2004	Mar	2004	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	7	2004	Apr	2004	39.61
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	8	2004	May	2004	82.53
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	9	2004	Jun	2004	99.30
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	10	2004	Jul	2004	66.02
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	11	2004	Aug	2004	92.43
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	12	2004	Sep	2004	0.00

**Water Year Total (Acre Feet) 379.90**

**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)**  
**Monthly Use**

user_id	owner	water use report_id	pod_facility_name	Logid (wells only)	water month	water year	cal-endar month	cal-endar year	water_used (acre feet)
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	1	2014	Oct	2013	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	2	2014	Nov	2013	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	3	2014	Dec	2013	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	4	2014	Jan	2014	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	5	2014	Feb	2014	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	6	2014	Mar	2014	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	7	2014	Apr	2014	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	8	2014	May	2014	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	9	2014	Jun	2014	96.18
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	10	2014	Jul	2014	46.12
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	11	2014	Aug	2014	50.31
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	12	2014	Sep	2014	42.17

**Water Year Total (Acre Feet)      234.78**

**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)**  
**Monthly Use**

user_id	owner	water use report_id	pod_facility_name	Logid (wells only)	water month	water year	calendar month	calendar year	water_used (acre feet)
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	1	2015	Oct	2014	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	2	2015	Nov	2014	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	3	2015	Dec	2014	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	4	2015	Jan	2015	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	5	2015	Feb	2015	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	6	2015	Mar	2015	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	7	2015	Apr	2015	0.00
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	8	2015	May	2015	57.31
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	9	2015	Jun	2015	61.62
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	10	2015	Jul	2015	48.07
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	11	2015	Aug	2015	44.11
31298	SUNNYSIDE DAIRY LLC	37058	PIVOT 2 (HARN 1318)	HARN 1318	12	2015	Sep	2015	12.85

**Water Year Total (Acre Feet) 223.96**

## **BAMBERGER Machelie A**

---

**From:** Reid, Molly <mreid@eaest.com>  
**Sent:** Monday, April 11, 2016 4:05 PM  
**To:** BAMBERGER Machelie A  
**Cc:** 'rosalio (rosalio@oorddairy.com)'  
**Subject:** Sunnyside Dairy Extension application for Permit G12301

Dear Machelie:

Per Sunnyside Dairy's request, we would like to change the previously requested extended TO date from October 1, 2020 to October 1, 2025 – as this would allow Sunnyside Dairy enough time to go through permit amendment process, apply the water to use and file a claim of beneficial use/final proof survey.

Please let me know if there is anything else I need to do. Thank you for all of your help.

### **Molly Reid**

Senior Water Resources Consultant



**EA Engineering, Science, and Technology, Inc., PBC**

8019 W. Quinault Ave, Suite 201

Kennewick, WA 99336

Mobile: (541) 310-7264

[mreid@eaest.com](mailto:mreid@eaest.com)



Before printing, think about ENVIRONMENTAL responsibility

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

**HARN 51603**

WELL I.D. # L 81445  
 START CARD # 18420

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

(1) LAND OWNER Georgan Bloomquist Well Number 5  
 Name Georgan Bloomquist  
 Address 30042 Weaumer Springs  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

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

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

(5) BORE HOLE CONSTRUCTION Special Construction:  Yes  No  
 Depth of Completed Well 320 ft.  
 Explosives used:  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

BORE HOLE			SEAL			Sacks or Pounds
Diameter	From	To	Material	From	To	
1.5	0	50	Ban.	0	50	300

How was seal placed: Method  A  B  C  D  E  
Other Poured  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
1.4	1	160	200	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Liner: \_\_\_\_\_

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

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

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
100	160	1/4	2000	1.4		<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

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

(9) LOCATION OF WELL (legal description)  
 County HARNEY  
 Tax Lot 45054 Lot \_\_\_\_\_  
 Township 26S N or S Range 30C E or W WM  
 Section 7 NW 1/4 NW 1/4

Lat \_\_\_\_\_ " or \_\_\_\_\_ (degrees or decimal)  
 Long \_\_\_\_\_ " or \_\_\_\_\_ (degrees or decimal)  
 Street Address of Well (or nearest address) 30042

(10) STATIC WATER LEVEL  
80 ft. below land surface. Date 7-7-09  
 \_\_\_\_\_ ft. below land surface. Date \_\_\_\_\_  
 Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES  
 Depth at which water was first found \_\_\_\_\_

From	To	Estimated Flow Rate	SWI
50	130	1000+	80

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

Material	From	To	SWI
SOIL	0	5	80
<del>CLAY</del> Brown CLAY	5	50	
BLACK SAND	50	130	
Hard Grey CLAY	130	300	

Date Started 6-25-09 Completed 7-7-09

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

WWC Number \_\_\_\_\_ Date \_\_\_\_\_  
 Signed \_\_\_\_\_

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

WWC Number 1557 Date 7-7-09  
 Signed Paul Wines

**RECEIVED**

**JUL 20 2009**

**WATER RESOURCES DEPT  
 SALEM, OREGON**

NOTICE TO WATER WELL CONTRACTOR  
The original and first copy of this report  
are to be filed with the

**WATER WELL REPORT**

State Well No. 26s/30E-1 db

WATER RESOURCES DEPARTMENT,  
SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

**STATE OF OREGON**

(Please type or print)

State Permit No. \_\_\_\_\_

*(Handwritten: 1318 Harney)*

**(1) OWNER:**

Name CHOWNING & ASSOCIATES  
Address RT. 1 BOX 1109  
HERMISTON, OREGON 97838

**(2) TYPE OF WORK (check):**

New Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

**(3) TYPE OF WELL:**

Rotary  Driven   
Cable  Jetted   
Dug  Bored

**(4) PROPOSED USE (check):**

Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

**(5) CASING INSTALLED:**

Threaded  Welded   
.16" Diam. from 0 ft. to 192 ft. Gage # 312  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

**(6) PERFORATIONS:**

Perforated?  Yes  No.

Type of perforator used factory louvered  
Size of perforations 3 in. by 1/8 in.  
5040 perforations from 72 ft. to 192 ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(7) SCREENS:**

Well screen installed?  Yes  No

Manufacturer's Name \_\_\_\_\_ Model No. \_\_\_\_\_  
Type \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(8) WELL TESTS:**

Drawdown is amount water level is lowered below static level

Was a pump test made?  Yes  No If yes, by whom? W.W.W.  
D: 370 gal./min. with 60 ft. drawdown after 24 hrs.  
" " " " " " " "  
" " " " " " " "  
Bailey test \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
Artesian flow none g.p.m.  
Temperature of water 58 Depth artesian flow encountered \_\_\_\_\_ ft.

**(9) CONSTRUCTION:**

Well seal—Material used cement grout  
Well sealed from land surface to 18 ft.  
Diameter of well bore to bottom of seal 30 in.  
Diameter of well bore below seal 30 in. 60  
Number of sacks of cement used in well seal \_\_\_\_\_ sacks  
How was cement grout placed? grout pump

Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
Did any strata contain unusable water?  Yes  No  
Type of water? good depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_  
Was well gravel packed?  Yes  No Size of gravel: 3/8-  
Gravel placed from 18 ft. to 265 ft.

**(10) LOCATION OF WELL:**

County Harney Driller's well number #6  
NW 1/4 SE 1/4 Section 1 T. 26S R.30E W.M.  
Bearing and distance from section or subdivision corner  
20' west & 1' north of the SE corner

**(11) WATER LEVEL: Completed well.**

Depth at which water was first found 27 ft.  
Static level 14 ft. below land surface. Date 2/27/80  
Artesian pressure none lbs. per square inch. Date 2/27/80

**(12) WELL LOG:**

Diameter of well below casing 30"

Depth drilled 265 ft. Depth of completed well 192 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
fine sand	0	8	
multi-colored clay	8	27	
black cinders	27	47	
green clay	47	54	
black soft sand	54	65	
gray clay	65	78	
gray soft sandstone	78	130	
black silty clay	130	190	
gray clay	190	248	
cinders	248	252	
green claystone	252	265	

**RECEIVED**  
MAY 1 1980

WATER RESOURCES DEPT  
SALEM, OREGON

Work started 2/22 1980 Completed 2/27 1980  
Date well drilling machine moved off of well 2/23 1980

**Drilling Machine Operator's Certification:**

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.  
[Signed] Stanley Date 2/27, 1980  
(Drilling Machine Operator)  
Drilling Machine Operator's License No. 1035

**Water Well Contractor's Certification:**

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
Name WESTERN WATER WELLS INC. (Type or print)  
(Person, firm or corporation) (Type or print)  
Address P.O. BOX 294 BURNS, OREGON 97720  
[Signed] Stanley (Water Well Contractor)  
Contractor's License No. 659 Date 2/27, 1980





# Oregon

John A. Kitzhaber, MD, Governor

August 9, 2013

G-12559

## Water Resources Department

North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
FAX 503-986-0904  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

Sunnyside Dairy, LLC  
4581 Maple Grove Road  
Sunnyside, Washington 98944

Reference: Transfer T-10149 – Transfer T-11032 – Transfer T-11033  
Application G-12559, Permit G-12301

Regarding Transfer T-10149, the partial assignment from Jerry and Gayla Rank to Sunnyside Dairy, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Jerry and Gayla Rank, and Sunnyside Dairy, LLC as the transfer holders of record.

Regarding Transfer T-11032, Transfer T-11033, and Application G-12559, Permit G-1230, the assignment from Gordon Bloomquist to Sunnyside Dairy, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Sunnyside Dairy, LLC as the right holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 109543 covering the recording fee is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 109543

cc: Watermaster 10  
Gordon Bloomquist  
Jerry and Gayla Rank  
Data Center, OWRD (cover letter & request)  
OWRD Transfers  
Hydrographics  
File





Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Request for Assignment

RECEIVED BY OWRD

AUG 08 2013

If for multiple rights, a separate form and fee for each right will be required.

I, Jerry L. and Gayla Ann Rank SALEM, OR  
*(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)*

65341 Crane-Buchanan Road Burns OR 97720 541-495-2433  
*(Mailing Address) (City) (State) (Zip) (Phone #)*

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; *(You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)*
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # \_\_\_\_\_; Permit # \_\_\_\_\_; Transfer # T-10149

-OR-

License # \_\_\_\_\_; GR Statement # \_\_\_\_\_; GR Certificate of Registration # \_\_\_\_\_

As filed in the office of the Water Resources Director, to:

Sunnyside Dairy, LLC  
*(Name of New Owner)*

4581 Maple Grove Road Sunnyside WA 98944 509-837-4779  
*(Mailing Address) (City) (State) (Zip) (Phone #)*

**Note:** If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 21 day of June, 2013.

Applicant/Permit Holder Jerry L Rank

Applicant/Permit Holder Gayla Ann Rank

ASSIGNED  
J. P. Sauter

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
 Fee receipt # 109543  
 For Director by Jerry Sauter, Program Analyst in Water Rights Division  
*Jerry Sauter*

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Request for Assignment

RECEIVED BY OWRD

AUG 08 2013

If for multiple rights, a separate form and fee for each right will be required.

I, Gordon and Kay Bloomquist SALEM, OR  
*(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)*

P.O. Box 1458 Hines OR 97738  
*(Mailing Address) (City) (State) (Zip) (Phone #)*

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; *(You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)*
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-13437 ; Permit # G-12703 ; Transfer # T-11033  
 -OR-  
 License # \_\_\_\_\_ ; GR Statement # \_\_\_\_\_ ; GR Certificate of Registration # \_\_\_\_\_

As filed in the office of the Water Resources Director, to:

Sunnyside Dairy, LLC  
*(Name of New Owner)*

4581 Maple Grove Road Sunnyside WA 98944 (509) 837-4779  
*(Mailing Address) (City) (State) (Zip) (Phone #)*

**Note:** If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 15th day of July, 2013.

Applicant/Permit Holder Derek Bloomquist

Applicant/Permit Holder Kay Bloomquist

ASCEM  
 8/8/13

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon. Fee receipt # 109545  
 For Director by Jerry Sauter, Program Analyst in Water Rights Division *Jerry Sauter*

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Request for Assignment

RECEIVED BY OWRD

AUG 08 2013

If for multiple rights, a separate form and fee for each right will be required.

I, Gordon Bloomquist SALEM, OR  
 (Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

P.O. Box 1458 Hines OR 97738  
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-12559; Permit # G-12301; Transfer # \_\_\_\_\_  
 -OR-  
 License # \_\_\_\_\_; GR Statement # \_\_\_\_\_; GR Certificate of Registration # \_\_\_\_\_

As filed in the office of the Water Resources Director, to:

Sunnyside Dairy, LLC  
 (Name of New Owner)  
 4581 Maple Grove Road Sunnyside WA 98944 (509) 837-4779  
 (Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 15 day of July, 2013.

Applicant/Permit Holder Gordon Bloomquist

Applicant/Permit Holder \_\_\_\_\_

ASSIGN 8/16/2013

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 1:00 a.m. on date of receipt at Salem, Oregon. Fee receipt # 1092545 for Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Request for Assignment

RECEIVED BY OWRD

If for multiple rights, a separate form and fee for each right will be required.

AUG 08 2013

I, Gordon Bloomquist  
 (Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration) **SALEM, OR**

P.O. Box 1458 Hines OR 97738  
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-16668; Permit # G-16241; Transfer # T-11032  
 -OR-

License # \_\_\_\_\_; GR Statement # \_\_\_\_\_; GR Certificate of Registration # \_\_\_\_\_

As filed in the office of the Water Resources Director, to:

Sunnyside Dairy, LLC  
 (Name of New Owner)

4581 Maple Grove Road Sunnyside WA 98944 (509) 837-4779  
 (Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 13 day of July, 2013.

Applicant/Permit Holder Dorah Bloomquist

Applicant/Permit Holder \_\_\_\_\_

ASSIGNED  
 K. J. Sauter  
 8/8/13

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
 Fee receipt # 109543  
 For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.



**Water Solutions, Inc.**

8019 W. Quinault Avenue, Suite 201, Kennewick, Washington 99336  
Ph: 509.735.7135 Fax: 509.735.7067

RECEIVED BY OWRD

AUG 08 2013

SALEM, OR

August 6, 2013

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Request for Assignment Forms (Sunnyside Dairy, LLC)

To Whom It May Concern:

On behalf of my client, Sunnyside Dairy, LLC, please find enclosed Request for Assignment forms for the following transfers: T10149, T11032 and T11033, and groundwater permit G-12301. A check in the amount of \$300.00 for the assignment fees is also enclosed.

Should you have any questions regarding these assignment forms, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Molly Reid".

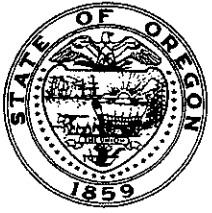
Molly Reid  
Water Resources Analyst

Cc: Henry Oord  
Steve Winfree  
Rosario Brambila  
File

Enclosures: 4 Request for Assignment Forms  
Check #1097

G12559, G13437

USER-ID 8140



# 2000

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

# 2001



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	#49326 IR PILOT #1	#37058 IR PILOT #2			
October - 2000	Ø	Ø			
November - 2000	Ø	Ø			
December - 2000	Ø	Ø			
January - 2001	Ø	Ø			
February - 2001	Ø	Ø			
March - 2001	Ø	Ø			
April - 2001	Ø	Ø			
May - 2001	459000CG	23073 KG			
June - 2001	460096CG	38466 KG			
July - 2001	479887CG	28000 KG			
August - 2001	204400CG	27705 KG			
September - 2001	207687CG	28597 KG			
TOTAL *	1811070CG	145841 KG			

**RECEIVED**  
JAN 24 2002  
WATER RESOURCES DEPT  
SALEM, OREGON

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

Describe method of measuring the water used: Flow meters. If use is irrigation, total number acres irrigated 260

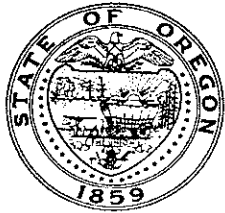
I certify this information is true and accurate to the best of my knowledge.

James R. Eckley  
Signature

Owner  
Title

DBA. James L Farms  
Reporting Entity

1-21-02  
Date



Apps: G12559, G13437

USER-ID 8140

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



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	Pivot #1 IR	Pivot #2 IR			
	49326	37058 IR			
October - 1999	0	0			
November - 1999					
December - 1999					
January - 2000					
February - 2000					
March - 2000	0	0			
April - 2000	1074733.3G	1652333.3G			
May - 2000	6074733.3G	6652333.3G			
June - 2000	6074733.3G	6652333.3G			
July - 2000	11074733.3G	11652333.3G			
August - 2000	9074733.3G	9652333.3G			
September - 2000	3074735.3G 36448400G	3452333.3G			<del>33900</del>
TOTAL *	<del>96816470</del>	39914000G			

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APR 30 2001

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SALEM, OREGON

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

Describe method of measuring the water used: Impeller meter. If use is irrigation, total number acres irrigated 265

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

Joseph R. Eckley  
Signature

owner  
Title

Self  
Reporting Entity

4-27-2001  
Date

Joseph R. Eckley  
Name - Please Print

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





Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for Extension of Time for a Water Right Permit

(Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per  
 OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this  
 application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

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FEB 17 2011

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

WATER RESOURCES DEPT  
 SALEM, OREGON

30042 Weaver Springs LN Burns OR 97720  
 ADDRESS CITY STATE ZIP

541-495-2445  
 PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number

G-12066

PERMIT #

G-12301

Permit Number

G-12301 G-12129

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

*DBS 2-14-2011*

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 SALEM, OREGON

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2005, be extended to October 1, 2014,
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 1, be extended to October 1, 2014

*DBS 2-14-2011*

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

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

### MAIL COMPLETED APPLICATION

along with the

**\$500 STATUTORY FEE TO:**

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

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#### GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits **DO NOT** use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:  
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:  
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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

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

**Answer the Following Questions to Complete this Application for Extension of Time**

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit?  Yes  No



**TIP:** Not all permits specify a date by which construction was to begin.

Date construction began is: 1991

Details of construction: Pivot + main Line installed

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit?  Yes  No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



**TIP:** The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

### CHART-A

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
		Unsure of previous owners Construction Details
		<b>RECEIVED</b>
		FEB 22 2010
		WATER RESOURCES DEPT SALEM, OREGON
		<b>RECEIVED</b>
		DEC 29 2009
		WATER RESOURCES DEPT SALEM, OREGON

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

### CHART-B

Condition No. **	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
		Flow meters will be installed upon approval of permit Amendment Application
		Pump test will be conducted on approval of permit Amendment Application
		<b>RECEIVED</b>
		FEB 17 2011
		WATER RESOURCES DEPT SALEM, OREGON

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

**CHART-C**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued - eg. well drilled.</i>	COST*
1980	WELL DRILLED	

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
------	--	-------

1991	Date the permit was signed - find date above signature on last page of permit. PIVOTS INSTALLED	100,000 <sup>00</sup>
------	--	-----------------------

1996	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
------	--	--

		RECEIVED DEC 29 2009
--	--	-------------------------

10/1/2000	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	WATER RESOURCES DEPT SALEM, OREGON
-----------	--	---------------------------------------

**CHART-C (continued)**

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1<sup>st</sup> APPLICATION FOR EXTENSION OF TIME. List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
------	--	-------

1997	WELL DRILLED - PIPE + WIRE RECEIVED FEB 17 2011	35,000 <sup>00</sup>
------	---	----------------------

	Total Cost for Chart-C	RECEIVED FEB 22 2010
--	------------------------	-------------------------

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

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

**CHART-D**

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/99	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
2000	New Well Drilled	\$20,000.00
10/1/2005	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	

**CHART-D (Continued)**

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2009	New Well, Pipe, + wire	47,000.00
Total Cost of Chart-D		

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

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

4. Cost of project to date: ~~\$177,000.00~~ \$212,000 (The total combined cost from CHART-C and CHART-D) *B* 2-14-2011

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

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



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

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



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

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

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

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

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5-B) For Ground Water Permit Extensions (e.g. G-XXXX):



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

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CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED				Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number (e.g. MORR 30473)	Well Tag Number (e.g. #27566 or N/A)	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well - under this permit only (CFS or GPM)		
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 1316	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	3,19 CFS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	6-8979
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		41297	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	3,19 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		81445	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	3,19 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						3,19 CFS		

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SALEM, OREGON

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5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T-\_\_\_\_\_

Well # 41297: Actual location: 26 30 Sec 2 NESW

Well # 81445: Actual location: 26 30 Sec 2 SE SE

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

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 197.6

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # 41297 Acres 197.6 Well # \_\_\_\_\_ Acres \_\_\_\_\_

Well # 81445 Acres 197.6 Well # \_\_\_\_\_ Acres \_\_\_\_\_

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SALEM, OREGON  
[OAR 690-315-0020(3)(g)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

**CHART-F**

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2013	Install Flow meters Conduct pump test	1800.00
2013	Final Proof Survey	1000.00
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	2800.00

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

8. Estimated remaining cost to complete the project: 2800.00  
(The total cost from CHART-F)

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

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D). Ranch split between 2 owners then resold during permit time.  
9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

CBU Denial letter did not come was not sent until April of 2008!

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SALEM, OREGON  
WRAD



9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

NA

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

yes

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

NO

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

5 years is requested do to the fact that do we want ample time to prove up on new POA.

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

Ranch has changed hands 3 times in last 2 years and I am still ~~working~~ learning about all mistakes on water

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

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Doreen Blazynski  
Signature

WATER RESOURCES DEPT 12 - 18 - 2009  
SALEM, OREGON Date

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SALEM, OREGON

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SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

February 14, 2011

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-12559 (PERMIT#:G-12301)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Jerry Gainey at (503) 986-0812. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "[www.wrd.state.or.us](http://www.wrd.state.or.us)".



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, Joseph R. Eckley  
 (Name of Applicant / Permit / Transfer Holder)

43473 Milles Bridge Rd Baker City OR 97814 541-523-5895  
 (Mailing address) (City) (State) (Zip) (Phone #)

- ...hereby assign all my interest in and to application/permit/transfer;
- ...hereby assign all my interest in and to a portion of application/permit/transfer;  
 (You must include a map showing the portion of the application/permit to be assigned.)
- ...hereby assign a portion of my interest in and to the entire application/permit/transfer;

Application # G-12559, Permit # G-12301; Transfer # \_\_\_\_\_  
 -OR-  
 GR Statement # \_\_\_\_\_, GR Certificate of Registration # \_\_\_\_\_

as filed in the office of the Water Resources Director, to:

Gordon Bloomquist  
 (Name of New Owner)

30042 Weaver Springs Ln BRNS OR 97720 541-495-2445  
 (Mailing address) (City) (State) (Zip) (Phone #)

**NOTE:** If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 15 day of December, 2009.

Applicant/Permit holder Joseph R. Eckley  
 Applicant/Permit holder \_\_\_\_\_

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DEC 29 2009

WATER RESOURCES DEPT  
 SALEM, OREGON

**DO NOT WRITE IN THIS BOX**

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.  
 - Fee receipt # 99252  
 - For Director by Jerry Sauter, Program Analyst-in-Charge  
 Water Rights Division Jerry Sauter

The completed "Request for Assignment" form *must* be submitted to the Department along with a recording fee of ~~950~~ 75.00

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FEB 22 2010

WATER RESOURCES DEPT  
 SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

February 22, 2010

James D. Robey  
30042 Weaver Springs Ln.  
Burns, Oregon 97720

Reference: Application G-12559, Permit G-12301

The assignment from Joe Eckley to Gordon Bloomquist has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 99252 covering the recording fee of \$75 is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosure: Receipt 99252

cc: Watermaster 10  
Joe Eckley  
Gordon Bloomquist  
Data Center, OWRD (Complete Copy of Assignment Request)  
Hydrographics  
File



## Jerry Gainey

---

**From:** Ivan Gall  
**Sent:** Thursday, May 28, 2009 11:23 AM  
**To:** Jerry Gainey; Gerry Clark  
**Cc:** Tony Rutherford; Mike Zwart; Debbie Colbert  
**Subject:** Appn. G-12559, Permit G-12301

Hi All-

The above file is close to having a certificate issued.

Please stop work on this file immediately. The well locations and use of an unauthorized POA are creating interference issues that need to be resolved prior to any certificate going out the door.

Thanks, let me know if you have questions.

ikg

Ivan K. Gall  
Manager, Eastern Region  
Oregon Water Resources Department  
1995 3rd Street Suite 180  
Baker City OR 97814  
541.523.8224 ext. 24  
FAX 866.214.3493  
Ivan.K.Gall@wrd.state.or.us

return  
to sender

fee due 50¢

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

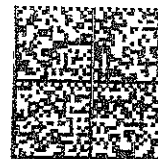
VR&ADJ  
**Oregon**

CERTS

150

Water Resources Department  
725 Summer St NE Suite A  
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED



02 1M  
0004234377 APR 11 2008  
MAILED FROM ZIP CODE 97309

\$ 00.80<sup>00</sup>

ECKL042 977203024 1408 21 04/18/08  
FORM 3547

ECKLEY  
43473 MILES BRIDGE RD  
BAKER CITY OR 97814-6085



G-12559

JOE ECKLEY  
30042 WEAVER SPRINGS LANE  
BURNS OR 97720-2491

U. S. POSTAL SERVICE  
PS FORM 3547

# Platcard Report

*Township 26S Range 30E Section 2*

					NE				NW				SW				SE					
	<u>App#</u> <b>Priority</b>	<u>Permit/ Certificate</u>	<u>Claim/ Decree</u>	<u>Status dlc/lot</u>	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
①	G9764 06/04/1980	G8979 81597			32.7 IR	32.7 IR	32.7 IR	32.7 IR	32.7 IR	32.7 IR	32.7 IR	32.7 IR										
①	G12559 06/07/1991	G12301											40.0 IR	20.0 IR		35.0 IR	40.0 IR	40.0 IR	40.0 IR	40.0 IR		

Page:1

[Return to Platcard Query Screen](#)

Run Time: 1 seconds

*NCR*  
*JK*

STATE OF OREGON  
 COUNTY OF HARNEY  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOE ECKLEY  
 30042 WEAVER SPRINGS LN  
 BURNS OR 97720

PROPOSED

confirms the right to use the waters of TWO WELLS in the Malheur Lake Basin for IRRIGATION of 192.3 ACRES.

This right was perfected under Permit G-12301. The date of priority is JUNE 7, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.40 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1	26 S	30 E	WM	2	NE SW	88 FEET SOUTH & 2667 FEET WEST FROM E 1/4 CORNER, SECTION 1
2	26 S	30 E	WM	2	NE SE	385 FEET SOUTH & 84 FEET WEST FROM E 1/4 CORNER, SECTION 1

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

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
26 S	30 E	WM	2	NE SW			34.40
26 S	30 E	WM	2	NW SW			16.30
26 S	30 E	WM	2	SE SW			14.00
26 S	30 E	WM	2	NE SE			31.90
26 S	30 E	WM	2	NW SE			31.90
26 S	30 E	WM	2	SW SE			31.90

**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.



IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
26 S	30 E	WM	2	SE SE			31.90

Measurement, recording and reporting conditions:

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

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

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

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

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. 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.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

**PROPOSED**

\_\_\_\_\_  
Phillip C. Ward, Director  
Water Resources Department

# Mailing List for Certificate Scheduled Mailing Date:

**Application:** G-12559

**Permit:** G-12301

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

**Permit/Certificate Holder:**

JOE ECKLEY  
30042 WEAVER SPRINGS LN  
BURNS OR 97720

<b>Copies Mailed</b>
<b>by:</b> _____ (STAFF)
<b>on:</b> _____ (DATE)

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

1. Watermaster District 10, June U Miller
2. Data Center (include copy of map)
3. Water Availability
4. Vault

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

- 1.

---

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MEMORANDUM

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**TO:** DOUG WOODCOCK, GROUND WATER SECTION MANAGER  
**FROM:** GERRY CLARK *GC*  
**SUBJECT:** G-12559 (JOE ECKLEY)  
**DATE:** 2/15/2007

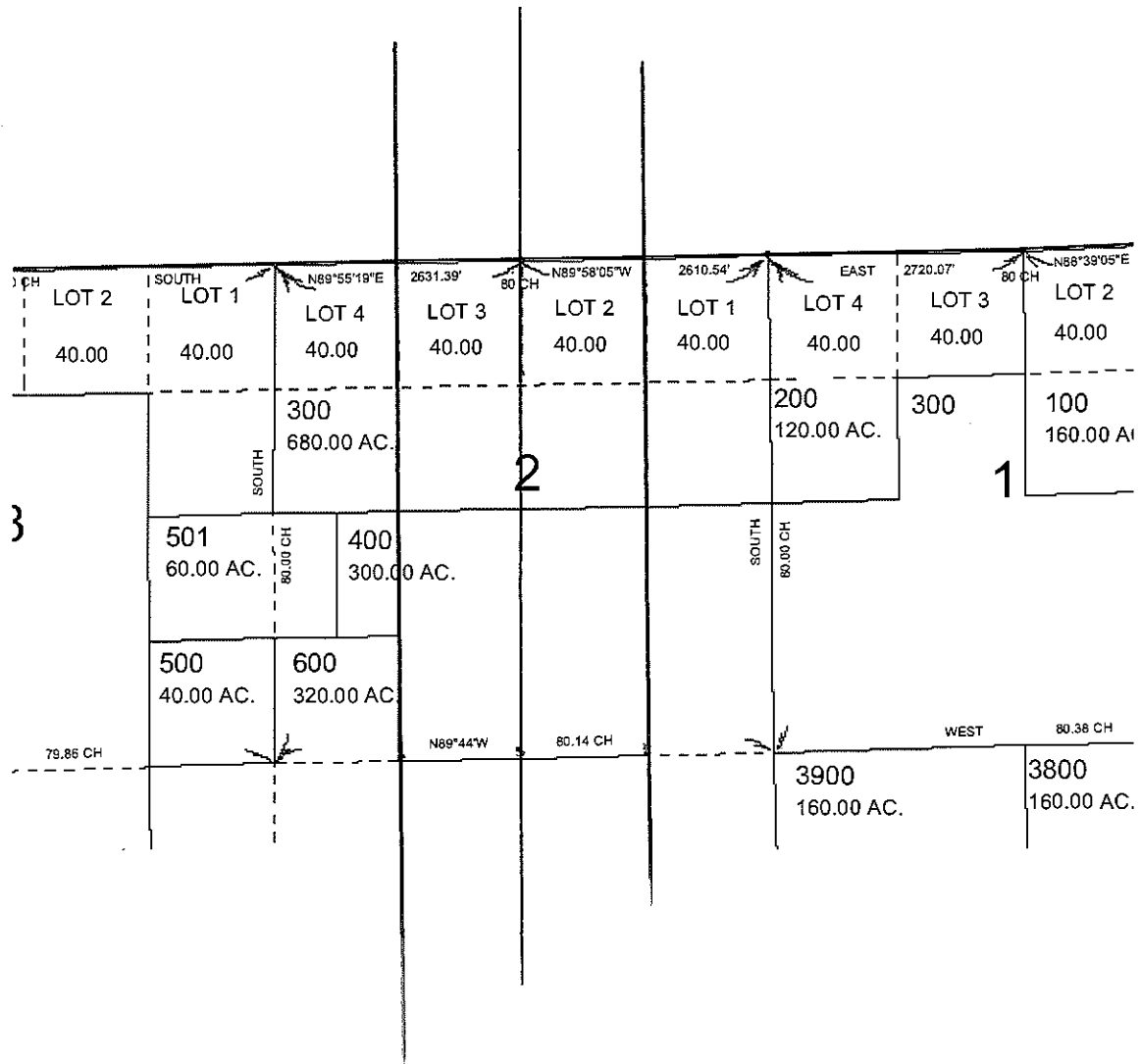
---

Dwight asked me to review the above file determine its status. My review indicates that the permit was initially for one existing well (on the neighbor's property). The application indicated that new wells would be drilled in the future on Mr. Eckley's property. Since the time the permit was issued, wells have been constructed on Mr. Eckley's property.

In order to continue my review, I need to know if the two wells included in the Claim of Beneficial Use are in the same aquifer as the original well.

*Same aquifer is penetrated at new wells.*

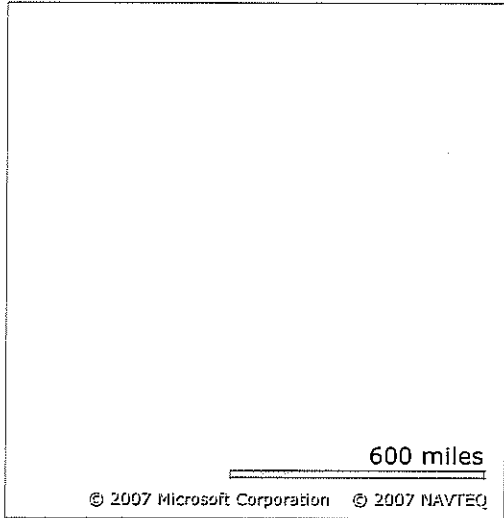
*MTZ 3/1/07*



1 Result matching "Eckley, Burns, OR"

**Joe Eckley**

1111 E. 4th Springs Dr	Job title
Burns, OR 97721-2491	City
541-338-2480	Company
	Joe Eckley



600 miles

© 2007 Microsoft Corporation © 2007 NAVTEQ

Listing date Sept. 2005

October 14, 1994

OCT 1 1994  
WATER RESOURCES DEPARTMENT  
SALEM, OREGON

WATER RESOURCES DEPARTMENT  
Water Rights Division  
158 12th Street NE  
Salem , Oregon 97310-0210  
REFERENCE: File G 12559

Dallas Miller,

This is in response to your letter of September 12, 1994 requesting the following information.

Proposed date water use will be completed will be when it's no longer economic to pump water for agriculture use.

The legal description is as follows:

Land in Harney County, Oregon, as follows:

In Twp. 26 S. , R. 30 E., W.M. : (North Malhuer Lake)

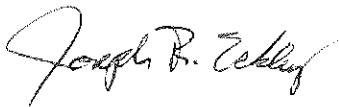
Sec. 2: E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .

Sec. 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Please find enclosed a copy of written authorization from Dog Mountain Farms permitting access to their well and land.

If any further information is needed please contact us as soon as possible as we are anxiously awaiting granting of this permit.

Sincerely,



Joseph R. Eckley  
HC71 441 Weaver Springs Rd.  
Burns, Oregon 97720  
(503) 493-2560

DOG MOUNTAIN FARMS  
P.O. BOX 63  
ECHO, OR 97826

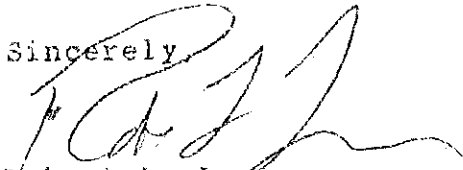
RECEIVED  
OCT 15 1994  
WATER RESOURCES DEPT.  
SALEM, OREGON

October 12, 1994

TO WHOM IT MAY CONCERN:

This statement grants temporary permission for Joseph R. & Lois E. Eckley of HC71 Weaver Springs Rd., Burns, OR to use the land and well located at Township 26 South, Range 30 East, NW 1/4 of SW 1/4 Section 1 until March 1, 1997.

Sincerely,



Robert L. Levy  
Managing Partner

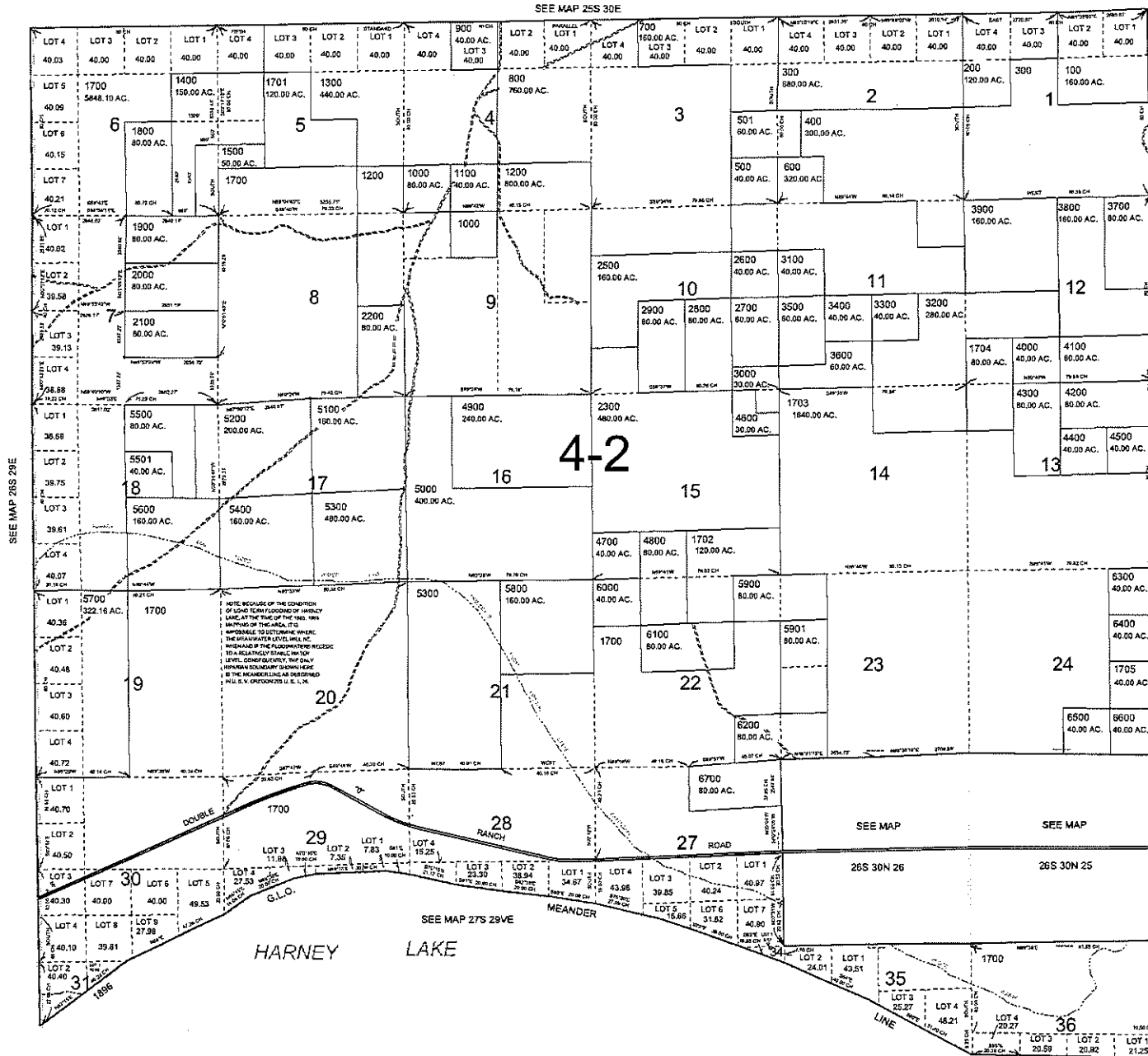
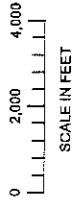
: file

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

### T.26S. R.30E. W.M. NORTH OF THE LAKE HARNEY COUNTY

26S 30NE  
& INDEX

CANCELLED NO.  
1800  
1800M1  
2301  
2400  
2400M1



SEE MAP 26S 29E

SEE MAP 25S 30E

SEE MAP 26S 31N

SEE MAP 27S 29E

PRINTED ON  
Mar 15, 2004  
26S 30NE  
& INDEX



RECEIVED

WELL ID # L14600

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

Worm 50149

APR - 9 1997

(START CARD) # 85985

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

(1) OWNER: Well Number 2 Name Joseph R. Eckley Address HC 71 Box 441 City Burns State OR Zip 97720

(9) LOCATION OF WELL by legal description: County Harney Latitude Longitude Township 26 or S Range 30 E or W Section 2 NE 1/4 SE 1/4 Tax Lot 400 Lot Block Subdivision Street Address of Well (or nearest address) HC 71 Box 441 Burns OR

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

(3) DRILL METHOD: [ ] Rotary Air [ ] Rotary Mud [X] Cable [ ] Auger [ ] Other

(4) PROPOSED USE: [ ] Domestic [ ] Community [ ] Industrial [X] Irrigation [ ] Thermal [ ] Injection [ ] Livestock [ ] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [ ] Yes [X] No Depth of Completed Well 110 ft. Explosives used [ ] Yes [X] No Type Amount

Table with columns: Diameter, From, To, Material, From, To, Sacks or pounds. Rows include Bentonite and none.

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E [ ] Other Backfill placed from ft. to ft. Material Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Rows for Casing and Liner.

Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Includes entry for 1/4" slot size.

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

Table for well tests with columns: Yield gal/min, Drawdown, Drill stem at, Time. Rows show 1300 yield at 16' drawdown for 1, 2, and 5 hours.

Temperature of water 54° Depth Artesian Flow Found NO Was a water analysis done? [ ] Yes By whom NO Did any strata contain water not suitable for intended use? NO [ ] Too little [ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other Depth of strata:

(10) STATIC WATER LEVEL: 29 1/2 ft. below land surface. Date 3-24-97 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL. Rows show 40' to 70' at 1000 gpm and 75' to 105' at 400 gpm.

(12) WELL LOG: Ground Elevation

Table for well log with columns: Material, From, To, SWL. Lists materials like Sandy loam topsoil, Sandy loam & clay mix, Red cinders & clay mix, Pumice layers & Red cinders, Pumice layers & Black cinders, Black cinders & Black sand, Hard Black Basalt, Blue Clay, Black cinders - coarse, Black sand.

Date started 2-27-97 Completed 3-29-97

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

Signed Joseph R. Eckley WWC Number Date 4-7-97

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

Signed Joseph R. Eckley WWC Number Date 4-7-97

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

HARN  
50516

WELL I.D.# 41297

(START CARD) # 102213

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

(1) OWNER: Well Number #3  
Name Joseph RECKLEY  
Address HC 71, Box 441  
City BURNS State OR Zip 97720

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

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

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

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 97 ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
20"	0'	4'	Bentonite	0	20'	22-50# sacks
16"	4'	20'				

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material Bentonite  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Material			
				Steel	Plastic	Welded	Threaded
Casing: 12"	0'	76'	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) PERFORATIONS/SCREENS:

From		To		Shot size	Number	Diameter	Material	Casing	Liner
From	To	From	To						
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Flowing <input type="checkbox"/> Artesian Time
50	0		1 hr.

Temperature of water 52° Depth Artesian Flow Found NA  
Was a water analysis done?  Yes By whom ND  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other None  
Depth of strata: None

(9) LOCATION OF WELL by legal description:  
County Harney Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 26 N or S Range 30 E or W. WM.  
Section 2 NE 1/4 SW 1/4  
Tax Lot 400 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) \_\_\_\_\_

(10) STATIC WATER LEVEL:  
66' ft. below land surface. Date 2/2/2000  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 70 feet

From	To	Estimated Flow Rate	SWL
70'	75'	50 gpm	70'
81'	89'	50 gpm	67'
92'	99'	50 gpm	67'

(12) WELL LOG:

Ground Elevation \_\_\_\_\_

Material	From	To	SWL
sandy soil	1'	4'	
Black Cinders (Fine)	4'	36'	
Black & Red Cinders (Coarse)	36'	50'	
Black Cinders w/white Pumice	50'	62'	
Sand stone (Brown)	62'	70'	
Sandstone - Pumice & Diatomite	70'	75'	70'
Black Basalt	75'	81'	70'
slay (agua blue)	81'	89'	67'
Sand Stone medium	89'	92'	67'
Black sand (water bearing)	92'	99'	67'
Black Cinders w/pumice	99'	115'	67'

Date started 9-23-98 Completed 4-20-2000

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

Signed Joseph R. Eckley WWC Number \_\_\_\_\_ Date 4-23-2000

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

Signed Joseph R. Eckley WWC Number \_\_\_\_\_ Date 4-23-2000

Water Resources Department

MEMO

January 12, 1996

TO Application G- 12559

FROM GW: Michael Zwart  
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

Yes  
 No  
The source of appropriation is within or above a Scenic Waterway.

Yes  
 No  
Use the Scenic Waterway condition (Condition 7J).

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

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

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

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

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

12559

STATE OF OREGON INTEROFFICE MEMO  
WATER RESOURCES DEPARTMENT

DATE : November 8, 1995

TO: G-12559

FROM: Sarah Gates

SUBJECT: Objection

Objection should be denied because no new supporting data or analysis was supplied.

G12559

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

October 19, 1995

To: Fred Lissner

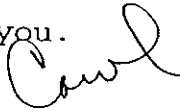
From: Carol Lewis, Water Rights

Subject: Hydraulic connection objection (G12559)

We have received objections to the department's initial finding of NO relative connection between groundwater and surface water for application G12559. Please note WRD's letter of August 27, 1991 regarding earlier review, too.

Please review the objection and route back to me within 10 days. If you will not be able to meet this deadline, please let me know.

Thank you.



Water Right Conditions  
Tracking Slip

Groundwater/Hydrology Section

FILE ## 612559

ROUTED TO: Carol Lewis

TOWNSHIP/

RANGE-SECTION: \_\_\_\_\_

APPLICATION ACCEPTED?  yes  no

CONDITIONS ATTACHED?  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewer: Gates

Water Right Conditions  
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-12559

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T26S/R30E-2da  
(or 1c6)

CONDITIONS ATTACHED?  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

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

Reviewer: Michael Zwart

O: Water Rights Section 8/23, 1991

FROM: Groundwater/Hydrology Section Meyer  
Reviewer's Name

SUBJECT: Application G- 12559

PER THE Malheur lake Basin rules, one or more of the proposed POA's is within \_\_\_\_\_ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.

N/A

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 \_\_\_\_\_; 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 }
- b. \_\_\_ will not } likely be available in the amounts requested without injury to prior rights; 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.

G-12559

- 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G-125

DATE: 8- -91

FROM: SARAH C MEYER

SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

The applicant seeks 3.19 cfs from a well for irrigation of 255 acres in Malheur Lake Basin  
Per Division 9

FACTS

The well locations and aquifer display the following:

- 1) The well is located \_\_\_\_\_' from \_\_\_\_\_
- 2) The well is 192 deep and develops water from \_\_\_\_\_ layers. The well log is in the file.
- 3) The static water level for the well from the log was 14' feet on 2/27/80 (before reconditioning)
- 4) The approximate elevation at the well is 4127' feet.
- 5) The nearby stream reach elevation is about \_\_\_\_\_ feet.
- 6) GRW #16 describes groundwater conditions in the area of the application.
- ✓✓ 7) A pump test on the well produced 1340 gpm with 2.5 feet of drawdown after 3 hours.

CONCLUSIONS

- 1) The head at the well is about 4113', indicating a \_\_\_\_\_ standing than the nearby stream reach.
- 2) The well develops water from \_\_\_\_\_
- 3) Based on requested rate, heads, distances, general geologic environment and logged materials, I conclude that the alluvial aquifer is unconfined, hydraulically connected to the above mentioned river and \_\_\_\_\_ the potential to cause substantial interference.

Malheur Lake Basin  
Harney County

**EXTENSION REVIEW CHECKLIST**

Application #: 6 12559 / Permit #: 6 12301

Permittee: Joe Eckley

POD Location: T 26S R. 30E Sec 1 Stream Basin: Mathews Lake Basin

County Harney

- 1. Has the applicant filled out the updated extension application form? Y / N If no, has certified request for new form been sent? Y / N
- 2. Shortcomings based on review of updated extension form (information needed before PFO can be completed) Y / N  
report of amount of water used each month since use began
- 3. Extension request received: 9-27-99 Number of request (ie first): 1st
- 4. Permit Issued: 2-29-96 Use: Irrigation 255 ac
- 5. Source: a well
- 6. Q: 3.19 cfs
- 7. Original B Date: 10-1-98 Original C Date: 10-1-99
- 8. Last Approved B Date: — Last Approved C Date: —
- 9. Proposed B Date: 10-1-2005 Proposed C Date: 10-1-2005
- 10. Amount Invested: \$95,750 Total Cost: \$95,750
- 11. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Y / N
- 12. Progress in perfecting the permit is being held up by \_\_\_\_\_
- 13. The applicant **has / has not** pursued perfection of the right in good faith and with reasonable diligence.
- 14. Work on the water development project completed to date includes: \_\_\_\_\_
- 15. The work remaining to be completed consists of: \_\_\_\_\_
- 16. Based on the written record, the Department finds there is / is not good cause to approve the extension request.
- 17. Conditions \_\_\_\_\_

Name: ~~Joe~~ LKS

Date: 2-28-00

Mike Zwart, 08:34 AM 3/1/00 -, Re: Reporting

X-Sender: zwartmj@mailhub.wrd.state.or.us  
Date: Wed, 01 Mar 2000 08:34:02 -0800  
To: Laura K Snedaker <Laura.K.SNEDAKER@wrd.state.or.us>  
From: Mike Zwart <Mike.J.ZWART@wrd.state.or.us>  
Subject: Re: Reporting

Laura,

I do not ride herd on water-use reporting conditions. I am involved, along with Craig, with ground-water permit conditions that require water-level data to be collected and submitted. Hope this helps.

Mike

At 05:34 PM 2/28/00 -0800, you wrote:

>Howdy:

>

>I am trying to find out whether permittee Joe Eckley, Permit G-12301, has  
>been submitting annual reports of the amount of water he has been using  
>monthly, as required by his permit.

>

>Please let me know if we have any reporting data on this permit.

>

>Thanks, Laura S.

>

>

>

---

Michael J. Zwart  
Hydrogeologist  
Oregon Water Resources Dept.  
158 12th St. NE tel.: 503-378-8455 ext. 207  
Salem, OR 97310-0210 fax: 503-378-2496

Call toll free in Oregon only: 1-800-624-3199 ext. 213

X-Sender: wynnja@mailhub.wrd.state.or.us  
Date: Tue, 29 Feb 2000 08:32:14 -0800  
To: Laura K Snedaker <Laura.K.SNEDAKER@wrd.state.or.us>  
From: John Wynn <John.A.WYNN@wrd.state.or.us>  
Subject: Re: Reporting

If this is a private individual, I would not have any record of his reporting or not. If this information comes to my desk or would have come to Gary's we would send it down to be placed in the application file.

At 05:34 PM 2/28/00 -0800, you wrote:

>Howdy:

>

>I am trying to find out whether permittee Joe Eckley, Permit G-12301, has  
>been submitting annual reports of the amount of water he has been using  
>monthly, as required by his permit.

>

>Please let me know if we have any reporting data on this permit.

>

>Thanks, Laura S.

>

>

>

"Make a big splash Conserve in '99"

```
*****  
*   John Wynn           e-mail: John.A.Wynn@wrd.state.or.us   *  
*   Oregon Water Resources Department                       *  
*   Water conservation Specialist                           *  
*   158 12th ST NE                                         *  
*   Salem, OR 97310-0210                                  *  
*   503 378-8455 ext 302 inside OR 800-624-3199           *  
*****
```

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-12559

**Final Order**

*Application History*

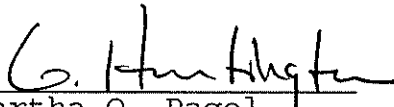
On June 7, 1991, JOE ECKLEY submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 26, 1995. The protest period closed February 9, 1996, and no protest was filed.

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

**Order**

The application therefore is approved as proposed by the Proposed Final Order, and Permit Number G-12301 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED February 29, 1996

  
Martha O. Pagel  
Director

*Appeal Rights*

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

2

CC: FILE # G-12559

WATERMASTER # 10

REGIONAL MANAGER: ER (SEARLES)

ODF&W - Harney County:

CWRE (if agent):

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

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

LANDOWNER: ROBERT LEVY, DOG MTN. FARMS, P.O. BOX 63, ECHO, OR  
97826

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

CASEWORKER : CSL 12/15/95



# FO CHECKLIST

255 ac

## PFO TO FO CONVERSION

FILE # 612559

REVIEW DATE: 2/13/96

INITIALS: JS

In preparing the FO, you should check the following:

1. Y/N Were comments or protests were received in response to the PFO?
2.    List names and addresses of ALL commentors (regardless of comment date) on the PFO CC list.
3.    Verify payment of recording fees (circle the appropriate option)
  - (1) Issue FO w/permit if fees are paid
  - (2) Issue FO w/o permit if fees are lacking
  - (3) Prepare refund request for excess fees
4. Y/N Has the applicant signed an oath of accuracy for the application? 2x245 790 ADD AC
5. Y/N Has ODFW asked for self certification on screening condition?
6. Y/N Is further processing possible? If not state reason: \_\_\_\_\_

ACTION SUSPENSE DATE: \_\_\_\_\_

7.    Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY	JERRY	DOUG

Modify FO as needed to:

8.    Respond to significant comments, issues, or disputes related to the proposed use of water
9.    Include or exclude permit conditions and management codes
10.    Notify applicant of additional information or fees required prior to permit issuance
11.    Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

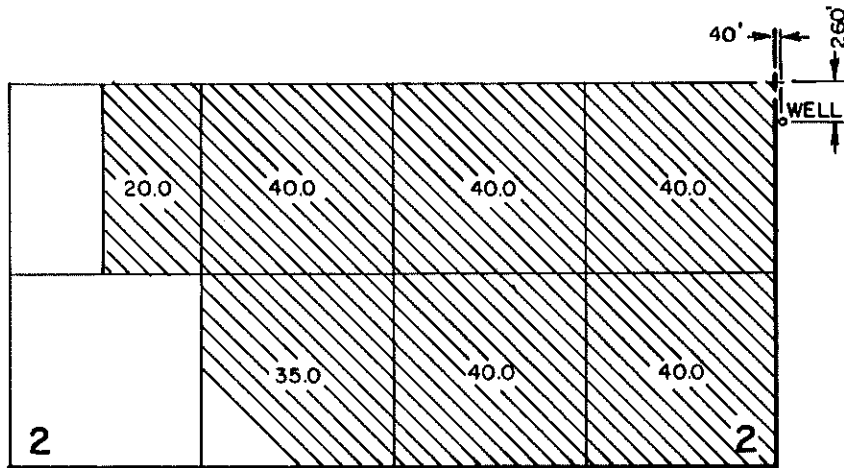
12.    Move WordPerfect document to M:\T\FO\SIGN
13.    Print final draft of document and submit to team leader for review
14. Y/N Team leader review completed





Application No. 6-12559  
 Permit No. G12301

T 26 S north of Malheur Lake,  
 R 30 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.

RECEIVED

MAY 7 1991

WATER RESOURCES DEPT.  
 SALEM, OREGON

	JOE ECKLEY		BURNS, OR
	<h1>WATER RIGHT APPLICATION MAP</h1>		
	Scale: 4 1/2" = 1 MILE	Date: MAY 1991	Job: 1277
	Dsn:		Sht. No. 1
Drn: CTP	of 1		
Ckd:	<b>M. A. PALMER &amp; SONS, INC.</b> ENGINEERING & SURVEYING 254 N. Alder - Box 81 Burns, Oregon 97720		

STATE OF OREGON INTEROFFICE MEMO  
WATER RESOURCES DEPARTMENT

DATE : November 8, 1995

TO: G-12559

FROM: Sarah Gates

SUBJECT: Objection

Objection should be denied because no new supporting data or analysis was supplied.

*Notes: PFO issued -  
needed to notify  
landowner re: short-  
term "lease" of POD.  
See remarks on  
application  
CJG 11/14/95*

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

October 19, 1995

To: Fred Lissner

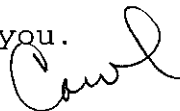
From: Carol Lewis, Water Rights

Subject: Hydraulic connection objection (G12559)

We have received objections to the department's initial finding of NO relative connection between groundwater and surface water for application G12559. Please note WRD's letter of August 27, 1991 regarding earlier review, too.

Please review the objection and route back to me within 10 days. If you will not be able to meet this deadline, please let me know.

Thank you.





RECEIVED

SEP 15 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

September 10, 1995

Oregon Water Resources Department  
158 12th St. NE  
Salem, Oregon 97310-0210

RE: Application File # G-12559

Dear Dennis Oakes,

The proposed dates for beginning construction on G-12559 will be determined by the date the Water Resources Department issues a permit. Construction will begin immediately and will be completed within a two year period from that date.

We plan to continue using the water, for agriculture use, for as long as it is legal and economically practical to farm in this area with this type of system. Upon completion of construction and a final survey we plan to apply for a water right for this property.

Sincerely,

A handwritten signature in cursive script that reads 'Joseph R. Eckley'.

Joseph R. Eckley  
HC71 441 Weaver Springs Rd  
Burns, Oregon 97720  
(503)493-2560

## COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
6-12559	08/29/95	D

COMPLETED

A checkmark (✓) indicates that the item is Incomplete or defective.

- 1. Examination fees (and recording fees, if for PFO/FO). *paid!*
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
  - a. The height of the dam.
  - b. The storage capacity.
  - c. The area submerged.
  - d. The maximum depth.
  - e. The construction method (earthfill, concrete, flashboard, etc.).
  - f. A description of the outlet conduit.
  - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
  - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
  - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
  - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used.

August 29, 1995

JOE ECKLEY  
HC 71 BOX 441  
BURNS OREGON 97720

RE: Application File # G-12559

Dear JOE ECKLEY,

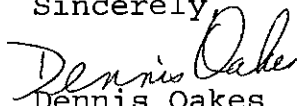
The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ A statement listing the proposed dates for beginning and completion of construction and complete application of water.
- ▶ An oath that the information in the application is true and accurate. Please sign and return the enclosed oath.

In order to expedite the processing of your application, we request that you submit these items by **September 13, 1995**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 327.

Sincerely,



Dennis Oakes  
Completeness Specialist

Enclosures



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

September 12, 1994

JOE ECKLEY  
HC 71 BOX 441  
BURNS, OR 97720

Reference: File G 12559

Hello:

Your application file was recently reviewed. Under separate cover I have enclosed our report of technical review. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

In addition, please send the following:

proposed date water use will be completed;

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

a copy of written authorization or easement permitting access to land not owned by you, the applicant;

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



Dallas Miller  
Water Rights Division

cc: CHRIS PALMER, CWRE



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

April 16, 1993

JOE ECKLEY  
HC 71, BOX 441  
BURNS, OR 97720

REFERENCE FILE:G-12559

We are preparing to send the technical review for the project described in your application G-12559.

You will have to complete item 5 of the application by stating the date use of water will be completed. If a permit is issued, you will 2 1/2 to 3 years to use the water.

A copy of written authorization or easement permitting access to land not owned by you but crossed with irrigation equipment will have to be submitted. We also need a copy of the legal description for the place of use and well location. This could be copied from a deed or title insurance policy.

Further action will be withheld on this file for a reasonable length of time pending your reply.

Sincerely,

Thomas E. Shook  
Water Right Specialist





August 27, 1991

Karen Russell, Legal Affairs Coordinator  
Waterwatch of Oregon, Inc.  
921 SW Morrison, Suite 438  
Portland, OR 97205

Reference: File G-12559 - Joe Eckley

Dear Ms. Russell:

We received a letter dated August 12, 1991, expressing concerns about the possible adverse effects of the ground water withdrawal.

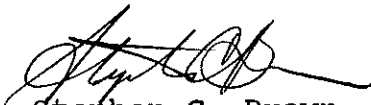
All applications for permit to use ground water are reviewed by staff for significant hydraulic connection with surface waters. This procedure is outlined in our Administrative Rule 690-09.

Our Groundwater/Hydrology Section has completed a review of the proposed use of water described in the application. It is the Department's conclusion that the proposed use of water will not significantly interfere with the surface water sources in the vicinity of the application. Based upon the reviewed, the department will not require the applicant to provide us with water availability information as required for surface water applications in the Malheur Lakes Basin.

Staff intends to recommend issuance of the permit on or after twenty days from the date of this letter, if no official protest is filed.

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

Sincerely,



Stephen C. Brown  
Senior Water Rights Specialist  
Field Operations Division

cc: Watermaster  
CWRE  
Applicant  
0521



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

# WaterWatch

O F O R E G O N

August 12, 1991

Mike Mattick  
Permits and Applications  
Water Resources Department  
3850 Portland Rd. N.E.  
Salem, Oregon 97310

Re: Water Right Application G 12559, Joe Eckley, Irrigation,  
3.19 cfs, Harney County, Malheur Lake Basin

Dear Mr. Mattick,

We are concerned about the possible adverse effects of this ground water withdrawal. Both surface and groundwater in the Malheur Lakes basin are seriously overappropriated. In addition, water withdrawals in the basin are causing severe to moderate water quality problems in surface waters throughout the basin. Unless the applicant proves that there is water available, approval of this application will not be in the public interest.

Thank you. Please call if you have any questions.

Sincerely,



Karen Russell  
Legal Affairs Coordinator

c. Myron, OT

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

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

Applicant's Name: JOE ECKLEY  
 Address: HC 71, BOX 441  
 City: BURNS State: OR Zip: 97720 Day Phone: 403-2560

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>TL 400</u>	<u>ERRU-2</u>			
<u>20 30N</u>				

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

Date: 5-9-91

Title: Planning Director

Phone: 573-6655

Signature: Carol J. 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:

Lined area for additional comments.

# Certificate Issuance Processing Checklist

- Map and COBU reviewed
- Conflict check (include copy of plat card printout) *none*
- Check current ownership

Can certificate be processed further?

- Yes
- No

If "No" why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If "Yes":

- Proposed
- Final      Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:



# Oregon

Kate Brown, Governor

07-12559

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

February 12, 2019

SUNNYSIDE DAIRY LLC  
ROSALIO BRAMBILA  
4581 MAPLE GROVE RD  
SUNNYSIDE, WA 98944

REFERENCE: Permit Amendment Application T-12505

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Arla Davis, by telephone at (503) 986-0806 or by e-mail at [Arla.L.Davis@oregon.gov](mailto:Arla.L.Davis@oregon.gov).

Sincerely,

Stacy H. Phillips  
Water Rights Services Support  
Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. # 10 (via email)  
Molly Reid, Agent  
Harney County

Enclosure



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

In the Matter of Permit Amendment	)	FINAL ORDER
T-12505, Harney County	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION AND A
	)	CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

SUNNYSIDE DAIRY, LLC  
ROSALIO BRAMBILA, MANAGER  
4581 MAPLE GROVE RD  
SUNNYSIDE, WA 98944

**Findings of Fact**

1. On October 17, 2016, SUNNYSIDE DAIRY, LLC, ROSALIO BRAMBILA, MANAGER, filed an application for additional points of appropriation and to change in place of use under Permit G-12301. The Department assigned the application number T-12505.
2. On February 22, 2010, the Department approved an assignment of the permit to Gordon Bloomquist.
3. On August 8, 2013 the Department approved an assignment of the permit to Sunnyside Dairy, LLC, Rosalio Brambila.
4. On July 22, 2016, the Department approved an extension of time for complete application of water to October 1, 2025.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on October 25, 2016, and in the Burns Times Herald- newspaper on December 19 and 26, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

This is a final order in other than 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 and OAR 690-01-0005 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.

6. Permit Amendment Application T-12505 proposes additional points of appropriation with approximate distances from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from authorized well
26 S	30 E	WM	2	NE SW	Lat. 43.3452880, Long. -119.0889330	1.0 Mile
26 S	30 E	WM	2	SE SE	Lat. 43.3383244, Long. -119.0804376	0.5 Mile
26 S	30 E	WM	11	SE NW	Lat. 43.3343870, Long. -119.0933000	0.5 Mile
26 S	30 E	WM	11	SW SW	Lat. 43.3311394, Long. -119.0985218	1.4 Miles

2. Permit Amendment Application T-12505 also proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	2	NE SW	34.4
26 S	30 E	WM	2	NW SW	16.3
26 S	30 E	WM	2	SW SW	12.7
26 S	30 E	WM	2	SE SW	23.0
26 S	30 E	WM	2	NE SE	31.9
26 S	30 E	WM	2	NW SE	31.9
26 S	30 E	WM	2	SW SE	37.9
26 S	30 E	WM	2	SE SE	31.9
26 S	30 E	WM	3	SE SE	1.0
26 S	30 E	WM	10	NE NE	2.0
26 S	30 E	WM	11	NW NE	8.0
26 S	30 E	WM	11	NE NW	11.0
26 S	30 E	WM	11	NW NW	13.0
Total					255.0

**Permit Amendment Review Criteria**

7. The changes would not result in injury to other water rights.
8. The proposed place of use is owned and/or controlled by the permit holder.
9. The changes do not enlarge the permit.
10. The changes do not alter any other terms of the permit.
11. The proposed place of use is contiguous to the authorized place of use.

**Conclusions of Law**

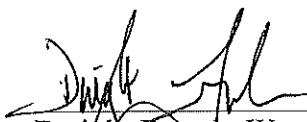
The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-12505 are consistent with the requirements of ORS 537.211.



**Now, therefore, it is ORDERED:**

1. The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-12505 are approved.
2. Permit G-18126, in the name of SUNNYSIDE DAIRY, LLC, ROSALIO BRAMBIA, MANAGER, is issued to replace Permit G-12301, and incorporates the amendments approved by this order, the extension of time and the assignments. Permit G-12301, in the name of JOE ECKLEY, is no longer of any force or effect.
3. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. 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.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. The former place of use shall no longer be irrigated as part of this permit.
7. All other terms and conditions of Permit G-18126 remain the same.

Dated at Salem, Oregon this FEB 12 2019



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

*Mailing Date:* FEB 13 2019

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SUNNYSIDE DAIRY, LLC  
ROSALIO BRAMBILA, MANAGER  
4581 MAPLE GROVE ROAD  
SUNNYSIDE, WA 98944

This superseding permit is issued to describe an amendment for additional points of appropriation and a change in place of use proposed under Permit Amendment Application T-12505 and approved by Special Order Vol. 112, Page 585, entered February 12, 2019, and to describe an extension of time for complete application of water approved July 22, 2016 and an assignment to a new permittee approved February 22, 2010 and August 8, 2013. This permit supersedes Permit G-12301.

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

APPLICATION FILE NUMBER: G-12559

SOURCE OF WATER: FIVE WELLS WITHIN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 255.0 ACRES

RATE OF USE: 3.19 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR IRRIGATION FROM MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 7, 1991

WELL LOCATIONS:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	2	NE SW	260 FEET SOUTH AND 40 FEET EAST FROM THE W 1/4 CORNER OF SECTION 1
26 S	30 E	WM	2	NE SW	Lat. 43.3452880, Long. -119.0889330
26 S	30 E	WM	2	SE SE	Lat. 43.3383244, Long. -119.0804376
26 S	30 E	WM	11	SE NW	Lat. 43.3343870, Long. -119.0933000
26 S	30 E	WM	11	SW SW	Lat. 43.3311394, Long. -119.0985218

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	2	NE SW	34.4
26 S	30 E	WM	2	NW SW	16.3
26 S	30 E	WM	2	SW SW	12.7
26 S	30 E	WM	2	SE SW	23.0
26 S	30 E	WM	2	NE SE	31.9
26 S	30 E	WM	2	NW SE	31.9
26 S	30 E	WM	2	SW SE	37.9
26 S	30 E	WM	2	SE SE	31.9
26 S	30 E	WM	3	SE SE	1.0
26 S	30 E	WM	10	NE NE	2.0
26 S	30 E	WM	11	NW NE	8.0
26 S	30 E	WM	11	NE NW	11.0
26 S	30 E	WM	11	NW NW	13.0
Total					255.0

Permit Amendment T-12505 Conditions:

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

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.

Water shall be acquired from the same aquifer as the original point of appropriation.

Extension of Time Conditions

Last Extension Condition

This is to be the last extension of time granted for Permit G-12301. Any future extension of time requests will be denied.

Existing Permit Conditions

Measurement, recording and reporting conditions:

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

### STANDARD CONDITIONS

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

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

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

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

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


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

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

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

Actual construction of the well was to begin within one year from permit issuance and was to be completed on or before October 1, 1998. Complete application of the water to the use was to be made on or before October 1, 1999. By extension of Time Final Order dated July 22, 2016, the completion of construction and application of water was extended to on or before October 1, 2025.

Issued FEB 12 2019



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

**Oregon Water Resources Department  
Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time	)	
for Permit G-12301, Water Right Application G-12559, in the	)	FINAL ORDER
name of Sunnyside Dairy, LLC	)	

**Permit Information**

Application:	G-12559
Permit:	G-12301
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	June 7, 1991
Source of Water:	A well within Malheur Lake Basin
Purpose of Use:	Irrigation use on 255.0 acres
Maximum Rate:	3.19 cubic feet per second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request 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 file 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.

**Application History**

Permit G-12301 was issued by the Department on February 29, 1996. The permit called for actual construction of the well to begin by February 29, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2014. On February 17, 2015, Sunnyside Dairy, LLC submitted an Application for Extension of Time for Permit G-12301. In accordance with OAR 690-315-0050(2), on May 31, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2025, and the time to fully apply water to beneficial use to October 1, 2025. The protest period closed July 15, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 31, 2016.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

## CONDITIONS

1. **Last Extension Condition**

This is to be the last extension of time granted for Permit G-12301. Any future extensions of time requests will be denied.

## CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

## ORDER

The extension of time for Application G-12559, Permit G-12301, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2014 to October 1, 2025. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2014 to October 1, 2025.

DATED: July 22, 2016



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

- 
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0825.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



Mailing List for Extension FO Copies

FO Date: July 22, 2016

Copies Mailed

Application: G-12559

By: SP

Permit: G-12301

On: 7-22-16

Original mailed to permit holder

Sunnyside Dairy, LLC  
4581 Maple Grove Road  
Sunnyside, WA 98944

Copies sent to:

1. WRD - App. File G-12559/ Permit G-12301
2. EA Engineering, Science, and Technology, Inc., PBC  
Attention: Molly Reid  
8019 W. Quinault Ave, Suite 201  
Kennewick, WA 9933

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail - FO available in WRIS for review  
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 10, JR Johnson

CASEWORKER: CAC

**Oregon Water Resources Department  
Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time            )  
for Permit G-12301, Water Right Application G-12559, in            )  
the name of Sunnyside Dairy, LLC    )     **PROPOSED FINAL ORDER**

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**Permit Information**

Application:                G-12559  
Permit:                     G-12301  
Basin:                     12 – Malheur Lake / Watermaster District 10  
Date of Priority:         June 7, 1991  
Source of Water:         A well within Malheur Lake Basin  
Purpose of Use:         Irrigation of 255.0 acres  
Maximum Rate:         3.19 cubic feet per second (cfs)

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***Please read this Proposed Final Order in its entirety.***

*In Summary, the Department proposes to:*

- Grant an extension of time to complete construction of the water system from October 1, 2014 to October 1, 2025.
- Grant an extension of time to apply water to full beneficial use from October 1, 2014 to October 1, 2025<sup>1</sup>.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

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<sup>1</sup>Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

## **ACRONYM QUICK REFERENCE**

Department – Oregon Department of Water Resources  
PFO – Proposed Final Order  
cfs – cubic feet per second  
gpm – gallons per minute

## **AUTHORITY**

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

**ORS 537.630(1)** provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

## **FINDINGS OF FACT**

### *Background*

1. Permit G-12301 was issued by the Department on February 29, 1996. The permit authorizes the use of up to 3.19 cfs of water from a well within Malheur Lake Basin for irrigation of 255.0 acres. The permit specified actual construction of the well was to begin by February 29, 1997, construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. On February 4, 2002, a Claim of Beneficial Use was submitted to the Department for review.
3. On April 11, 2008, the Department notified the permit holder after the review of the

Claim of Beneficial Use that a pump test which is required has not been received by the Department.

4. On February 22, 2010 an assignment from Joe Eckley to Gordon Bloomquist was recorded in the records of the Water Resources Department.
5. On August 8, 2013, an assignment from Gordon Bloomquist to Sunnyside Dairy, LLC was recorded in the records of the Water Resources Department.
6. Two prior permit extensions have been granted for Permit G-12301. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2005 to October 1, 2014.
7. On behalf of the permit holder, Rosalio Brambila, Manager of Sunnyside Dairy, LLC, submitted an "Application for Extension of Time" to the Department on February 17, 2015, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-12301 be extended from October 1, 2014 to October 1, 2025.
8. Notification of the Application for Extension of Time for Permit G-12301 was published in the Department's Public Notice dated March 29, 2016. No public comments were received regarding the extension application.

**Review Criteria [OAR 690-315-0040]**

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230<sup>2</sup>, 537.248<sup>3</sup>, 537.630<sup>4</sup> and/or 539.010(5)<sup>5</sup>.*

**Complete Extension of Time Application [OAR 690-315-0040(1)(a)]**

9. On February 17, 2015, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

**Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]**

10. Actual construction of the well began prior to the February 29, 1997 deadline specified in the permit. According to the previous Application for Extension of Time received by the Department on September 27, 1999, construction of the well began in 1997.

According to the well log received by the Department on April 9, 1997, Well (HARN

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<sup>2</sup>ORS 537.230 applies to surface water permits only.

<sup>3</sup>ORS 537.248 applies to reservoir permits only.

<sup>4</sup>ORS 537.630 applies to ground water permits only.

<sup>5</sup>ORS 539.010(5) applies to surface water and ground water permits.

50149) construction began February 27, 1997. The Department has determined that the prosecution of the construction of the well began prior to February 29, 1997.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

11. As of February 17, 2015, the permit holder states the remaining work to be completed consists of submitting and gaining approval for a Permit Amendment to change the place of use, add additional points of appropriation, and correctly identify the location of the existing wells; completing construction of the water system; meeting all permit conditions, including installing meters, and submitting annual water use reports; and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2025, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12301 is both reasonable and necessary.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).*

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

*The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:*

**Amount of Construction [OAR 690-315-0040(3)(a)]**

12. The application states, work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Actual construction of the well began prior to the February 29, 1997 deadline specified in the permit. Construction of unauthorized Well 2 (HARN 50149) began February 27, 1997 and was completed March 29, 1997.
  - b. Work was completed during the original development time frame under Permit G-12301. The original permit holder installed a 100 HP pump, switch equipment, pipeline, pivot, and a meter. Construction of the Well 1 (HARN 50516) began September 23, 1998 and was completed on April 20, 2000.

- c. During the most recent extension period, being from October 1, 2005, to October 1, 2014, two pivots were installed and Well 1 (HARN 50516/51788) was deepened in June 2011.
- d. Since October 1, 2014, the applicant states the following was accomplished:
  - Constructed an unauthorized well; and
  - Installed pump, piping, and electrical.

The Department has determined that work has been accomplished within the time allowed in the most recent extension, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

***Beneficial Use of Water [OAR 690-315-0040(3)(b)]***

- 13. The application states a maximum rate of 3.3 cfs of water, being 2.1 cfs from unauthorized Well (HARN 50149), and 1.2 cfs from the unauthorized Well (HARN 50516/51788) has been appropriated from the wells for irrigation of 255.0 acres.
- 14. Beneficial use of water not has been demonstrated under this permit, as the wells are not authorized under Permit G-12301.
- 15. According to the application, delay of full beneficial use of water under Permit G-12301 was due, in part, to the property going in to foreclosure in 2013, and was sold to Sunnyside Dairy, LLC. The permit holder needs more time in which to gain approval for the change in place of use, additional points of appropriation and correctly identify the location of the existing wells

***Compliance with Conditions [OAR 690-315-0040(3)(c)]***

- 16. From October 1, 1999, to October 1, 2004 and then October 1, 2014 to 2015 the permit holder installed a meter on Well 1 (HARN 1318) and submitting the annual water use records under Well 1(HARN 1318) as required under Permit G-12301.
- 17. The unauthorized Well (HARN 50149) and Well (HARN 51788) have meters that were installed in 2014.
- 18. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that the current wells being utilized are authorized under permit G-12301; and (2) annual reports of the amount of water used each month have not been received by the Department for the unauthorized wells.
- 19. The Department has determined that this extension will allow the permit holder to seek approval of a Permit Amendment to change the location of a portion of the acres, add

additional points of appropriation, correctly identify well locations, and submit the annual reports of the amount of water used after October 1, 2014 to satisfy compliance of the conditions in an effort to make proof of beneficial use of the water as required by Permit G-12301

Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

***Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]***

20. The application states the permit holder has invested about \$604,250, which is approximately 98 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$10,000 investment is needed for the completion of this project.

***Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]***

21. The Department has found good faith of the appropriator under Permit G-12301.

***The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]***

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

- The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
22. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12301; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The point of appropriation for Permit G-12301, located within the Malheur Lake Basin, is not located within a limited or critical ground water area. Malheur Lake is not located within or above any state or federal scenic waterway, however, it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and

Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

***Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].***

23. None have been identified.

***Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].***

24. None have been identified.

25. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary due to illegal use of water from unauthorized wells and the length of time of development being 20 years.

***Fair Return Upon Investment [OAR 690-315-0040(2)(f)]***

26. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

***Other Governmental Requirements [OAR 690-315-0040(2)(g)]***

27. Delay in the development of this project was not caused by any other governmental requirements.

***Unforeseen Events [OAR 690-315-0040(2)(h)]***

28. None have been identified.

## **CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Based on Finding of Facts 10 through 21, completion of construction and full application



of water to beneficial use can be accomplished by October 1, 2025, as required by OAR 690-315-0040(1)(c).

5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As authorized in OAR 690-315-0050(5) and as described in Finding 25 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), a "Last Extension Condition" in order to ensure future diligence is exercised in the development and perfection of Permit G-12301.

**Continued on the following page**

## PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit G-12301 from October 1, 2014 to October 1, 2025.

Extend the time to apply water to beneficial use under Permit G-12301 from October 1, 2014 to October 1, 2025.

Subject to the following conditions:

### CONDITIONS

**1. Last Extension Condition**

----- This is to be the last extension of time granted for Permit G-12301. Any future extensions of time requests will be denied. -----

DATED: May 31, 2016



Dwight W. French, Administrator,  
Water Right Services Division

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **July 15, 2016**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The applicant or non-applicant protest fee required under ORS 536.050.
  
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a protest has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

- 
- If you have questions about statements contained in this document, please contact Corey A Courchane at (503)986-0825.
  - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
  - Address any correspondence to : Water Right Services Division  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: May 31, 2016

Copies Mailed

Application: G-12559

By: SP

Permit: G-12301

On: 5-31-16

Original mailed to Applicant:

Sunnyside Dairy, LLC  
4581 Maple Grove Road  
Sunnyside, WA 98944

Copies sent to:

1. WRD - App. File G-12559/ Permit G-12301
2. EA Engineering, Science, and Technology, Inc., PBC  
Attention: Molly Reid  
8019 W. Quinault Ave, Suite 201  
Kennewick, WA 99336

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)  
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 10, JR Johnson

CASEWORKER: CAC

OR REG 10-15-1991

JUN 7 1991

Application No. 6-12559

State of Oregon  
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.  
SALEM, OREGON

# Application for a Permit to Appropriate Ground Water

Applicant(s) JOE ECKLEY  
(Please print or type - use dark ink)

Mailing Address: HC 71, BOX 441  
BURNS OR 97720 493-2500  
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

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

Distance from development to stream: —  
Elevation difference between streambed and development: —

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

*Information is on enclosed Well log.*

Diameter of well: \_\_\_\_\_ Depth in feet: \_\_\_\_\_

Type and size of well casing: \_\_\_\_\_ No. of feet: \_\_\_\_\_

Estimated depth to water: \_\_\_\_\_

Type of access port or measuring device: \_\_\_\_\_

Wells to be drilled by: \_\_\_\_\_  
Address: \_\_\_\_\_

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 3.10 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: \_\_\_\_\_  
\_\_\_\_\_

KCP  
PC

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 255.0

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).

one pivot and six wheel line

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

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 6-91

Proposed date construction work will be completed 5-94

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       CWRE             Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant             CWRE             Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO. 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: The well to be used is on property owned by Dog Mountain Farms - (Robert Levy is the managing partner) his address is P.O. Box 63 Echo, Oregon 97824  
Dog Mountain farms has agreed to lease the well to me (Joe Eckley) for a period of seven years. Their property is currently under one of the government set-aside programs.  
During the period of this lease I plan to drill wells on my property and file for point of diversion changes as I complete their construction.

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.

Joseph R. Eckley  
Signature of Applicant

6-4-91  
Date

Joe E. Eckley  
Signature of Co-Applicant, if any

6-4-91  
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 7<sup>th</sup> day of June, 1991, at 8:0 o'clock, A M.

APPLICATION NO: 6-12559



## **COURCHANE Corey A**

---

**From:** Reid, Molly <mreid@eaest.com>  
**Sent:** Monday, March 28, 2016 4:36 PM  
**To:** corey.a.courchane@state.or.us  
**Subject:** Sunnyside Dairy - Permit G12301 Extension

Hi Corey: I just received this email – I have since moved to a new company (see current company and email address below.) I will still be the agent for Sunnyside Dairy. There is a lot going on with this property, and has been over the years. I will have to go back through the file to see what we show on record. I can tell you through personal experience (12 years with OWRD) that sometimes applicants put well logs into applications that may or may not be their own – simply because they just don't know. I am trying to get a handle on what wells actually exist on the property – some have been there for years and I can't confirm well logs to all wells as the ID tags were not required at the time they were drilled. So a lot of it is a guessing game. It is my goal to correctly identify all the wells and their correct locations to then clarify them on the permit - hence, why we need the extension. I will look into HARN 1316 and HARN 1318 to confirm their location and use as it pertains to this permit. I do know Mr. Chowning personally, so I think I can enlist his help on identifying where a well or two are located. Thanks for your patience.

Molly

**From:** COURCHANE Corey A [corey.a.courchane@state.or.us]  
**Sent:** Friday, March 25, 2016 8:46 AM  
**To:** Molly Reid  
**Subject:** Sunnyside Dairy LLC, Permit G-12301, Extension

Good morning Molly,

I've started reviewing the application and drawing up the PFO. I have a question concerning the wells. On the Application for Extension of Time submitted by Gordon Bloomquist on February 17, 2011, he stated that well construction began in 1980. In the file is an original well log report for Well (HARN 1318) which finished construction February 27, 1980, and then reconditioned May 5, 1981, Well (HARN 1316). He also stated in the application on page 7, question 5, Chart-E, and in 5-C; Well #L-81445 Well (HARN 51603) was in use as an unauthorized well (26 30 Sec 2 SE SE), and it was to be part of a Permit Amendment that was to be filed, along with the current well in use, Well (HARN 50516/HARN 51788). I just wanted to verify that Well (HARN 1318/HARN 1316) and Well (HARN 51603) are no longer being used. It won't have any bearing on the approval of the extension, just want to get all the facts straight☺

The history for this permit has been a little confusing, not easy to wrap my head around☺ I hope I wasn't too confusing.

Thank you,

Corey A Courchane

**COREY A COURCHANE | EXTENSION SPECIALIST**

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph: 503 986-0825 | Fax: 503 986-0901  
Email: [corey.a.courchane@wrdd.state.or.us](mailto:corey.a.courchane@wrdd.state.or.us) | Web: <http://www.wrdd.state.or.us>

**BACK OFF MAN, I'M A SCIENTIST.**

**Molly Reid**

Senior Water Resources Consultant



EA Engineering, Science, and Technology, Inc., PBC

8019 W. Quinault Ave, Suite 201

Kennewick, WA 99336

Mobile: (541) 310-7264

[mreid@eaest.com](mailto:mreid@eaest.com)



Before printing, think about ENVIRONMENTAL responsibility

## **BAMBERGER Machelle A**

---

**From:** BAMBERGER Machelle A  
**Sent:** Friday, December 18, 2015 12:10 PM  
**To:** 'Molly Reid'  
**Subject:** RE: Extension for Permit G12301

Molly,

It is always great to talk with you. I understand the issues surrounding this permit, and I do not believe there is any issue in granting an extension of time to gain approval for a permit amendment so your client may proceed to getting a certificate.

Also I want to mention that the PFO had last extension condition, but not the FO. So I am going with the FO.

I am placing a copy of this in the file.

Machelle

**Machelle A Bamberger** | Water Rights Rule Coordinator

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0802 | Fax: 503 986-0901

Email: [Machelle.A.Bamberger@wrđ.state.or.us](mailto:Machelle.A.Bamberger@wrđ.state.or.us) | Web: <http://www.wrd.state.or.us>

**Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.**



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**From:** Molly Reid [<mailto:MReid@gsiws.com>]  
**Sent:** Friday, December 18, 2015 12:06 PM  
**To:** BAMBERGER Machelle A  
**Cc:** [rosalio@oordairy.com](mailto:rosalio@oordairy.com); [andyjroot@gmail.com](mailto:andyjroot@gmail.com)  
**Subject:** Extension for Permit G12301

Hi Machelle: Thank you for taking the time to talk with me regarding an additional extension application for Permit G12301. As I explained in our phone conversation the new owners purchased this land at foreclosure and have had a turnover in farm managers. This property is one in a larger piece. We have been working with the local watermaster to get the water rights cleaned up on the properties and would like the additional extension so that we can file a permit amendment to change the place of use of some of the acres. All of the acres have been developed, just not completely consistent with the original permit map. We would be asking that the c-date be extended from 2014 to 2016 so that we can file the permit amendment to reflect the place of use changes. Thank you for your consideration.

**Molly Reid**  
Senior Water Resources Consultant | GSI Water Solutions, Inc.

direct: 509-378-3284 | cell: 541-310-7264  
8019 W. Quinault Ave, Suite 201, Kennewick, WA 99336  
[www.gsiws.com](http://www.gsiws.com) | [bio](mailto:mreid@gsiws.com) | [mreid@gsiws.com](mailto:mreid@gsiws.com)

## Gerry Clark

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**From:** Molly Reid <MReid@gsiws.com>  
**Sent:** Friday, August 23, 2013 10:17 AM  
**To:** Gerry Clark  
**Subject:** RE: COBU for Permit G12301 (ApG12559)

Thanks Gerry. This is very helpful.

Molly

**From:** Gerry Clark [<mailto:gerald.e.clark@state.or.us>]  
**Sent:** Friday, August 23, 2013 10:08 AM  
**To:** Molly Reid  
**Subject:** RE: COBU for Permit G12301 (ApG12559)

Molly,

I have attached a copy of the February 2011 Extension application and pfo for your reference. These documents may answer the questions you have.

Gerry

Gerry Clark  
Water Right Services Division  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

Phone: 503-986-0811

**From:** Molly Reid [<mailto:MReid@gsiws.com>]  
**Sent:** Tuesday, August 20, 2013 10:55 AM  
**To:** Gerry Clark ([gerald.e.clark@state.or.us](mailto:gerald.e.clark@state.or.us))  
**Subject:** COBU for Permit G12301 (ApG12559)

Hi Gerry: I am a bit confused. I just received a copy of a COBU and FPS map on Permit G12301. If you look at the history of this permit, there have been several extensions filed, although it appears the COBU/FPS was submitted in 2002 before the 2005 deadline of the first extension. I am baffled as to why the applicant/landowner would have filed for an additional extension, - which was granted to 2014. Is the COBU/FPS acceptable to OWRD? Or was something missing that required the applicant to file for an additional extension? This property has gone through multiple landowners and I am working with the current landowner to get the water rights all straightened out. Sarah provided me a copy of the COBU/FPS map which indicates we should be well on our way to a certificate instead of continuing to extend the development out. I do not have any copies of the previous two extension applications. Can you shed some light on this? Thanks.

*Molly Reid*  
*Water Resources Analyst*

GSI Water Solutions, Inc.

8019 W. Quinault Avenue, Suite 201  
Kennewick, WA 99336

Phone: (509) 735-7135  
Fax: (509) 735-7067  
NEW Cell: (541) 310-7264  
Email: [mreid@gsiws.com](mailto:mreid@gsiws.com)

## Sarah Henderson

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**From:** Jerry Sauter  
**Sent:** Tuesday, August 20, 2013 8:03 AM  
**To:** Sarah Henderson  
**Subject:** FW: Permit G12301

Sarah

If you can get to these I would appreciate it. If not, let me know please. As always, thanks!!  
JK

**J.K. Sauter** | Water Rights Program Analyst  
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301  
Ph. 503.986.0817 | Fax 503.986.0901  
Information Requests may be made to : [customerservice@wrd.state.or.us](mailto:customerservice@wrd.state.or.us)

**From:** Molly Reid [<mailto:MReid@gsiws.com>]  
**Sent:** Monday, August 19, 2013 2:54 PM  
**To:** Jerry Sauter  
**Subject:** Permit G12301

Hi Jerry: Another map question – there is no map online for this permit (G12301). Is there an existing map in the file? I am trying to verify where the proposed acres are at.

Thanks a bunch.

Molly Reid  
Water Resources Analyst

GSI Water Solutions, Inc.  
8019 W. Quinault Avenue, Suite 201  
Kennewick, WA 99336

Phone: (509) 735-7135  
Fax: (509) 735-7067  
NEW Cell: (541) 310-7264  
Email: [mreid@gsiws.com](mailto:mreid@gsiws.com)

A handwritten signature in cursive script that reads "Done".

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOE ECKLEY  
HC 71 BOX 441  
BURNS, OREGON 97720

(541) 493-2560

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

APPLICATION FILE NUMBER: G-12559

SOURCE OF WATER: A WELL WITHIN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 255.0 ACRES

Rate of use: 3.19 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR IRRIGATION FROM MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 7, 1991

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 1, T26S, R30E, W.M.; 260 FEET SOUTH AND 40 FEET EAST FROM THE W 1/4 CORNER OF SECTION 1

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4	40.0 ACRES
NW 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	35.0 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	40.0 ACRES
SE 1/4 SE 1/4	40.0 ACRES

SECTION 2

TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.



## Measurement, recording and reporting conditions:

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

## STANDARD CONDITIONS

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

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

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

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

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

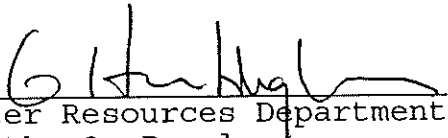
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued February 29, 1996



Water Resources Department  
Martha O. Pagel  
Director

# 2001

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

USER-ID 8140

# 2002



Meters = gal x 100 <sup>IR</sup> gal x 1000 <sup>IR</sup> Acre Ft. x .001 <sup>IR</sup>

Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	Pivot #1	Pivot #2	Pivot #3		
	49326	37058			
October - 2001	∅	∅	∅		
November - 2001	∅	∅	∅		
December - 2001	∅	∅	∅		
January - 2002	∅	∅	∅		
February - 2002	∅	∅	∅		
March - 2002	∅	∅	∅		
April - 2002	142049	∅	∅		
May - 2002	2284098	21617	2156.75		
June - 2002	228400	273300	5156.75		
July - 2002	228550	274345	5206.00		
August - 2002	167085	7822	4142.08		
September - 2002	197817	∅	1602.10		
TOTAL *					

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

Describe method of measuring the water used: flow meters. If use is irrigation, total number acres irrigated 327

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

Joseph R. Eckley  
Signature

owner  
Title

\_\_\_\_\_  
Reporting Entity

3-25-03  
Date

Joseph R. Eckley  
Name - Please Print

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



# OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Graine

JOSEPH R ECKLEY  
ECKLEY, LOIS R  
30042 WEAVER SPRINGS LAN  
BURNS OR 97720

USER-ID 8140

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
37058	PIVIOT #2	0	G 12301	G 12559	6/7/1991	IR	L	26 S	30 E	1	NWSW	3.19 C	P A WELL	MALHEUR L
49326	PIVIOT #1	76299	G 12703	G 13437	6/17/1993	IR	L	26 S	30 E	12	NWNW	1.59 C	P A WELL	HARNEY L

*Pivot #3 is an addition to permit #12301 as shown on final survey submitted to ORWRD. An additional point of diversion Application is being filed.*

*JRE.*

RECEIVED

MAR 28 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

USER-ID

8140



# Oregon

John A. Kitzhaber, MD, Governor

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

February 15, 2011

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-12559 (PERMIT#: G-12301)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Jerry Gainey at (503) 986-0812. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "[www.wrd.state.or.us](http://www.wrd.state.or.us)".

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits  
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 12559 Permit: G- 12301 Permit Amendment? No  Yes  T- \_\_\_\_\_  pending  approved

Permit Holder's Name: Gordon Bloomquist

Permit Holder's Mailing Address: 30042 Weaver Springs Lane, Burns OR 97720 email n/a

Phone Number: 541-495-2445

POD Location: Township 26 S Range 30 E Section 1  $\frac{1}{4}$  $\frac{1}{4}$  NW SW

Drainage Basin: 12 County: Harney Watermaster District: 10 Watermaster: Tony Rutherford

Date Permit was issued: 2/29/1996 Priority Date: 6/7/1991 Date of PN: 2/15/2011

Source: A well within Malheur Lake Basin

Use: Irrigation of 255.0 acres

"Q": 3.19 CFS

Orig "A" Date: 2/29/1997 Orig "B" Date: 10/1/1998 Orig "C" Date: 10/1/1999

Extension request rec'd: 2/14/2011 Last Authorized "B" Date: 10/1/2005 Last Authorized "C" Date: 10/1/2005

Request Number (1, 2, 3...): 2 Proposed "B" Date: 10/1/2014 Proposed C Date: 10/1/2014

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Meter not installed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water use reported
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Progress Report was due 2003 - never received.</i>
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

**Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:**

- Yes  No
- Work was accomplished within the time allowed in the permit or previous extension
  - Water right permit holder conformed with the permit or previous extension conditions
  - Financial investments were made toward developing the beneficial water use.
    - Amount Invested to date: \$212,000 Estimated Remaining Cost: \$2,800
  - Beneficial use made of the water during the permit or previous extension time limits
    - Permit holder has beneficially used 3.19 cfs gpm af of the total permitted quantity of water on 197.6 acres

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes  No

**Determination of the market and the present demand for water or power to be supplied:**

Identify the closest surface water or localized water basin. Malheur Lake Basin

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

**Yes No**

- above a state scenic waterway? Name \_\_\_\_\_ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: [www.rivers.gov/wildriverslist.html](http://www.rivers.gov/wildriverslist.html)
- within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area \_\_\_\_\_
- within a Withdrawn Area? Name of area \_\_\_\_\_
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

**Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?**

Yes... "Good Cause" can be found.  Approval of Extension Request

No ... "Good Cause" *cannot* be found.  Denial of Extension Request

**Conditions to be included in Extension PFO (if applicable)? Yes  No**

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints (Years: 2012)

Other: \_\_\_\_\_

**Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:**

**COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

**COBU Requirement - Surface Water - post July 9, 1987**

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

**COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

**NOTES:**

**Extension "PFO" Dates**

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for Extension of Time for a Water Right Permit

(Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

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

30042 Weaver Springs LN Burns STATE OR ZIP 97720  
 ADDRESS CITY STATE ZIP

541-495-2445  
 PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number

~~G-12060~~

APP # G-12559  
 PERMIT # G-12301

Permit Number

~~G-12129~~

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

RECEIVED

DEC 29 2009

WATER RESOURCES DEPT  
 SALEM, OREGON

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2005, be extended to October 1, 2014,

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

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 1, be extended to October 1, 2014

*CB 2-14-2011*

RECEIVED

FEB 22 2010 WRAD



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

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

### MAIL COMPLETED APPLICATION

along with the

**\$500 STATUTORY FEE TO:**

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

**RECEIVED**

FEB 22 2010

WATER RESOURCES DEPT  
SALEM, OREGON

**RECEIVED**

DEC 29 2009

WATER RESOURCES DEPT  
SALEM, OREGON



#### GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits **DO NOT** use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:  
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:  
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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

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

**Answer the Following Questions to Complete this Application for Extension of Time**

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit?  Yes  No



**TIP:** Not all permits specify a date by which construction was to begin.

Date construction began is: 1991

Details of construction: Pivot + main line installed

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit?  Yes  No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



**TIP:** The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

### CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
		Unsure of previous owners Construction Details
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		WATER RESOURCES DEPT SALEM, OREGON
		<b>RECEIVED</b>
		DEC 29 2009
		WATER RESOURCES DEPT SALEM, OREGON

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

### CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
		Flow meters will be installed upon approval of permit Amendment Application
		Pump test will be conducted on approval of permit Amendment Application

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

**CHART-C**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued - eg. well drilled.</i>	COST*
1980	WELL DRILLED	

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
------	--	-------

1991	Date the permit was signed - find date above signature on last page of permit.  PIVOTS INSTALLED	100,000 <del>00</del>

1996	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	

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10/1/2000	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
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**CHART-C (continued)**

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME; List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
------	---	-------

1997	WELL DRILLED - PIPE + WIRE	35,000 <del>00</del>

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Total Cost for Chart-C		
------------------------	--	--

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

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

**CHART-D**

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/99	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
2000	New Well Drilled	90,000.00
10/1/2005	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	

**CHART-D (Continued)**

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2009	New Well, Pipe, + wire	47,000.00
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	FEB 22 2010	<b>RECEIVED</b>
	WATER RESOURCES DEPT SALEM, OREGON	DEC 29 2009
		WATER RESOURCES DEPT SALEM, OREGON
<b>Total Cost of Chart-D:</b>		

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

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

4. Cost of project to date: ~~\$177,000.00~~ \$212,000 (The total combined cost from CHART-C and CHART-D) *B 2-14-2011*

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

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



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

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



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

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

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

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

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5-B) For Ground Water Permit Extensions (e.g. G-XXXX):



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

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CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED				Is this well authorized or utilized under additional water rights?	WATER RESOURCES DEPT SALEM, OREGON If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number (e.g. MORR 50473)	Well Tag Number (e.g. # 27566 or N/A)	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well - under this permit only (CRS or GPM)		
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 1316	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	3,19 CFS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	6-8979
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		41297	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	3,19 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		81445	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	3,19 CFS	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						3,19 CFS		

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T-\_\_\_\_\_

Well # 41297: Actual location: 26 30 Sec 2 NBSW

Well # 81445: Actual location: 26 30 Sec 2 SE SE

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

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 197.6

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # 41297 Acres 197.6 Well # \_\_\_\_\_ Acres \_\_\_\_\_

Well # 81445 Acres 197.6 Well # \_\_\_\_\_ Acres \_\_\_\_\_

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7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

**CHART-F**

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2013	Install Flow meters	1800.00
	Conduct pump test	
2013	Final Proof Survey	1000.00
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost:	2800.00

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

8. Estimated remaining cost to complete the project: 2800.00  
(The total cost from CHART-F)

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

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D). Ranch split between 2 owners then resold during permit time.

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

CBU Denial letter did not come was not sent until April of 2008!

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

NA

9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

yes

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

NO

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

5 years is requested do to the fact that ~~do~~ we want ample time to prove up on new POA.

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

Ranch has changed hands 3 times in last 2 years and I am still ~~working~~ learning about all mistakes on water

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

Dwight Blomquist  
Signature

12 - 18 - 2009  
Date

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**Oregon Water Resources Department**  
**Water Right Services Division**

Water Rights Application  
Number G-12559

**Final Order**  
**Extension of Time for Permit Number G-12301**  
**Permit Holder: Gordon Bloomquist**

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request 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 file 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.

**Application History**

Permit G-12301 was issued by the Department on February 29, 1996. The permit called for completion of construction By October 1, 1998 and complete application of water to beneficial use by October 1, 1999. One prior permit extension has been granted for Permit G-12301. The most recent extension resulted in the full application of water being extended to October 1, 2005. On February 29, 2011, Gordon Bloomquist submitted to the Department an Application for Extension of Time for Permit G-12301. In accordance with OAR 690-315-0050(2), on August 30, 2011, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2014, and the time to apply water to full beneficial use to October 1, 2014. The protest period closed October 14, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated August 30, 2011.


At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-12559, Permit G-12301, therefore, is approved. The deadline for completing construction is extended from October 1, 2005 to October 1, 2014. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2005 to October 1, 2014.

DATED: January 6, 2012



Dwight French  
Water Rights Services Division Administrator, *for*  
PHILLIP C. WARD, DIRECTOR

- 
- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

## Mailing List for Extension FO Copies

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

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**FO Date: January 6, 2012**

**Copies Mailed**

**Application G-12559  
Permit G-12301**

By: *Cornelia O'Connell*  
On: *1/6/2012*

**Original mailed to permit holder**

Gordon Bloomquist  
30042 Weaver Springs Lane ✓  
Burns, OR 97720

**Copies sent to:**

1. WRD - App. File G-12559/ Permit G-12301 ✓
2. WRD - Watermaster District 10, Tony Rutherford ✓

**Fee paid as specified under ORS 536.050 to receive copy:**

3. None

**Receiving via e-mail (10 AM Tuesday of signature date)  
(DONE BY EXTENSION SPECIALIST)**

4. None

CASEWORKER: jwg

**Oregon Water Resources Department  
Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit G-12301, Water Right Application G-12559 ) PROPOSED FINAL ORDER  
in the name of Gordon Bloomquist )

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**Permit Information**

**Application File G-12559 Permit G-12301**

Basin: 12 – Malheur Lake / Watermaster District 10  
Date of Priority: 6/7/1991

**Authorized Use of Water**

Source of Water: A well within the Malheur Lake Basin  
Purpose of Use: Irrigation of 255 Acres  
Maximum Rate: 3.19 Cubic Feet per Second (cfs)

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**This Extension of Time request is being processed in accordance with Oregon  
Administrative Rule Chapter 690, Division 315**

***Please read this Proposed Final Order in its entirety as it contains  
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-12301, water right Application G-12559.  
A copy of Permit G-12301 is enclosed as Attachment 1.

## Summary of Proposed Final Order for Extension of Time

### The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 2005 to October 1, 2014.
- Grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2014.
- Make the extension subject to certain conditions set forth below.

### ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources  
PFO – Proposed Final Order

#### Units of Measure

cfs – cubic feet per second  
gpm – gallons per minute

### AUTHORITY

Generally, see **ORS 537.630** and **OAR Chapter 690 Division 315**.

**ORS 537.630(1)** provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under **ORS 539.010(5)** and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

## **FINDINGS OF FACT**

### **Background**

1. Permit G-12301 was granted by the Department on February 29, 1996 to Joe Eckley. On February 22, 2010, the permit was assigned to Gordon Bloomquist. The permit authorizes the use of up to 3.19 cfs of water from a well for irrigation of 255 acres. The permit specified construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. One prior permit extensions have been granted for Permit G-12301. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 1999 to October 1, 2005.
3. The permit holder submitted an "Application for Extension of Time" to the Department on February 14, 2011 requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-12301 be extended from October 1, 2005 to October 1, 2014.
4. Notification of the Application for Extension of Time for Permit G-12301 was published in the Department's Public Notice dated February 15, 2011. No public comments were received regarding the extension application.

### **Review Criteria [OAR 690-315-0040]**

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230<sup>1</sup>, 537.248<sup>2</sup>, 537.630<sup>3</sup> and/or 539.010(5)<sup>4</sup>.*

### **Complete Extension of Time Application [OAR 690-315-0040(1)(a)]**

5. On February 14, 2011, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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<sup>1</sup>ORS 537.230 applies to surface water permits only.

<sup>2</sup>ORS 537.248 applies to reservoir permits only.

<sup>3</sup>ORS 537.630 applies to ground water permits only.

<sup>4</sup>ORS 539.010(5) applies to surface water and ground water permits.

**Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]**

6. Actual construction of the well began prior to the February 29, 1997 deadline specified in the permit.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

7. As of February 14, 2011, the remaining work to be completed consists of installing flow meters, completing construction of the water system, and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2014, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12301 is both reasonable and necessary.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).*

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

*The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:*

**Amount of Construction [OAR 690-315-0040(3)(a)]**

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Construction of the well and water system began prior to the February 29, 1997 deadline specified in the permit.
  - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-12301.
  - c. During the most recent extension period, being from October 1, 1999, to October 1, 2005, a new well was drilled.

**Beneficial Use of Water [OAR 690-315-0040(3)(b)]**

10. The following beneficial use of water was made during the permit or previous extension time limits:

- a. Since the issuance of Permit G-12301 on February 29, 1996, a maximum rate of 3.19 cfs of water has been appropriated from the well for irrigation of 197.6 acres. This exceeds the amount of water for irrigation of 197.6 acres authorized under this permit. The authorized amount of water for irrigation is 2.47 cfs.
- b. Delay of full beneficial use of water under Permit G-12301 was due, in part, to the property changing ownership several times after issuance of the permit and previous owners not complying with permit conditions. The permit holder needs more time in which to gain approval for the construction of an additional point of appropriation to obtain the full quantity of water allowed under the permit.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

11. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

12. Financial investments made toward developing the beneficial water use.
  - a. As of February 14, 2011, the permit holder has invested approximately \$212,000, which is approximately 97 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$2,800 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

13. As of February 14, 2011, the permit holder has invested approximately \$212,000 which is approximately 97 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$2,800 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

14. The Department has found good faith of the appropriator under Permit G-12301.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not



limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-e)].

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12301; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-12301, located within the Malheur Lake Basin, is not located within a limited or critical ground water area. Malheur Lake is not located within or above any state or federal scenic waterway, however it is located within an area ranked “low” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Malheur Lake is not listed by the Department of Environmental Quality as a water quality limited stream.

16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].

- a. As of February 14, 2011, the permit holder has invested approximately \$212,000.

17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

- a. None have been identified.

18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

- a. None have been identified.

19. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a “Last Extension Condition” on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 1 of the “Conditions” section of this PFO.

**Fair Return Upon Investment [OAR 690-315-0040(2)(f)]**

20. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

**Other Governmental Requirements [OAR 690-315-0040(2)(g)]**

21. Delay in the development of this project was not caused by any other governmental requirements.

**Unforeseen Events [OAR 690-315-0040(2)(h)]**

22. None have been identified.

**CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2014<sup>5</sup>, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As authorized in OAR 690-315-0050(5) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1X), a "Last Extension Condition" in order to ensure future diligence is exercised in the development and perfection of Permit G-12301.

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<sup>5</sup>Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

## Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit G-12301 from October 1, 2005 to October 1, 2014.

Extend the time to apply water to beneficial use under Permit G-12301 from October 1, 2005 to October 1, 2014.

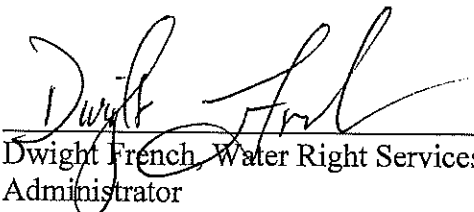
Subject to the following conditions:

### CONDITIONS

1. Last Extension Condition

This is to be the last extension of time granted for Permit G-12301. Any future extensions of time requests will be denied.

DATED: August 30, 2011

  
Dwight French, Water Right Services  
Administrator

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **October 14, 2011**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;

- f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a protest has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

- 
- If you have any questions about statements contained in this document, please contact Jerry Gainey at 503-986-0812.
  - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
  - Address any correspondence to :      Water Right Services Division  
725 Summer St NE, Suite A  
Salem, OR 97301-1266
- Fax: 503-986-0901
-

**Mailing List for Extension PFO Copies**

**PFO Date: August 30, 2011**

**Application G-12559  
Permit G-12301**

**Copies Mailed**

By: *La*  
On: 8/29/11

**Original mailed to Applicant:**

✓ Gordon Bloomquist  
30042 Weaver Springs Lane  
Burns, OR 97720

**Copies sent to:**

- 1. WRD - App. File G-12559/ Permit G-12301
- ✓ 2. WRD - Watermaster District 10, Tony Rutherford

**Fee paid as specified under ORS 536.050 to receive copy:**

- 3. None

**Receiving via e-mail (10 AM Tuesday of signature date)  
(DONE BY EXTENSION SPECIALIST)**

- 4. None

CASEWORKER: JWG

Dwight

---

**From:** Tony Rutherford  
**Sent:** Friday, January 28, 2011 12:33 PM  
**To:** Dwight French  
**Cc:** Ivan Gall  
**Subject:** Permits G-12129 & G-12301

Hello Dwight,

I've just found a mistake on a Final Order issued 21 January 2011. In order to resolve a groundwater interference issue in 2009, Ivan and I issued a Final Order to the owner and operator of G-12301 to submit a necessary permit amendment application by 30 Dec 2009. 29 Dec 2009, the packet of forms was received in Salem and returned to the applicants for clarification and timeline issues. 22 Feb 2010, an extension of time application was received in Salem with the correct permit number crossed out and an incorrect permit number written in its place.

All of the data in the application pertains to G-12301 not G-12129. G-12129 had a cbu received in 1999, and the landowner has had no correspondence with department staff regarding that permit for roughly two years. I did not catch any of this in the PFO stage as I was looking for an amendment regarding G-12301.

Ivan mentioned that we have 60 days to fix the error. Someone clearly wrote down an incorrect application number on the ext of time application form and when it was returned to the applicant (the permit number was perceived to be incorrect instead of the application number), the correct permit number was crossed out and the incorrect number written in its place. However, the rest of the information in the ext. of time application details a different township altogether.

Is there anything we can do?

Thanks,

**Tony D. Rutherford**  
**OWRD Dist. 10 Watermaster**  
**450 N Buena Vista, #3**  
**Burns, OR 97720**  
**Desk 541.573.2591**  
[Tony.D.Rutherford@wrd.state.or.us](mailto:Tony.D.Rutherford@wrd.state.or.us)

G-12559

**Jerry Gainey**

---

**From:** Dwight French  
**Sent:** Friday, January 28, 2011 1:28 PM  
**To:** Jerry Gainey  
**Cc:** Tony Rutherford; Ivan Gall  
**Subject:** FW: Permits G-12129 & G-12301

Jerry,  
Please read below.

It looks like we may need to do a superceeding FO to fix a mistake. I'm hoping that you can let me know what's up at our extension meeting next Tuesday (2/1).

Thanks,  
Dwight

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**From:** Tony Rutherford  
**Sent:** Friday, January 28, 2011 1:26 PM  
**To:** Dwight French  
**Cc:** Ivan Gall  
**Subject:** RE: Permits G-12129 & G-12301

Dwight,

The FO was issued for an extension of time to complete Permit G-12129. It should have been tied to Permit G-12301.

Please, let me know if you have any questions.

Thanks,

**Tony D. Rutherford**  
**OWRD Dist. 10 Watermaster**  
**450 N Buena Vista, #3**  
**Burns, OR 97720**  
**Desk 541.573.2591**  
[Tony.D.Rutherford@wrd.state.or.us](mailto:Tony.D.Rutherford@wrd.state.or.us)

---

**From:** Dwight French  
**Sent:** Friday, January 28, 2011 1:20 PM  
**To:** Tony Rutherford  
**Cc:** Ivan Gall  
**Subject:** RE: Permits G-12129 & G-12301

Hi Tony,  
Thanks for raising this issue up so we can look into it.

We can, on our own motion, recall a FO that we've issued for up to 60 days. So, we've got time.

In as few a words as possible can you describe what kind of FO this (permit issuance, extension or permit amendment) is and what transfer or application number it is tied too. I've ready your email twice and want to be sure I understand before I ask someone to look into it.

Thanks,

1/28/2011

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G 12559

**Final Order**  
**Extension of Time for Permit Number G 12301**

*Appeal Rights*

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

*Application History*

On SEPTEMBER 27, 1999, JOSEPH ECKLEY submitted an application to the Department for an extension of time for permit number G 12301. The Department issued Permit number G 12301 on FEBRUARY 28, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on SEPTEMBER 19, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2005, and/or the time to fully apply water to beneficial use to October 1, 2005. The protest period closed NOVEMBER 3, 2000. No protest was filed.

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

The permittee must submit a written progress report to the Department by October 1, 2003. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this



- represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

***Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit*** by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

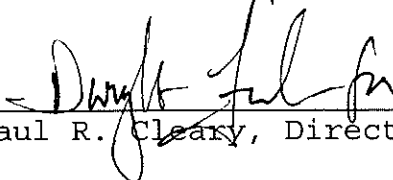
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

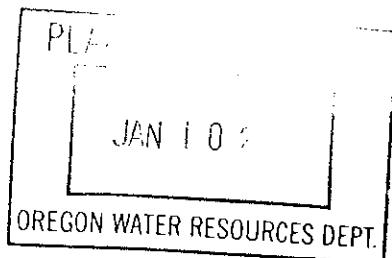
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

The extension of time for Application G 12559, Permit Number G 12301, therefore, is approved. The deadline for completing construction is extended to October 1, 2005. The deadline for applying water to full beneficial use is extended to October 1, 2005.

DATED January 9, 2001

  
Paul R. Cleary, Director





# 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

April 11, 2008

Joe Eckley  
30042 Weaver Springs Lane  
Burns, Oregon 97720-2491

Re: Application G-12559, Permit G-12301

Dear Mr. Eckley,

The Oregon Water Resources Department (Department) has reviewed your Site Report and Claim of Beneficial Use (Claim) for the above referenced application and permit to determine if a proposed or final certificate can be issued. Our review indicates that the following information or clarification is needed:

1. A review of the permit indicates that prior to receiving a certificate, the water user is required to submit the results of a pump test meeting the Department's standards. At this time we will not be able to move forward on issuing a proposed or final certificate until we receive and approve a pump test. A review of our records indicates that we have not yet received or approved the required pump test.

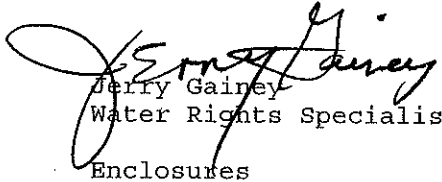
If your permit allowed more than one well, and more than one well was developed, each well used under the permit is subject to the pump test requirement. However, only one of the wells may need to be tested if you can demonstrate that the other well(s) are producing water from the same aquifer. In order to test only one of the wells, you must request an exemption for the other well(s) from the Department. The request must be in writing and include documentation, such as well logs, which verify that the well(s) are producing water from the same aquifer. Please submit the results of a pump test for each of the wells used, or alternatively, submit the results of a pump test for one well if you can also provide the necessary documentation to the Department to demonstrate that the other well(s) are producing water from the same aquifer. If you have any questions related to the pump test or the process for requesting a multiple well exemption, please contact Mike Zwart at 503-986-0844. A pump test data sheet is enclosed for your use. Also, additional information and forms regarding pump test(s) are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms> under the "Water Use Reporting Forms" section.

2. A review of the final proof survey map reflects 5.3 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, T 26 S, R30 E. W.M., that was not permitted. Further, a check of the county tax lot map shows that this is in a different tax lot. Please provide clarification that this is under your ownership or have permission to irrigate that area.

A water right certificate cannot be issued until all the terms and conditions and or other issues of the permit have been met or clarified. The issuance of a certificate would allow you the opportunity to request changes in the character of use, the addition of or changes point of diversion or appropriation, or changes to the place of use.

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

Sincerely,

  
Jerry Gainey  
Water Rights Specialist  
Enclosures

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
  - b.  was not
  - c.  I don't know if it met standards at the time of construction.
- } constructed according to the standards in effect at the time of original construction or most recent modification.

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)

TO: Water Rights Section

8/23, 1991

FROM: Groundwater/Hydrology Section Meyer  
Reviewer's Name

SUBJECT: Application G- 12559

1. PER THE Malheur Lake Basin rules, one or more of the proposed POA's is within \_\_\_\_\_ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.

N/A

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 \_\_\_\_\_; 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 }  
b. \_\_\_ will not } likely be available in the amounts requested without injury to prior rights; 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.

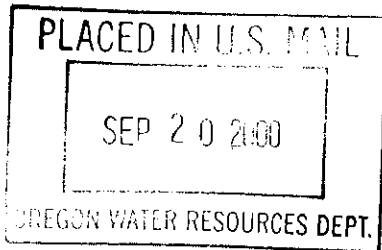
REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_







**Oregon Water Resources Department  
Water Rights Division**



Water Right Permit Extension Application  
for Permit Number G 12301

Water Right Application Number G 12559

**Proposed Final Order**

**Please read this Proposed Final Order in its entirety. It contains additional conditions not included in the original permit.**

This Proposed Final Order applies only to permit number G 12301.

**Summary of Recommendation**

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1998 to October 1, 2005, and
- grant the extension for complete application of water from October 1, 1999 to October 1, 2005.

**Application History**

Permit no. G 12301 was granted by the Water Resources Department on FEBRUARY 28, 1996. The permit authorizes use of 3.19 CFS of water from A WELL for IRRIGATION OF 255.0 ACRES in the MALHEUR LAKE basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 12301 is attached.

On SEPTEMBER 27, 1999, the Department received an application from JOSEPH ECKLEY for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2005 to complete construction of the water system and until October 1, 2005 to apply water to full beneficial use. This is the first permit extension request.

**Findings of Fact**

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements

of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by problems with obtaining financing.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
  - a) Work on the water development project completed to date includes construction of the well and part of the water system. Water has been applied to 130 acres.
  - b) The applicant has invested approximately \$ 65,750 of an estimated total water system project cost of \$ 95,750.
  - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2005 as requested by the applicant.

#### **Conclusions of Law**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2005 to complete construction and until October 1, 2005 to complete the application of water.

## Conditions

The permittee must submit a written progress report to the Department by October 1, 2003. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

***Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit*** by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250. The Department will take into consideration annual reports submitted under OAR 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence. Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

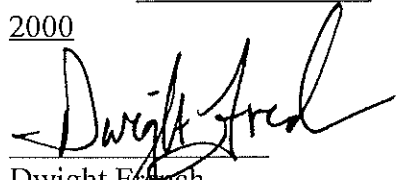
If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there

are significant disputes related to the use of water, the Department will conduct a hearing.

**Recommendation**

The Department proposes to issue an order to:  
extend the permit time to complete construction from October 1, 1998 to October 1, 2005  
and  
extend the permit time to complete application of water from October 1, 1999 to October 1, 2005.

DATED: SEPTEMBER 19,  
2000

  
Dwight French  
Water Rights Section Manager

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

**Protest Rights and Comments**

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
  - a) Your name, address and telephone number;
  - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
  - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
  - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e) Any citation of legal authority supporting your protest, if known; and
  - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **NOVEMBER 3, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

**This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.**

**If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Brendalee Wilson. Her extension number is 276.**

**If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.**

# Mailing List for Extension PFO Copies

Application #G 12559

PFO Date 9/19/00

Original mailed to:

Applicant: JOE ECKLEY

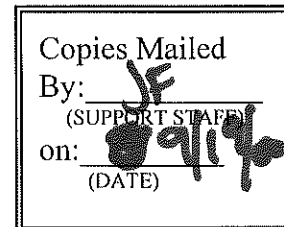
**For Extension PFO's - Copies sent to:**

1. WRD - File #
2. WRD - Watermaster District # 10:
3. WRD - Regional Manager: Eastern
4. ODFW District Biologist: WAYNE BOWERS, HINES
5. DEQ Regional Office: TOM ROSETTA, PORTLAND
6. WRD - John Falk (for reservoir permit extensions only)
7. WRD - Regional Liaison
8. CWRE:

Other interested parties:

9. extra copy too
10. Joseph R Eckley
11. HC 71 Box 44  
BURNS, OR 97720
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_

CASEWORKER:



RECEIVED

SEP 27 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME  
TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Joseph R. Eckley  
NAME

HC 71 Box 441                      Burns                      OR. 97720                      (541) 4932560  
ADDRESS                                      CITY                                      STATE                      ZIP                      PHONE

owner of record, or duly authorized agent, of Application No. G-12559 Permit No. G12301, do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1999, be extended to October 1, 2005,

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2005.

**NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.**

Attached is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?  
yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? yes

*db*

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review). *The well has been completed, A water meter has been installed,*

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:  
*Drilled well \$1,500.00, Test pumped well \$150.00, Installed 100hp pump and switch equipment \$9,000.00, Installed pipe line 3/8 mile \$6,000.00, Installed 1/4 mile valley pivot, pad, water meter \$9,500.00, Survey property \$1,000.00*  
*(to date) \$42,250.00 + Cost of application and Fees \$1,500.00*  
*\$43,750.00*

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated): *130 acres irrigated under Valley 1/4 mile pivot @ 750 gallons per minute -*



4-Cost of project to date \$65,750.00. Estimated remaining cost to complete the project \$30,000.00

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. \_\_\_\_\_

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

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

*Due to the application backlog and delay by the Water Resources Dept. the original funding for this project was no longer available at the time that the permit was issued. This project is currently being funded by vendor programs and a \$10,000.00 property development line on our operating expense loan each year.*

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

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

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. \_\_\_\_\_

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

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

*The primary use of this water is for food and forage. The crops are grain (for domestic and export) and alfalfa hay for (foreign and domestic use).*

Additional value has been added by this project in the form of Wildlife with now use this land year around.

A) Has there been any change in this market since the permit was issued? Both the foreign and domestic market for these crops have been historically volatile and are currently in a slump!

B) Have these changes, if any, affected the economic feasibility of your project? No. the project is currently able to pay for itself and provide some development funds to proceed with the process.

7-Are there other present competing demands for water in your community? no other demands besides agriculture

A) Has there been any change in these demands for water since the permit was issued? None that

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands? Competing demands could be met by applying for water rights from the Malheur Lake.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? no.

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? *Yes. it currently is paying the loans on equipment off and providing development funds. further development will help cut some of the operating costs by spreading the investment over more acres.*

9-If the extension request is denied, is the current level of water use economically feasible? *yes. however a denial would cause the permittee an economic hardship and deny the current best and most accepted use of the land and water in this area.*

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

*Joseph R. Eddy*  
Signature

*9-20-99*  
Date

**MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES  
158 12TH ST NE  
SALEM, OREGON 97310

m:\exchange\leep\extfrm98  
revised: June 21, 1999

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Groundwater Application	)	FINAL
G-12559 submitted by	)	ORDER
JOE ECKLEY		

**FINDINGS OF FACT**

*Water Use Request*

1. JOE ECKLEY requested use of 3.19 CUBIC FEET PER SECOND of water from A WELL IN MALHEUR LAKE BASIN for IRRIGATION OF 255.0 ACRES within the Malheur Lake basin.
2. The area of proposed use is in Harney County within SECTION 2, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M. .
3. The water delivery system is described by the applicant as one pivot and six wheel lines.
4. The request was made in Application G-12559 which was received by the Water Resources Department on June 7, 1991.

*Affected Waters*

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are no senior water rights from this point of appropriation.

*Department Actions*

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on September 12, 1994.
4. The technical review determined:
  - a. IRRIGATION OF 255.0 ACRES is allowed under the Malheur Lake Basin Program.
  - b. The use is not prohibited by Statute.
  - c. Water for the proposed use is available in the amounts requested for the period "...when necessary for beneficial use in connection with the irrigation of their respective lands...".
  - d. The use would not injure existing water rights.

5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

#### *Assessment*

1. In proceeding with evaluation of Application G-12559, the following criteria were found to be relevant by the Department.
  - a. The Malheur Lake Basin Program (OAR Chapter 690, Division 512)
  - b. The Harney County Comprehensive Plan and Zoning Ordinance
  - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
  - d. The established rate and duty for the proposed use
  - e. Pending, senior applications and existing water rights of record
  - f. Comments received

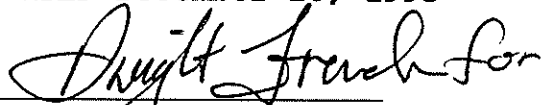
#### **CONCLUSIONS OF LAW**

1. Based upon continued evaluation, the Department finds the determinations of the technical review remain valid.
2. The period of allowed use is "... when necessary for beneficial use in connection with the irrigation of their respective lands...."
3. The Department finds that no more than 3.19 CUBIC FEET PER SECOND would be necessary for the proposed use. The amount of water requested, 3.19 CUBIC FEET PER SECOND, is allowed for the proposed use.
4. Harney County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Harney County Comprehensive Land Use Plan.
5. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
6. The proposed use complies with all other rules of the Commission.
7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
8. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

**PROPOSED ORDER**

**IT IS PROPOSED** that Application G-12559 in the name of JOE ECKLEY be approved for IRRIGATION OF 255.0 ACRES as provided in the attached draft permit.

**DATED December 26, 1995**



Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

**NOTICE:**

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200.

Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

**Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on February 9, 1996.**

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT  
STATE OF OREGON  
COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JOE ECKLEY  
HC 71 BOX 441  
BURNS, OREGON 97720

( 503)493-2560

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

APPLICATION FILE NUMBER: G-12559

SOURCE OF WATER: A WELL WITHIN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 255.0 ACRES

Rate of use: 3.19 CUBIC FEET PER SECOND

Period of allowed use: water may be appropriated for irrigation from March 1 through October 31

DATE OF PRIORITY: June 7, 1991

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 1, T 26 S,  
R 30<sup>W</sup>, W.M.: 260 FEET SOUTH & 40 FEET EAST FROM WEST 1/4 CORNER,  
SECTION 1

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

- NE 1/4 SW 1/4 40.0 ACRES
- NW 1/4 SW 1/4 20.0 ACRES
- SE 1/4 SW 1/4 35.0 ACRES
- NE 1/4 SE 1/4 40.0 ACRES
- NW 1/4 SE 1/4 40.0 ACRES
- SW 1/4 SE 1/4 40.0 ACRES
- SE 1/4 SE 1/4 40.0 ACRES

SECTION 2

TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.

## Measurement, recording and reporting conditions:

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

**STANDARD CONDITIONS**

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

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

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

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

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

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

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



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

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued \_\_\_\_\_, 199\_

**DRAFT**

---

Water Resources Department  
Martha O. Pagel  
Director

Application G-12559	Water Resources Department	PERMIT DRAFT
Basin 12	Volume 1 Basin 12 & Misc.	District 10
CSL		

September 12, 1994

WATER  
RESOURCES  
DEPARTMENT

JOE ECKLEY  
HC 71 BOX 441  
BURNS, OR 97720

Reference: File G 12559

Hello:

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

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

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

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

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

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

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



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

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

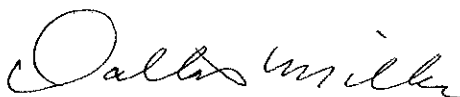
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before NOVEMBER 25, 1995 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Dallas Miller".

Dallas Miller  
Water Rights Division

Enclosures

Report Date: September 12, 1994

OREGON WATER RESOURCES DEPARTMENT

**SATISFACTORY REPORT OF TECHNICAL REVIEW**  
**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: NOVEMBER 25, 1995

1. APPLICATION FILE NUMBER -G 12559
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

JOE ECKLEY  
HC 71 BOX 441 503-493-2560  
BURNS, OR 97720  
COUNTY OF HARNEY

Date application received for filing and/or tentative date  
6/ 7/1991

SOURCE: A WELL IN MALHEUR LAKE BASIN

Purpose and/or use: IRRIGATION OF 255.0 ACRES.

Flow: 3.19 CUBIC FEET PER SECOND

Point of Diversion Location:

NW 1/4 SW 1/4, SECTION 1, T 26 S, R 30 E, W.M.;  
260 FEET SOUTH & 40 FEET EAST FROM W1/4 CORNER, SECTION 1.

Place of use:

NE 1/4 SW 1/4 40.0 ACRES  
NW 1/4 SW 1/4 20.0 ACRES  
SE 1/4 SW 1/4 35.0 ACRES  
NE 1/4 SE 1/4 40.0 ACRES  
NW 1/4 SE 1/4 40.0 ACRES  
SW 1/4 SE 1/4 40.0 ACRES  
SE 1/4 SE 1/4 40.0 ACRES

SECTION 2

TOWNSHIP 26 SOUTH, RANGE 30 EAST, 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:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 3.19 CFS is likely available "...when necessary for beneficial use in connection with the irrigation of their respective lands...".

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 12559

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: "... when necessary for beneficial use in connection with the irrigation of their respective lands...."
3. Rate of use: 3.19 CUBIC FEET PER SECOND
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. 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.

7. 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. 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. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. 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.
11. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE- EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year.

# WaterWatch

By Regular Mail

RECEIVED

NOV - 7 1994

November 4, 1994

Oregon Water Resources Department  
Water Rights Section  
158 12th Street NE  
Salem, OR 97310

WATER RES  
SALEM, OREGON

Re: Objections to Technical Reports for:  
G12485, Oramartic Inc., Irrigation, Silves River Basin  
G12610, Burns Paiute Indian Reservation, Irrigation, Silves River Basin  
G12559, Eckley, Irrigation, Malheur Lake Basin  
Malheur Lake Basin

WaterWatch submits the following objections pursuant to OAR 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 areas of deficiency are the same as those identified in WaterWatch's objection to G-11923 and are hereby incorporated by reference. Moreover,

● the analyses fail to determine water availability for the surface water effected by the groundwater pumping, despite that fact that the Department did not determine that there was no potential for substantial interference.

● The original technical report for application G12485 and supporting memos found that the potential for substantial interference existed. The most recent technical report found otherwise. However, there was nothing in the technical report or the files to indicate that the conditions of permit processing (well reconstruction or redrilling) have taken place. In May of 1992, the Department make it clear that processing of the application would not continue until evidence of well reconstruction took place. Memo to Butler & Looney from Thomas Shook, May 29, 1992. And, while there is a later memo that spells out what repairs would be acceptable to the Department, there is no evidence that in fact these repairs have been completed.

◆ **The Use Proposed is Not in the Public Interest.**

The proposed use fails to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f). The Willow Creek Basin system supports a variety of fish life. Low flows during summer months impair fish survival by, among other things, raising water temperatures, decreasing aquatic habitat and trout rearing areas, and promoting excessive growth of algae. Low flows in the winter adversely affect fish habitat



by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river and increasing fish deaths due to severe ice conditions on the river. The groundwater pumping proposed by these applications could exasperate these concerns.

**1. Measurement and reporting.**

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

**2. The proposed uses are likely to impair the public interest because they will interfere with surface waters in the Basin.**

The well for application G12610 is within 3/8 of a mile of the Silves Rive, which is regulated every year. Division 9 rules mandate that proposed groundwater appropriations within 1/4 mile of a surface water source are assumed to have the potential to cause substantial interference. There is nothing in the file that refutes this assumption.

Moreover, the Department has determined that well construction and other requirements will "adequately protect the surface waters". However, these conditions do little to protect surface waters:

- The applications do not contain condtions that will halt use if instream values and prior water rights are impacted by the groundwater use. This is especially important for application G12485 where, without the requisite well reconstruction, the potential for substantial for interference does exist.
- Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and it is determined that casing and sealing to that depth will in fact prevent interference, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or more frequently as determined by the Director.
- The proposed conditions do not take into account whether there is water available from the surface water source because there was no analysis of water availability for the effected surface waters. Any analysis must take into account water rights of record and the senior pending instream water right

applications. There is one senior pending instream water right application on the Silves River.

- The uses are likely to impair the public interest because the proposed condition relating to static water level decline on all the proposed permits appear to be a standard condition and is not specifically geared to protect this resource. The condition requires the permit holder to stop use if the well "displays a total static water-level decline of 25 or more feet." What is the aquifer depth in this situation? As we understand it, this is a standard condition. This condition will not protect the resource if the aquifer depth is, for example, 20 feet. If this is the case, this condition would allow the permittee to pump the aquifer dry before they would be required to stop. The aquifer depth must be determined in order to determine the level of "tolerable" static water level decline. If the aquifer depth is unknown at this time - then there should be a permit condition requiring the permittee to conduct tests to determine the aquifer depth - **prior** to beginning use.

**3. The proposed uses violates Oregon's statewide policies.**

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses...be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-01(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

**4. Conservation conditions inadequate**

Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. This applicant should be required to show, prior to issuance of any permit, that their proposed use is efficient.

**5. These applications were processed out of order in violation of the Commission's decision to process applications in the order received.**

The Department is to process applications in each basin in the order received. There is one instream water right application pending with a priority date senior to this ground water application. This ground water application will effect streamflows needed for these senior instream water right applications and must not be considered until after the instream water right applications are processed. The processing and approval of this application is not only contrary to Commission directive it is unfairly elevates this individual consumptive use

**Applications G12610, G12485, and G12559**

**Page 4**

above public instream uses. This is unacceptable and reflects the Department's continued bias towards individual consumptive uses.

It is not clear why this application was moved forward ahead of the senior pending instream water rights. However, putting preference on process out-of-stream rights has been the norm for this agency for decades. Continuation of the status quo, however, is unacceptable and unfair. This ground water application should not be processed until after the instream water right applications are processed.

Sincerely,



Kimberley Priestley  
Legal/Policy Analyst

cc: Water Rights Technical Staff.

OK

STATE OF OREGON

INTEROFFICE MEMO

WATER RESOURCES DEPARTMENT  
NORTHWEST REGION

May 16, 1995

**TO:** Steve Applegate, ACT, Region Managers, Watermasters  
**FROM:** Tom Paul *for*  
**SUBJECT:** Irrigation Seasons for New Groundwater Permits

This memo is continuation of discussions dating from 1993. The issues still exist. I would like to final this memo and provide it to WRD staff. For field staff, this should be in the form of a new section to be included in the Enforcement Manual. Please review the discussion regarding irrigation seasons for groundwater and return any comments to me. If you are comfortable with what is written, then I would propose forwarding this to ACT for their consideration.

Watermasters have raised questions regarding how irrigation seasons for groundwater are determined. The questions are prompted as watermasters received and reviewed water right application technical reviews.

I would propose dividing groundwater sources into two different categories:

Groundwater determined not to be hydraulically connected to surface water, and

Groundwater determined to be hydraulically connected to and which has the potential to cause substantial interference with surface water.

This is further complicated by groundwater which is requested to supplement an existing water right.

Technical reviews and resulting water use permits now contain beginning and ending dates for the irrigation season. Irrigation season dates should be consistent within each Basin. I have noticed that technical reviews and resulting groundwater permits in the same basin contain different irrigation seasons. Consistency in assigning irrigation seasons will save watermasters time when regulating water use.

Following is my recommendation for selecting the appropriate irrigation season:

GROUNDWATER DETERMINED NOT TO BE HYDRAULICALLY CONNECTED TO SURFACE

==

WATER

The irrigation season for all groundwater determined not to be hydraulically connected, should be March 1 through October 31 for primary groundwater use permits.

GROUNDWATER DETERMINED TO BE HYDRAULICALLY CONNECTED TO SURFACE WATER

*stet* The irrigation season for groundwater should match that established in the basin program <sup>of court decree</sup> for surface water. An irrigation season of March 1 through October 31 should be used if a season is not identified in the basin program <sup>of court decree</sup>. This only ~~applies~~ applies if the surface water stream has not been adjudicated.

The irrigation season for groundwater produced in areas which have been adjudicated should match the surface water season established by the courts. In adjudicated areas where the court did not state a season, an irrigation season of March 1 through October 31 should apply.

In all cases where the groundwater is to be a supplemental source, the irrigation season should match the season of the primary water right.

The assigned irrigation season may be more restrictive depending on water availability and public interest determinations.

It is not uncommon to find that the courts, through the adjudication process, established unusual and restrictive seasons based on stream flows and historic surface water availability in the area. In these situations, groundwater water use permits should be issued to allow both primary and supplemental water use. The supplemental season would match that of the right being supplemented and the primary to authorize water use during the water use period not allowed for surface water between March 1 and October 31.

Water right applications requesting to use groundwater outside of the established irrigation seasons should be considered. Permits for out of season use should only be issued if the need is justified and water is available. Groundwater use outside the usual season is to be described as primary, as depicted above.

gwis

TECHNICAL REVIEW CHECKLIST

Application: 6-12559

Review Date: 3-25-93

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

SUMMARY	
<u>U</u>	Completeness
<u>S</u>	Land Use
<u>NO</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts
<u>S</u>	Water Availability

*Handwritten initials*

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.

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

S Application fees:

Examination fee:	\$ 200	
Recording fee:	\$ 590	10-100
TOTAL REQUIRED	\$ 790	245 490
TOTAL SUBMITTED	\$ 790	
<b>AMOUNT DUE prior to issuance of permit</b>	\$ <u>      </u>	
AMOUNT OVERPAID	\$ <u>      </u>	
refund due applicant	\$ <u>      </u>	

*C DATE*

U Proposed dates of beginning and completion of construction, and complete application of water.

S 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.

- U A written copy of the legal description of the property on which the water is to be used.
- U 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.
- S The proposed use is not restricted or prohibited by statute.
- S 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.
- S irrigation use(s) is/are classified uses(s) under the MALHEUR Basin Program, OAR 690 - 510-001.
- U The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of HARNEY COUNTY

- S 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 3.020).
- 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:

- S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- S The report from groundwater section has been received.

For reservoir applications:

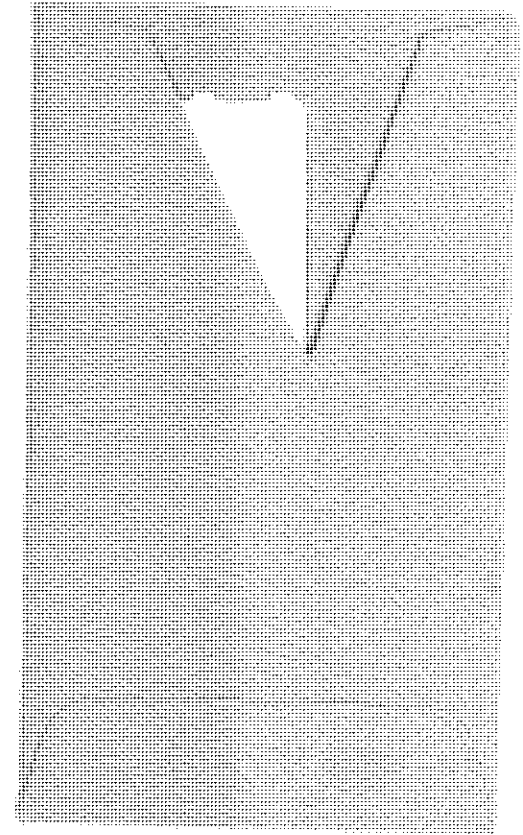
- N/A Plans, specifications and supporting information for the dam and impoundment area.

APPLICATION CHECK-OFF LIST

RECEIPT POSTED  
ACK LETTER SENT

INT      DATE

STREAM INDEXED & STREAM CODED  
CONTENTS MARKED/STAMPED  
SCENIC WATERWAY NOTED  
FILE FOLDER/CALENDAR CARD TYPED  
APPLICATION COPIED  
MAPS COPIED



*1054*  
*date*  
*1000*  
*1000-1000*



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

# **118957**

RECEIVED FROM: Sunnyside Dairy, LLC APPLICATION G-12559  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER \_\_\_\_\_  
 CASH:  CHECK:# 6618 OTHER: (IDENTIFY)   
 TOTAL REC'D \$ 575.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES	\$
_____	OTHER: (IDENTIFY)	\$
0243 I/S Lease	_____	_____
0244 Muni Water Mgmt. Plan	_____	_____
0245 Cons. Water	_____	_____

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	<u>575.00</u>
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	\$	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	
<b>WELL CONSTRUCTION</b>			
0218	WELL DRILL CONSTRUCTOR	\$	0219
	LANDOWNER'S PERMIT		0220
_____	OTHER (IDENTIFY)		

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
_____	OTHER (IDENTIFY)		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

**TREASURY OTHER / RDX**

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		

**RECEIVED  
 OVER THE COUNTER**

RECEIPT: **118957** DATED: 2-17-16 BY: Maia Arh

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Sunnyside Dairy, LLC

6618

Sunnyside Dairy, LLC

6618

Application # G-12559

Permit # G-12361

**Public Notice Route Slip ... New Application Extension of Time**  
 per Division 315 Rules... (Extensions received on July 1, 2001 or after)

- ◆ **WRIG...**  
 Money Received on: 2-17-16
- ◆ **Extension Specialist...**  
 Added to tracking spreadsheet

**After fee is receipted and app is added to spreadsheet, route to...**

- ◆ **Kate Fitzgerald...**  
 Publish on Public Notice (initial 30-day comment): Date of notice 3-29-16
- Update WRIS Database
- In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
- In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or  No: Return file to Extension Specialist after PN Corey

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits  
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G-12559 Permit: G-12301 Permit Amendment? No  Yes  T-  pending  approved

Permit Holder's Name: Sunnyside Dairy, LLC Rosalio Brambila 4581 Maple Grove Road  
Sunnyside, WA 98944

Permit Holder's Mailing Address: \_\_\_\_\_ email rosalio@cordairy.com

Phone Number: (509) 837-4779

POD Location: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_

Drainage Basin: 12 County: Harney Watermaster District: 10 Watermaster: JR Johnson  
Malheur Lake

GR  
Jason Sprick

Date Permit was issued: February 29, 1996 Priority Date: June 7, 1991 Date of PN: 3-29-16

Source: A well within Malheur Lake Basin

Use: 1R of 255.0 acres

"Q": 3.19 cfs

Orig "A" Date: 2/29/1997

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension request rec'd: 2-17-16

Last Authorized "B" Date: 10/1/2014

"C" D

Request Number (1, 2, 3...): 3 Proposed "B" Date: 10/1/2020

L-81445

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Meter (2014)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual water use report (2000-04)
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	HARN 1318 2-22-80/
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Began Construction: HARN 50149 2-27

Both 50149 + 50516 were in use during claim 1-21-02

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$604,250 Estimated Remaining Cost: \$ 10,000

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 3.3  cfs  gpm  af of the total permitted quantity of water on 255.0 acres

GW REVIEW: Y

MITIGATION REVIEW: Y

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes  No

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits  
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G-12559 Permit: G-12301 Permit Amendment? No  Yes  T-  pending  approved

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Sunnyside, WA 98944

Permit Holder's Mailing Address: \_\_\_\_\_ email rosalio@cordairy.com

Phone Number: (509) 837-4779

POD Location: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 \_\_\_\_\_

Drainage Basin: 12 County: Harney Watermaster District: 10 Watermaster: JR Johnson

CR  
Jason Sprick

Date Permit was issued: February 29, 1996 Priority Date: June 7, 1991 Date of PN: 3-29-16

Source: A well within Malheur Lake Basin

Use: 1/2 of 255.0 acres

"Q": 3.19 cfs

Orig "A" Date: 2/29/1997

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension request rec'd: 2-17-16

Last Authorized "B" Date: 10/1/2014

Last Authorized "C" Date: 10/1/2014

Request Number (1, 2, 3...): 3 Proposed "B" Date: 10/1/2020

Proposed C Date: 10/1/2020

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Meter (2014)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Annual water use report (2000-04) (2014, 2015)</u>
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<u>HARN 1318 2-22-80/2-27-80 (original well)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Began Construction: HARN 50149 2-27-97/3-29-97</u>

**Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:**

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$24,250 Estimated Remaining Cost: \$ 10,000

- Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 3.3  cfs  gpm  af of the total permitted quantity of water on 255.0 acres

GW REVIEW: Y  CL

MITIGATION REVIEW: Y

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes  No

**Determination of the market and the present demand for water or power to be supplied:**

Identify the closest surface water or localized water basin. Chain Lakes - Sunset Valley

Ground Water Permits: Is the POA located...  
Surface Water Permits: Is the POD located...

**Yes No**

- above a state scenic waterway? Name \_\_\_\_\_ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area \_\_\_\_\_
- within a Withdrawn Area? Name of area \_\_\_\_\_
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

**Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?**

Yes... "Good Cause" can be found.  Approval of Extension Request  
No ... "Good Cause" cannot be found.  Denial of Extension Request

**Conditions to be included in Extension PFO (if applicable)? Yes  No**

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: \_\_\_\_\_)
- Other: \_\_\_\_\_

**Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:**

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**  
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**  
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**  
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

**NOTES:**

**Extension "PFO" Dates**

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline \_\_\_\_\_

Date: \_\_\_\_\_

Reviewer's Name: Corey \_\_\_\_\_ Date: 2-18-16

WATER USE REPORT - Pivot 2 - File G-12559  
(Permit G-12301)

WATER USE IN GALLONS

1997

April	797608.5
May	9305432.5
June	10634780
July	11698258
August	12229997
Sept.	4785651

1998

May	21269200
June	22386106
July	2180129.9
August	23130611
Sept	21641777

1999

May	12229994
June	17972582
July	20205975
August	24513075
Sept	26586950
Oct	21216354

If there is a specific form that we need to fill out please send it to us.

If you have further questions or need additional information please feel free to call.

Thank you.

Sincerely,



Joseph Eckley  
(541)493-2560

**RECEIVED**

AUG 15 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building

July 13, 2000

Joe Eckley  
HC 71 Box 441  
Burns, Oregon 97720

RE: File # G-12559 (Permit)

Dear Mr. Eckley:

The Department is currently reviewing your extension request on the above referenced permit. The Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

- Under the terms of your permit, you are required to keep a record of the amount of water used each month. You are also required to submit this report to the Department annually, see your measurement, recording and reporting conditions. To date, the Department has not received a water use report. Before the Department may consider your extension request, a report showing the amount of water used each month since use began needs to be submitted.

Please submit this information by **August 14, 2000**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

*If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.*

Should you have any questions regarding your extension request or the required materials listed above, please call me at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Laura K. Sredaker  
Senior Water Rights Specialist

cc: Mitch Lewis, Watermaster District #10

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
JOE ECKLEY  
HC 71 BOX 441  
BURNS OR 97720

2. Article Number (Copy from service label)  
P 56392

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) \_\_\_\_\_

B. Date of Delivery 7-18-00

C. Signature  
X Joe E. Eckley  Agent  Addressee

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below: \_\_\_\_\_

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789





# Oregon

John A. Kitzhaber, M.D., Governor

**CERTIFIED MAIL**  
Return Receipt Requested

**Water Resources Department**  
Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

July 13, 2000

Joe Eckley  
HC 71 Box 441  
Burns, Oregon 97720

RE: File # G-12559 (Permit G-12301)

Dear Mr. Eckley:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

- ▶ Under the terms of your permit, you are required to keep a record of the amount of water used each month. You are also required to submit this report to the Department annually, see your measurement, recording and reporting conditions. To date, the Department has not received a water use report. Before the Department may consider your extension request, a report showing the amount of water used each month since use began needs to be submitted.

Please submit this information by **August 14, 2000**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

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Sincerely,

Laura K. Sredaker  
Senior Water Rights Specialist

cc: Mitch Lewis, Watermaster District #10

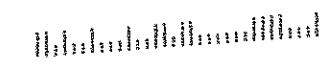
UNITED STATES POSTAL SERVICE



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

• Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT  
158 12<sup>TH</sup> STREET NE  
SALEM, OR 97301-4172



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 99247  
725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: James D. Robey  
BY: \_\_\_\_\_

APPLICATION	612559
PERMIT	
TRANSFER	

CASH:  CHECK: # 1108 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407 COPY & TAPE FEES	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY)	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY)	\$ _____
0240 EXTENSION OF TIME	\$ <u>500.00</u>

EXAM FEE	RECORD FEE
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	\$ _____
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: 99247 DATED: 2-22-10 BY: DR

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

I certify that the application # 6-12559 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

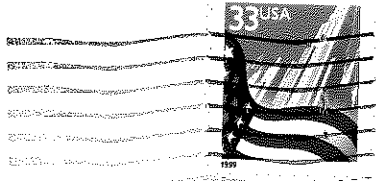
Joseph R. Eckley Owner 9-11-95  
Name Title Date

Name Title Date

Name Title Date  
SEP 15 1995  
SALEM, OREGON

Name Title Date

Joseph R. Eckley  
HC71 Box 441  
Burns, Oregon 97720



G-12559

Water Resources Department  
Commerce Building  
158 12th Street NE  
Salem, Oregon 97301-3739

ATTENTION: LAURA SNEDAKER

97301+4172

RECEIVED FEB 28 1997 WATER RESOURCES DEPT. SALEM OREGON

Form A (690-9-77) Application No. 6-12559

### NOTICE OF BEGINNING OF CONSTRUCTION

I, Joseph R. Eckley, the holder of Permit No. 6-12301, to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 27 day of February, 1997.

Remarks: Well construction started - 1/4 mile valley pivot system installed - pipe line 8" and electrical to pivot installed

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment required for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of February, 1997.

Joseph R. Eckley HC 71 Box 441 Burns, OR 97720  
(Signature of Applicant) (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.  
SP\*35567-690

OK DSM





RECEIPT # **99252** INVOICE # \_\_\_\_\_

RECEIVED FROM: James D Robey APPLICATION G-12559  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER \_\_\_\_\_  
 CASH:  CHECK: # 1107 OTHER: (IDENTIFY)   
 TOTAL REC'D \$ 75.00

1083 TREASURY 4170 WRD MISC CASH ACCT	
0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan
0245 Cons. Water	

4270 WRD OPERATING ACCT	
MISCELLANEOUS <u>46111</u>	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>Req. Assignment</u>	\$ <u>75.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE
0203 GROUND WATER	RECORD FEE
0205 TRANSFER	LICENSE FEE
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE
LANDOWNER'S PERMIT	LICENSE FEE
OTHER (IDENTIFY)	

0536 TREASURY 0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
OTHER (IDENTIFY)	

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX  
 FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **99252** DATED: 2-22-10 BY: [Signature]  
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECEIPT # **109543** INVOICE # \_\_\_\_\_

RECEIVED FROM: Sunnyside Dairy LLC APPLICATION G-12559  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER \_\_\_\_\_  
 CASH:  CHECK: # 1097 OTHER: (IDENTIFY)   
 TOTAL REC'D \$ 300.00

1083 TREASURY 4170 WRD MISC CASH ACCT	
0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan
0245 Cons. Water	

4270 WRD OPERATING ACCT	
MISCELLANEOUS <u>46111</u>	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>Assignment x 4</u>	\$ <u>300.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE
0203 GROUND WATER	RECORD FEE
0205 TRANSFER	LICENSE FEE
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE
LANDOWNER'S PERMIT	LICENSE FEE
OTHER (IDENTIFY)	

0536 TREASURY 0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
OTHER (IDENTIFY)	

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX  
 FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **109543** DATED: 2-8-2013 BY: [Signature]  
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECEIPT # **33254** INVOICE # \_\_\_\_\_

RECEIVED FROM: J&L Farms APPLICATION G-12559  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 TRANSFER \_\_\_\_\_  
 CASH:  CHECK: # 75-197 OTHER: (IDENTIFY)   
 TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT	
ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE	
CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

0427 WRD OPERATING ACCT	
MISCELLANEOUS <u>PCA#66111</u>	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE
0203 GROUND WATER	RECORD FEE
0205 TRANSFER	LICENSE FEE
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE
LANDOWNER'S PERMIT	LICENSE FEE
OTHER (IDENTIFY)	

0437 WELL CONST. START FEE	
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
OTHER (IDENTIFY)	

0539 LOTTERY PROCEEDS	
1302 LOTTERY PROCEEDS	\$

0467 HYDRO ACTIVITY LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

RECEIPT # **33254** DATED: 2-7-2013 BY: [Signature]  
 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal