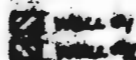


Map showing a grid of 10-degree squares in the western North Atlantic. The map is divided into three regions: a hatched region in the northwest, a cross-hatched region in the southwest, and an unshaded region in the northeast. Each square contains a circular data label with two values separated by a horizontal line. The top-left value is often a date (e.g., 15L, 19, 20, 30) and the bottom value is a number (e.g., 29.3, 39.3, 40.6, 59.2). The map includes latitude and longitude markings along the edges and coastlines of North America and Europe.

WELLS LOCATED: #1 - 2450' S. | 630' W. FROM NE COR NW 1/4 NE 1/4 SEC. 29
#2 - 2270' S. | 6100' W. FROM E 1/4 COR SEC. 25



PRIMARY

CONFIDENTIAL

copy

JOHN M. CAMPBELL

Surveyed SEPT. 18-19, 1968, by V. GARNER
JUNE 23, 1975 L. TOLL

6-5208



Oregon
Kate Brown, Governor

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

August 29, 2018

MIKE PEILA
PO BOX 537
HINES, OR 97738

REFERENCE: Transfer Application T-11751

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Arla Heard, by telephone at 503-986-0898, or by email arla.l.heard@oregon.gov

Kindest regards,

Tamera Smith
Transfer and Conservation Section

cc: J R. Johnson, Watermaster Dist. #10 (via email)
Scott D. Montgomery, Agent (via email)

Enclosure

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-11751, Harney County) ADDITIONAL POINTS OF APPROPRIATION

Authority

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

Applicant

MIKE PEILA
PO BOX 537
HINES, OR 97738

Findings of Fact

1. On March 5, 2014, MIKE PEILA filed an application for additional points of appropriation under Certificates 36998 and 44694. The Department assigned the application number T-11751.
2. Notice of the application for transfer was published on March 11, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 26, 2015, the Department notified the applicant's agent of the deficiencies in the application. Specifically, a missing tax lot on the Land Use form, missing acreage in Table 2, and an incorrect character of use identified for Wells 1 and 2.
4. The Department requested that the deficiencies be resolved by March 23, 2015.
5. On March 12, 2015, the applicant provided sufficient information to the Department to resolve the deficiencies.
6. On March 16, 2018 the Department e-mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-11751 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of April 16, 2018, for the applicant to respond. The agent for the applicant responded that the location of proposed Well 7 was incorrect based on information provided in the application.
7. On March 22, 2018, the Department received updated location information for Well 3 and Well 7.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

8. On April 23, 2018 the Department e-mailed a copy of a second revised draft Preliminary Determination proposing to approve Transfer Application T-11751 to the applicant and the agent. The second revised draft Preliminary Determination cover letter set forth a deadline of May 23, 2018, for the applicant to respond.
9. On May 20, 2018, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On July 23, 2018, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11751 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on July 24, 2018, and in the Burns Times-Herald newspaper on August 1 and 8, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
11. The first right to be transferred is as follows:

Certificate: 36998 in the name of JOHN M. CAMPBELL (perfected under Permit G-1643)

Use: IRRIGATION of 966.2 ACRES and SUPPLEMENTAL IRRIGATION of 433.8 ACRES

Priority Date: JULY 15, 1960

Rate: 7.80 CUBIC FEET PER SECOND (CFS), being 2.23 CFS from WELL No. 1 and 5.57 CFS from WELL No. 2

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELLS Nos.1 and 2 tributaries of the SILVIES RIVER (MALHEUR LAKE)

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	30 E	WM	24	SW NE	WELL 1 - 2450 FEET SOUTH AND 630 FEET WEST FROM THE NE CORNER OF THE NW¼ NE ¼ OF SECTION 24
24 S	30 E	WM	26	SE SE	WELL 2 - 2270 FEET SOUTH AND 6160 FEET WEST FROM THE E¼ CORNER OF SECTION 25

Authorized Place of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	Well 1 Acres	Well 2 Acres	Wells 1 & 2 Acres
24 S	30 E	WM	24	SW NE		1.4		
24 S	30 E	WM	24	NE SW		0.4		
24 S	30 E	WM	24	NW SE		20.8		
24 S	30 E	WM	24	SW SE		9.3		
24 S	30 E	WM	24	SE SE		34.0		
24 S	30 E	WM	25	NE NE		28.0		

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	Well 1 Acres	Well 2 Acres	Wells 1 & 2 Acres
24 S	30 E	WM	25	NW NE		1.4		
24 S	30 E	WM	25	SE NE				36.0
24 S	30 E	WM	25	NE SW			8.0	
24 S	30 E	WM	25	NW SW			4.4	
24 S	30 E	WM	25	SW SW			40.0	
24 S	30 E	WM	25	SE SW			40.0	
24 S	30 E	WM	25	NE SE				2.0
24 S	30 E	WM	25	NE SE			39.1	
24 S	30 E	WM	25	NW SE			23.2	
24 S	30 E	WM	25	SW SE			41.7	
24 S	30 E	WM	25	SE SE			41.7	
24 S	30 E	WM	26	NE SE			13.3	
24 S	30 E	WM	26	SE SE			21.6	
24 S	30 E	WM	35	NE NE			32.0	
24 S	30 E	WM	35	SE NE			9.2	
24 S	30 E	WM	36	NE NE			41.3	
24 S	30 E	WM	36	NW NE			41.3	
24 S	30 E	WM	36	SW NE			34.6	
24 S	30 E	WM	36	SE NE			31.6	
24 S	30 E	WM	36	NE NW			40.0	
24 S	30 E	WM	36	NW NW			40.0	
24 S	30 E	WM	36	SW NW			34.4	
24 S	30 E	WM	36	SE NW			37.8	
24 S	31 E	WM	19	SW SW	4	37.2		
24 S	31 E	WM	19	SE SW		38.8		
24 S	31 E	WM	30	NE NW				38.6
24 S	31 E	WM	30	NW NW	1			28.8
24 S	31 E	WM	30	SW NW	2			37.2
24 S	31 E	WM	30	SE NW	1			37.1
Total						171.3	615.2	179.7

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Well 1 Acres
24 S	30 E	WM	24	NE NE		39.2
24 S	30 E	WM	24	NW NE		39.8
24 S	30 E	WM	24	SW NE		35.0
24 S	30 E	WM	24	SE NE		39.4
24 S	30 E	WM	24	NE NW		35.8
24 S	30 E	WM	24	NW NW		0.2
24 S	30 E	WM	24	SW NW		0.3
24 S	30 E	WM	24	SE NW		17.2
24 S	30 E	WM	24	NE SE		39.5
24 S	30 E	WM	24	NW SE		10.0
24 S	31 E	WM	19	NW NW	1	38.2
24 S	31 E	WM	19	SW NW	2	38.4
24 S	31 E	WM	19	SE NW		23.7
24 S	31 E	WM	19	NE SW		38.7
24 S	31 E	WM	19	NW SW	3	38.4
Total						433.8

12. The second right to be transferred is as follows:

Certificate: 44694 in the name of JOHN M. CAMPBELL (perfected under Permit G-5073)
Use: IRRIGATION of 215.2 ACRES and SUPPLEMENTAL IRRIGATION of 538.7 ACRES
Priority Date: SEPTEMBER 24, 1970
Rate: 7.13 CFS, being 2.23 CFS from WELL No. 1 and 4.9 CFS from WELL No. 2
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELL Nos.1 and 2 a tributaries of the SILVIES RIVER

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	30 E	WM	24	SW NE	WELL 1 - 2450 FEET SOUTH AND 630 FEET WEST FROM THE NE CORNER OF THE NW¼ NE ¼ OF SECTION 24
24 S	30 E	WM	26	SE SE	WELL 2 - 2270 FEET SOUTH AND 6160 FEET WEST FROM THE E¼ CORNER OF SECTION 25

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Wells 1 & 2 Acres
24 S	31 E	WM	29	SW NE	13.4
24 S	31 E	WM	29	SW NW	20.2
24 S	31 E	WM	29	SE NW	20.2
24 S	31 E	WM	30	NE NE	39.7
24 S	31 E	WM	30	NW NE	40.9
24 S	31 E	WM	30	SW NE	39.4
24 S	31 E	WM	30	SE NE	41.4
Total					215.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Well 1 Acres	Well 1 & 2 Acres
24 S	31 E	WM	19	NE NE	39.4	
24 S	31 E	WM	19	NW NE	39.5	
24 S	31 E	WM	19	SW NE	40.2	
24 S	31 E	WM	19	SE NE	36.5	
24 S	31 E	WM	19	NE NW	29.3	
24 S	31 E	WM	19	SE NW	15.1	
24 S	31 E	WM	19	NE SE	39.0	
24 S	31 E	WM	19	NW SE	40.6	
24 S	31 E	WM	19	SW SE	40.8	
24 S	31 E	WM	19	SE SE	39.3	
24 S	31 E	WM	29	NW NE		40.0
24 S	31 E	WM	29	SW NE		20.0

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Well 1 Acres	Well 1 & 2 Acres
24 S	31 E	WM	29	NE NW		40.0
24 S	31 E	WM	29	NW NW		39.0
24 S	31 E	WM	29	SW NW		20.0
24 S	31 E	WM	29	SE NW		20.0
Total					359.7	179.0

7. Transfer Application T-11751 proposes additional points of appropriation, described as follows with the approximate distances from the existing points of appropriation identified:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Well 1	Distance from Well 2
24 S	30 E	WM	36	NE SW	WELL 3 - 2000 FEET NORTH AND 2525 FEET EAST FROM THE SW CORNER OF SECTION 36	2.2 miles	1.0 mile
24 S	31 E	WM	30	SE SE	WELL 4 - 0 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 30	1.9 miles	1.9 miles
24 S	30 E	WM	25	NE NE	WELL 5 - 1320 FEET SOUTH AND 660 FEET WEST FROM THE NE CORNER OF SECTION 25	0.8 mile	1.2 miles
24 S	30 E	WM	25	NE SW	WELL 6 - 1955 FEET NORTH AND 2685 FEET WEST FROM THE SE CORNER OF SECTION 25	1.2 miles	0.8 mile
24 S	30 E	WM	36	NE SW	WELL 7 - 2050 FEET NORTH AND 2640 FEET EAST FROM THE SW CORNER OF SECTION 36	2.2 miles	1.0 mile

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and flood irrigation system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11751.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

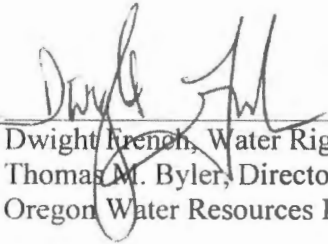
Conclusion of Law

The additional points of appropriation proposed in Transfer Application T-11751 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-11751 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 36998 and 44694 and any related decree.
3. Water Right Certificates 36998 and 44694 are cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. The changes authorized under this order shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this **AUG 29 2018**.


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

Mailing date: **AUG 30 2018**

STATE OF OREGON

COUNTY OF

HARNEY

Proof of Appropriation of Water

JOHN W. CAMPBELL

of Burns Bend Star Rt., Mines, State of Oregon, 97738,
has applied beneficially the waters of
2 wells

a tributary of Silvies River for the purpose of
irrigation of 215.2 acres and supplemental irrigation of 538.7 acres

under Permit No. G-5073 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
September 24, 1970

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
7.13 cubic feet per second, being 2.23 c.f.s. from Well No. 1 and 4.9 c.f.s. from
Well No. 2

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the No. 1-SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24; No. 2-SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 26, T. 24 S., R. 30 E., W. M., No. 1-2450 feet South and 630 feet West
from the NE Corner, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, T. 24 S., R. 30 E., W. M.; No. 2-2270
feet South and 6160 feet West from the E $\frac{1}{4}$ Corner, Section 25, T. 24 S., R. 30
E., W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 3 acre feet per acre for each acre irrigated
during the irrigation season of each year,

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

A description of the place of use under the right, and to which such right is appurtenant, is
as follows:

SEE NEXT PAGE

RECEIVED

AUG 11 1977

WATER RESOURCES DEPT
SALEM, OREGON

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of August,
1977

John W. Campbell

Wells No. 1 & 2
Primary
 13.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 20.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 20.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 29
 39.7 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 40.9 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 39.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 41.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 30
 T. 24 S., R. 31 E., W. M.

Well No. 1
Supplemental
 39.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 39.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 40.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 36.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 29.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 15.1 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 39.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 40.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 40.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 39.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 19
 T. 24 S., R. 31 E., W. M.

Wells No. 1 & 2
Supplemental
 40.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 20.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 40.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 39.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
 20.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 20.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 29
 T. 24 S., R. 31 E., W. M.

STATE OF OREGON

COUNTY OF

HARNEY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **JOHN M. CAMPBELL**

of **Burns Bend Star Rt., Hines**, State of Oregon, 97738, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of 2 wells

a tributary of **Silvies River** for the purpose of irrigation of 215.2 acres and supplemental irrigation of 538.7 acres

under Permit No. **G-5073** and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 24, 1970

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 7.13 cubic feet per second, being 2.23 c.f.s. from Well No. 1 and 4.9 c.f.s. from Well No. 2

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the No. 1-SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24; No. 2-SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T. 24 S., R. 30 E., W. M., No. 1-2450 feet South and 630 feet West from the NE Corner, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, T. 24 S., R. 30 E., W. M.; No. 2-2270 feet South and 6160 feet West from the E $\frac{1}{4}$ Corner, Section 25, T. 24 S., R. 30 E., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

Wells No. 1 & 2

Primary

13.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

20.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

20.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 29

39.7 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

40.9 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

39.4 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

41.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 30

T. 24 S., R. 31 E., W. M.

Well No. 1

Supplemental

39.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

39.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

40.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

36.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

29.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

15.1 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

39.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

40.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

40.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$

39.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19

T. 24 S., R. 31 E., W. M.

Wells No. 1 & 2

Supplemental

40.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

20.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

40.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

39.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

20.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

20.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 29

T. 24 S., R. 31 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

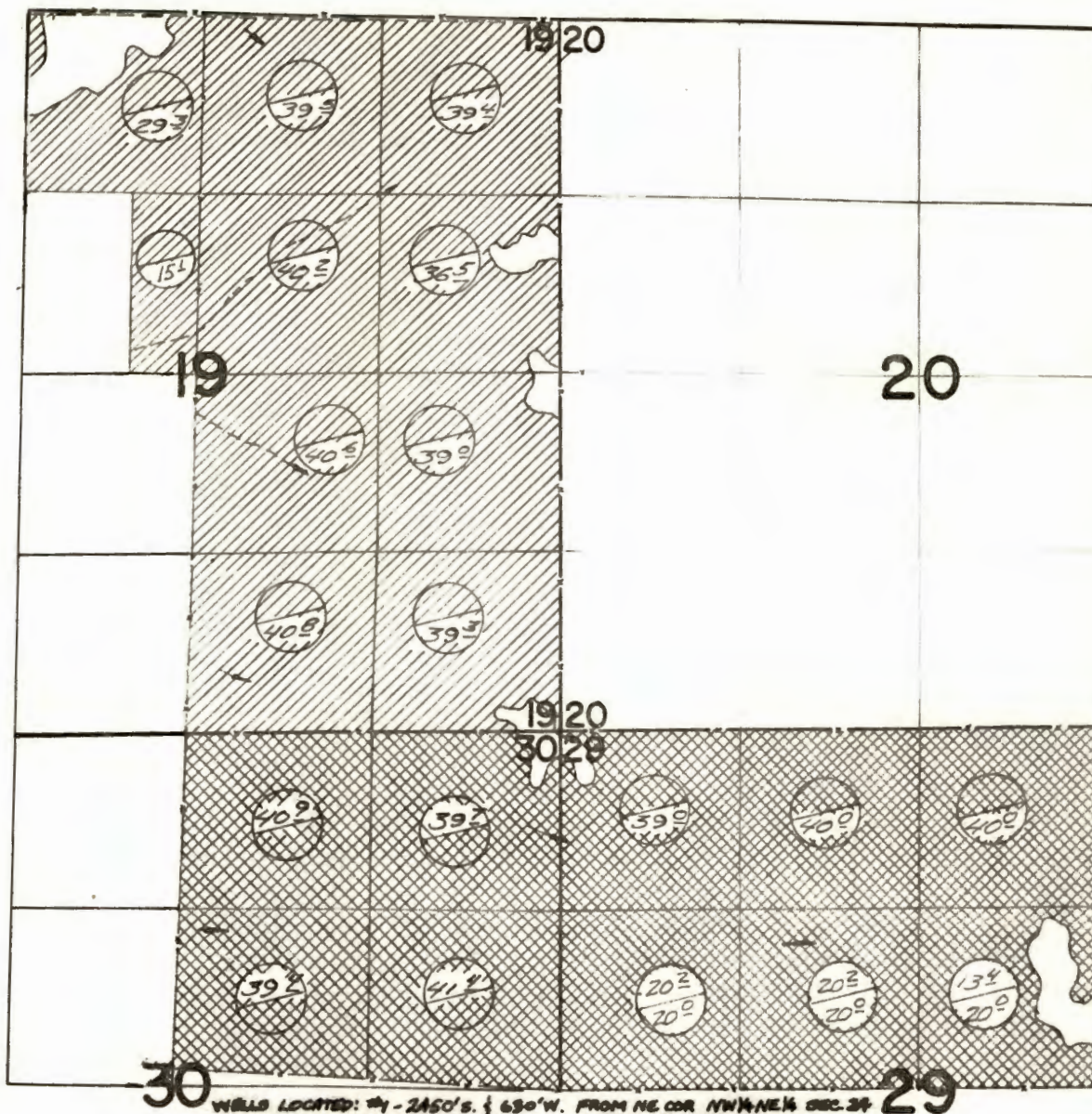
WITNESS the signature of the Water Resources Director, affixed

this date. September 12, 1977

.....James E. Sexson.....
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36 , page 44694

T.24S. R.31E. W.M.



WELLS LOCATED: #1 - 2450' S. & 630' W. FROM NE COR. NW 1/4 NE 1/4 SEC. 24
#2 - 2270' S. & 6100' W. FROM E 1/4 COR. SEC. 25

WELL #1
WELL #2



PRIMARY
SUPPLEMENTAL

FINAL PROOF SURVEY UNDER

Application No. G-5208 Permit No. G-5073
IN NAME OF

JOHN M. CAMPBELL

Surveyed SEPT. 18-19, 1968, by V. GARNER
JUNE 23, 1975 L. TOLL

Twp Range Sec.

24S 31E 19

NE $\frac{1}{4}$ NE $\frac{1}{4}$

40

39 $\pm$

NW $\frac{1}{4}$ NE $\frac{1}{4}$

40

39 $\pm$

SW $\frac{1}{4}$ NE $\frac{1}{4}$

40

40 $\pm$

SE $\frac{1}{4}$ NE $\frac{1}{4}$

40

36 $\pm$

NE $\frac{1}{4}$ NW $\frac{1}{4}$

40

29 $\pm$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

40

15 $\pm$

NE $\frac{1}{4}$ SE $\frac{1}{4}$

40

39 $\pm$

NW $\frac{1}{4}$ SE $\frac{1}{4}$

40

40 $\pm$

SW $\frac{1}{4}$ SE $\frac{1}{4}$

40

40 $\pm$

SE $\frac{1}{4}$ SE $\frac{1}{4}$

40

39 $\pm$

29

NW $\frac{1}{4}$ NE $\frac{1}{4}$

40

40 $\pm$

SW $\frac{1}{4}$ NE $\frac{1}{4}$

20

13 $\pm$

20 $\pm$

NE $\frac{1}{4}$ NW $\frac{1}{4}$

40

40 $\pm$

NW $\frac{1}{4}$ NW $\frac{1}{4}$

40

39 $\pm$

SW $\frac{1}{4}$ NW $\frac{1}{4}$

20

20 $\pm$

20 $\pm$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

20

20 $\pm$

20 $\pm$

30

NE $\frac{1}{4}$ NE $\frac{1}{4}$

39 $\pm$

NW $\frac{1}{4}$ NE $\frac{1}{4}$

40 $\pm$

SW $\frac{1}{4}$ NE $\frac{1}{4}$

39 $\pm$

SE $\frac{1}{4}$ NE $\frac{1}{4}$

41 $\pm$

359.7

215.2

179.0

PRIM - 215.2

SUPP - 538.7

EXISTING PRIMARY
from Silvies R. & sloughs, Hen Cr.
W. Fork Silvies R. & Sage Hen Cr.
Dec. V. 9, pp. 162, 173, 198

THIS PERMIT

WELL #1
SUPP.

WELLS #1 & #2
PRIM.

WELLS #1 & #2
SUPP.

3.94+
3.95+
4.02+
3.65+
2.93+
1.51+
3.90+
4.06+
4.08+
3.93+
3.97*

WELL #1-SUPP - 3 5.97*

1.34+
2.02+
2.02+
3.97+
4.09+
3.94+
4.14+
2.152*

WELLS #1#2 PRIM - 2 1.52*

4.00+
2.00+
4.00+
3.90+
2.00+
2.00+
1.790*

WELLS SUPP - 1 7.90*

3 5.97+
2 1.52+
1 7.90+
7 5.39*

3 5.97+
1 7.90+
5 3.87*

TOTAL SUPP

5 3.87+
2 1.52+
7 5.39*

TOTAL ACREAGE

MAD TAKEN FROM FINAL PROOF MAP DONE
BY. V. GARNER IN 1968. SEE G-1797.

Remarks: This appropriation shall be limited to 1/80 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 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further, that the right allowed herein shall be limited by any deficiency in the available supply of any prior right existing for the same land and will not exceed the limitation allowed herein, and shall be subject to such rotation system as may be ordered by the proper state officer.

6-5073

Certificate No.

John M. Campbell

Hines, Oregon 97738

2 walls trib. Silv

Irrigation & supplemental irrigation of 538 acres ✓

01- 2450' S. & 630' W. from the NE corner of NW 1/4 NE 1/4, Sec. 24;
 02- 2270' S. & 6160' W. from the Et corner, Sec. 25, being within
 01- SW 1/4 NE 1/4 of Sec. 24; 02- SE 1/4 SE 1/4 of Sec. 26, T. 24 S., R. 30 E.,
 W.M., in the county of Harney

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
24S	31E	19	39.4	39.5	40.2	36.5	29.3			15.1				39.0	40.0		39.3	
WELL #1 - Supplemental																		
24S	31E	29		*	13.4		*	39.0		+	20.0							
			40.0	+		40.0	*	20.2		*								
				*						*	20.2							
				20.0						20.0	+							
		30	39.7	40.9	+	39.4	+	41.4										
WELLS #1 & #2																		
* - supplemental																		
+ - primary																		

September 24, 1970

7.00 c.f.s. being 2.25 c.f.s. from Well #1 & 4.75 c.f.s. from Well #2

MARCH 15, 1974

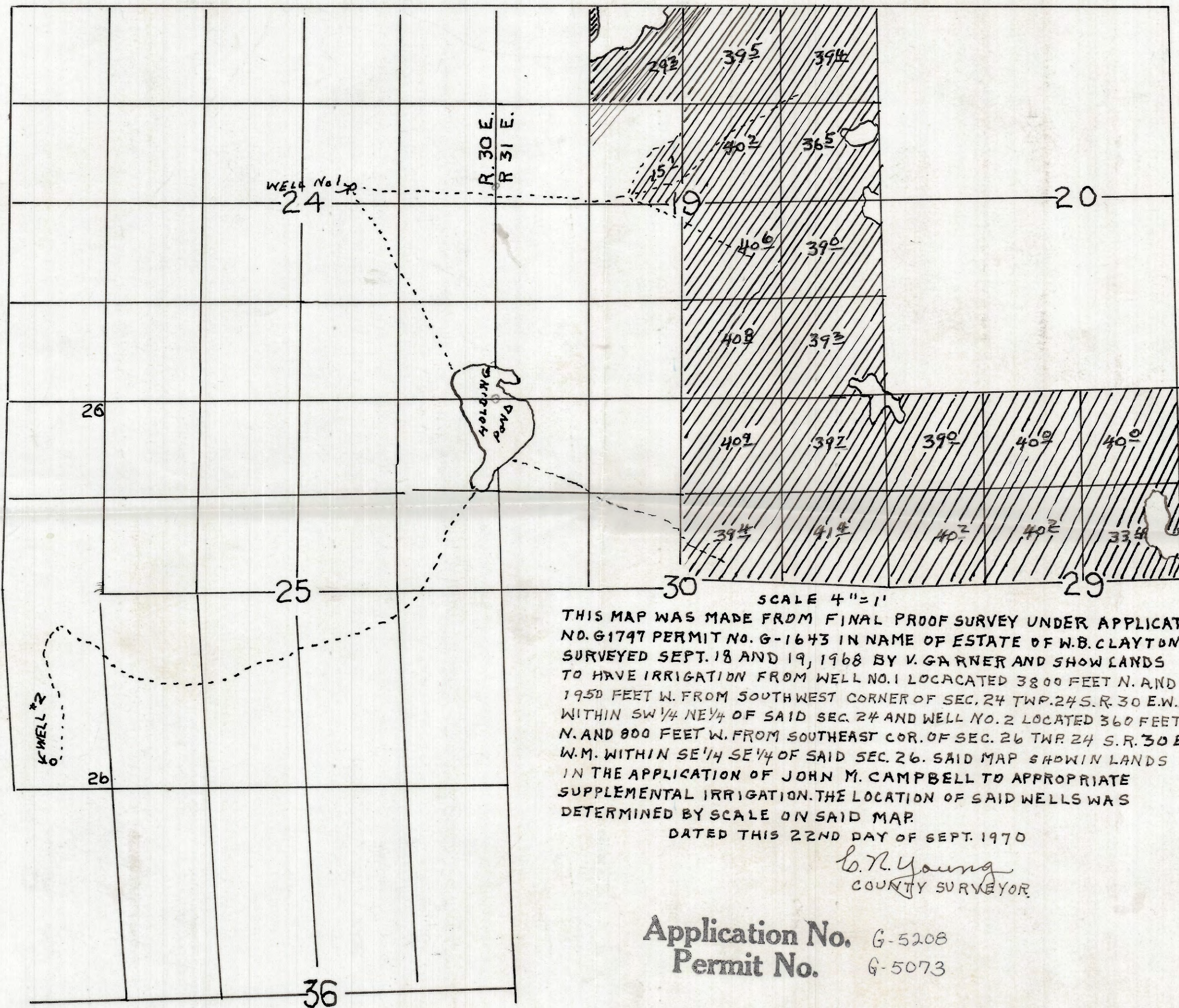
extended to

extended to extended to

Remarks: This appropriation shall be limited to 1/80 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 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further, that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

[illegible]

RECEIVED
SEP 24 1970
STATE ENGINEER
SALEM OREGON



THIS MAP WAS MADE FROM FINAL PROOF SURVEY UNDER APPLICATION NO. G1797 PERMIT NO. G-1643 IN NAME OF ESTATE OF W.B. CLAYTON. SURVEYED SEPT. 18 AND 19, 1968 BY V. GARNER AND SHOW LANDS TO HAVE IRRIGATION FROM WELL NO. 1 LOCATED 3800 FEET N. AND 1950 FEET W. FROM SOUTHWEST CORNER OF SEC. 24 TWP. 24 S. R. 30 E. W. M. WITHIN SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SAID SEC. 24 AND WELL NO. 2 LOCATED 360 FEET N. AND 800 FEET W. FROM SOUTHEAST COR. OF SEC. 26 TWP. 24 S. R. 30 E. W. M. WITHIN SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SAID SEC. 26. SAID MAP SHOWS LANDS IN THE APPLICATION OF JOHN M. CAMPBELL TO APPROPRIATE SUPPLEMENTAL IRRIGATION. THE LOCATION OF SAID WELLS WAS DETERMINED BY SCALE ON SAID MAP.

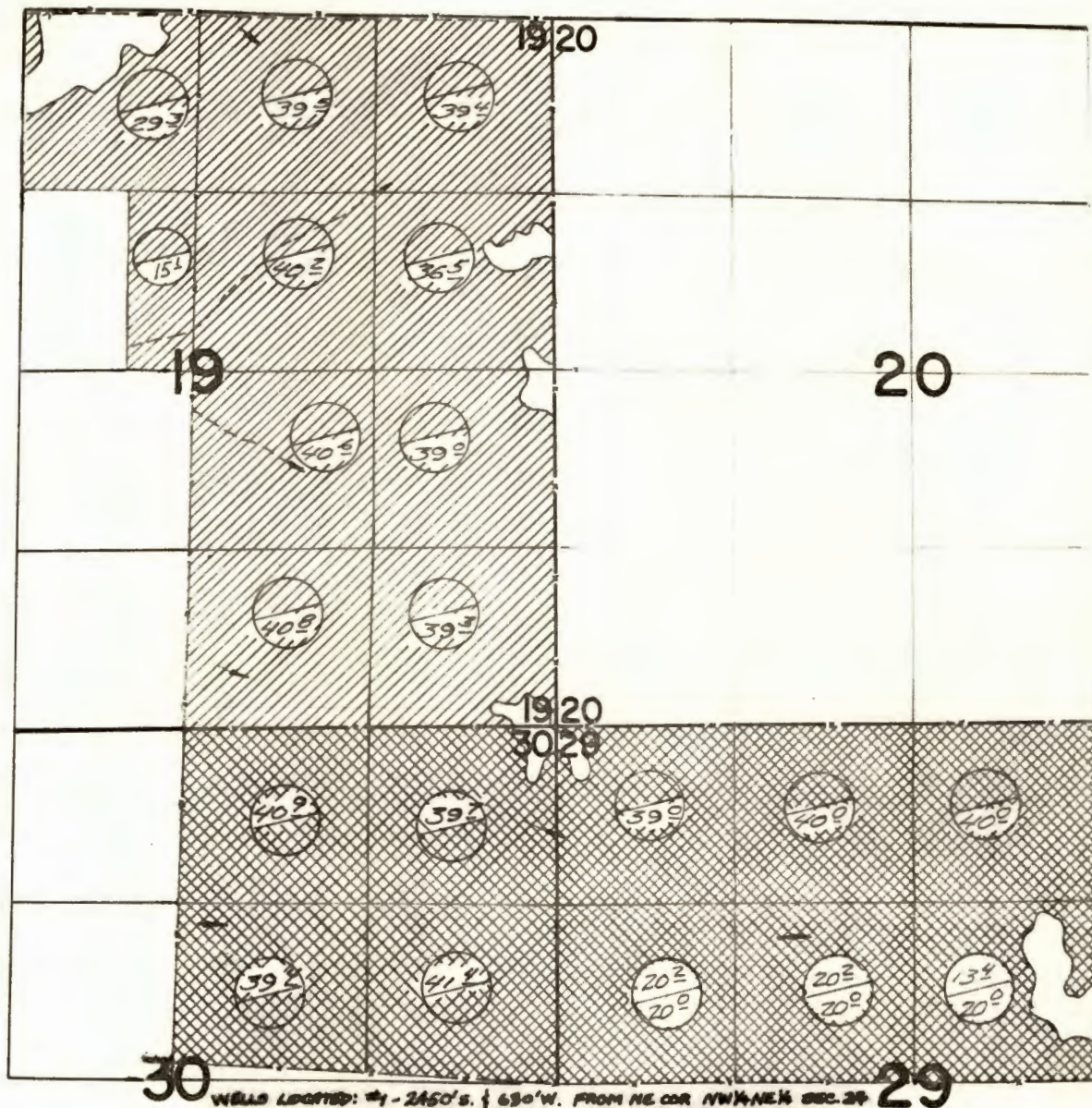
DATED THIS 22ND DAY OF SEPT. 1970

L. N. Young
COUNTY SURVEYOR.

Application No. G-5208
Permit No. G-5073

Application No.
Permit No.

T.24S. R.31E. W.M.



WELLS LOCATED: #1 - 2450' S. & 630' W. FROM NE COR. NW 1/4 SEC. 24
#2 - 2270' S. & 6100' W. FROM E 1/4 COR. SEC. 25

WELL #1
WELL #2



PRIMARY
SUPPLEMENTAL

FINAL PROOF SURVEY UNDER

Application No. G-5208 Permit No. G-5073
IN NAME OF

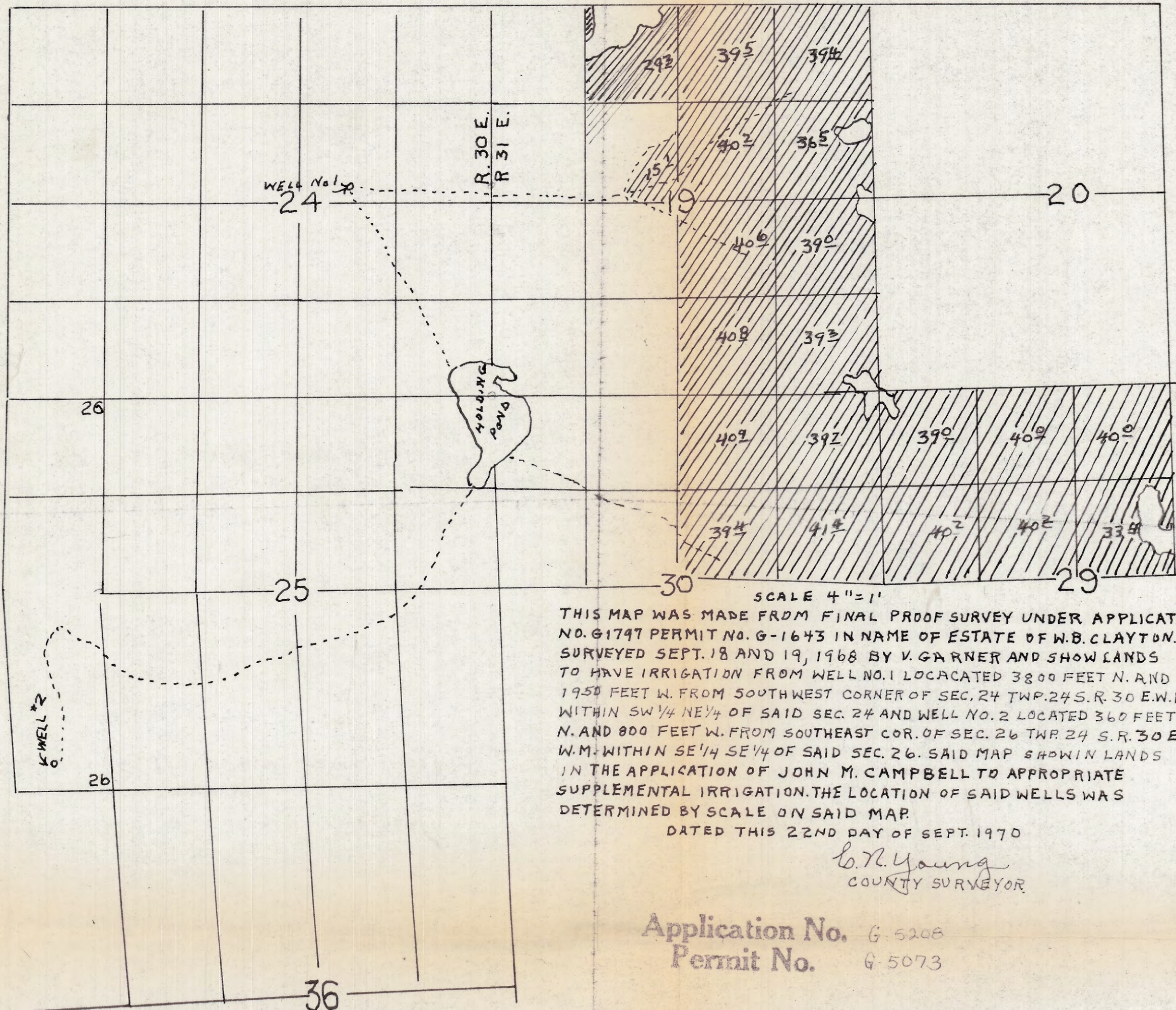
JOHN M. CAMPBELL

Surveyed SEPT. 18-19, 1968, by V. GARNER
JUNE 23, 1975 L. TOLL

FO

T. 24 S. R. 30 & 31 E. W.M.

RECEIVED
SEP 21 1970
STATE ENGINEER
SALEM, OREGON



THIS MAP WAS MADE FROM FINAL PROOF SURVEY UNDER APPLICATION NO. G1747 PERMIT NO. G-1643 IN NAME OF ESTATE OF W.B. CLAYTON. SURVEYED SEPT. 18 AND 19, 1968 BY V. GARNER AND SHOW LANDS TO HAVE IRRIGATION FROM WELL NO. 1 LOCATED 3800 FEET N. AND 1950 FEET W. FROM SOUTHWEST CORNER OF SEC. 24 TWP. 24 S. R. 30 E. W.M. WITHIN SW 1/4 NE 1/4 OF SAID SEC. 24 AND WELL NO. 2 LOCATED 360 FEET N. AND 800 FEET W. FROM SOUTHEAST COR. OF SEC. 26 TWP. 24 S. R. 30 E. W.M. WITHIN SE 1/4 SE 1/4 OF SAID SEC. 26. SAID MAP SHOWING LANDS IN THE APPLICATION OF JOHN M. CAMPBELL TO APPROPRIATE SUPPLEMENTAL IRRIGATION. THE LOCATION OF SAID WELLS WAS DETERMINED BY SCALE ON SAID MAP.

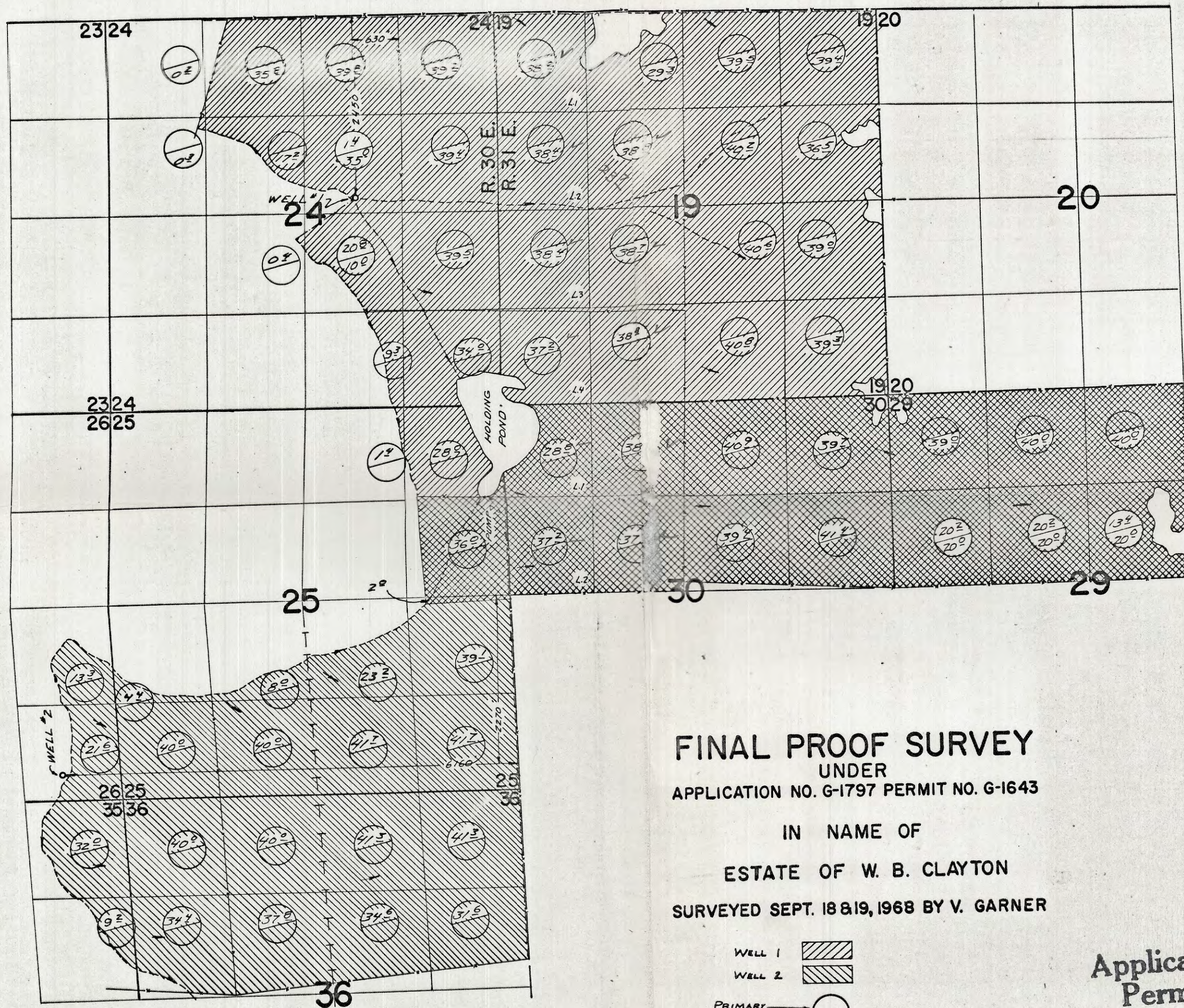
DATED THIS 22ND DAY OF SEPT. 1970

L.R. Young
COUNTY SURVEYOR

Application No. G-5208
Permit No. G-5073

Application No.
Permit No.

T. 24 S. R. 30 & 31 E. W.M.



FINAL PROOF SURVEY

UNDER

APPLICATION NO. G-1797 PERMIT NO. G-1643

IN NAME OF

ESTATE OF W. B. CLAYTON

SURVEYED SEPT. 18 & 19, 1968 BY V. GARNER

WELL 1

WELL 2

PRIMARY
SUPPLEMENTAL

Application No. G-5208
Permit No. G-5073

John M. Campbell
P.O. Box 431
Hines, OR 97738

April 26, 1973

G-5208

—
G-5208, permit No. G-5073 with map.

May 18, 1971

G-5208
G-5345
G-5214
G-5216
G-5365
G-5439

Mr. Frank Skinner
P. O. Box 128
Burns, Oregon 97720

Dear Mr. Skinner:

The United States Department of the Interior has withdrawn their protest against the proposed source and use of water described in Applications numbered G-5208 in the name of John M. Campbell, G-5345 in the name of Clifford Fine, G-5214 in the name of Lloyd H. Hill, G-5216 in the name of W. R. Hankins, G-5365 in the name of Jerri Dell Merrill and G-5439 in the name of Patricia Hayes.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:reo

G-5208

May 18, 1971

John M. Campbell
P. O. Box 431
Hines, Oregon 97738

Dear Mr. Campbell:

The United States Department of the Interior has withdrawn their protest against your proposed source and use of water as described in your application number G-5208.

Your application is in satisfactory form as mentioned in my letter of October 5, 1970, therefore, proper action will be taken toward approval by issuance of a permit.

Very truly yours,

WAYNE J. OVERCASH
Assistant

WJO:reo

WILLIAM D. CRAMER
WENDELL GRONSO

A. Duane Pinkerton II

CRAMER & GRONSO

ATTORNEYS AT LAW
BURNS, OREGON 97720

May 5, 1971

P. O. BOX 646
PHONE 573-2066

RECEIVED
MAY 7 1971
STATE ENGINEER
SALEM, OREGON

Chris L. Wheeler
State Engineer
1158 Chemeketa Street, N. E.,
Salem, Oregon 97310

Dear Chris:

This will acknowledge receipt of the copies of your letters of April 23 and April 28, and of L. B. Day's letter dated April 29.

should be
I am sure my clients will be very pleased with this result. I do note that there appears to be some discrepancy in the numbers of the applications. The protest against Hotchkiss Co. referred to Application No. G-5035. If this was the correct number, that protest has not yet been withdrawn. I also note that the protest against W. R. Hankins referred to Application No. G-5216, whereas the letter refers to G-5215. I assume that G-5215 is the correct number, but I wish you would confirm this for me.

Thank you.

Very truly yours,

CRAMER, GRONSO & PINKERTON

BY

[Signature]
William D. Cramer

WDC/mla

*Called Cramer 5-19-71
eh*



United States Department of the Interior

OFFICE OF THE SECRETARY
PACIFIC NORTHWEST REGION
P.O. Box 3621, Portland, Oregon 97208

RECEIVED
APR 30 1971

April 29, 1971
STATE ENGINEER
SALEM, OREGON

Mr. Chris L. Wheeler
State Engineer
Water Resources Department
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Re: Applications for Irrigation Leases
G-5208, G-5214, G-5215, G-5345,
G-5365, G-5439

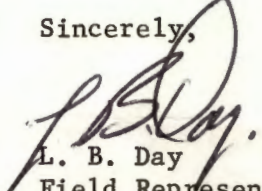
Dear Chris:

Please be advised that the Department of the Interior, acting for the Bureau of Sport Fisheries and Wildlife and with their concurrence, is withdrawing its protests to the above-numbered well applications which are before you for consideration.

Our withdrawal is based upon your letter of April 28, 1971, which meets our concerns in protecting the Malheur National Wildlife Refuge's water supply.

Thank you so much for your assistance.

Sincerely,


L. B. Day
Field Representative

cc:
Mr. Spencer H. Smith
Mr. William W. Lyons
Mr. John D. Findlay
(with April 28 letter)

April 28, 1971

Reference to:

G-5208
G-5214
G-5215
G-5345
G-5365
G-5439

Mr. L. B. Day
Field Representative
U. S. Department of the Interior
Pacific Northwest Region
P. O. Box 3621
Portland, Oregon 97208

Dear L.B.,

I have reviewed the available information on ground water supplies in the Harney Basin generally, and with specific reference to the supplies tapped by the wells referenced above. The information includes a 50-50 cooperative study between my office and the U. S. Geological Survey. It appears that the ground water aquifers tapped by these wells are not directly connected to Silver Creek, Silvies or Donner and Blitzen Rivers and, therefore, use of water as proposed in the application would not detrimentally affect the Malheur Lakes water supply.

If the permits are issued, I will institute a system of monitoring and control of the wells to insure that the ground water aquifers respond as expected and that the use does not detrimentally affect prior rights. I am very much concerned with the refuge's water supply and do not intend to permit anything which would destroy or materially damage it. In our regulation and control to use of the waters of the basin, we will take all steps necessary to protect the water rights of record for the refuge and related lands.

I think it is an excellent suggestion and would be happy to meet with representatives of the Bureau of Sport Fisheries and Wildlife or the Department of Interior and work towards a solution of any problem which may develop. A phone call or letter, if we see any problem developing, would set a convenient time to discuss it and maybe by cooperative action we can avoid any real problem.

Sincerely,

CHRIS L. WHEELER
State Engineer

CLW:eh
cc - Honorable Robert Smith
Mr. J. D. Findley
bcc - Mr. Kess Cannon



United States Department of the Interior

OFFICE OF THE SECRETARY
PACIFIC NORTHWEST REGION
P.O. Box 3621, Portland, Oregon 97208

RECEIVED
APR 27 1971
STATE ENGINEER
SALEM, OREGON

April 27, 1971

Mr. Chris L. Wheeler
State Engineer
516 Public Service Building
Salem, Oregon 97310

Re: Applications for Irrigation Leases
G-5208, G-5214, G-5216, G-5345,
G-5365, G-5439

Dear Chris:

A continuing water supply to the Malheur National Wildlife Refuge in Harney County is of vital concern to the Department of the Interior. Certainly, this was uppermost in the mind of the Regional Director of the Bureau of Sport Fisheries and Wildlife in directing protests to the above-numbered applications for irrigation wells in the Harney Basin. Any action which might conceivably utilize additional water in that basin, including Silvies, Donner, and Blitzen Rivers, as well as Silver Creek, poses a threat to the refuge's water supply.

After discussing this situation with you, and upon receiving your assurance that the ground waters supplying the recharge of the wells covered in the above-numbered applications do not originate in the rivers and streams listed above--and, thus, will have no effect upon the water supply to the Malheur National Wildlife Refuge--the Department of the Interior will withdraw its protest to these applications for permits.

In recognition of this action, we understand that you will acknowledge the fact that you will actively monitor and control the production of water from wells in the above drainages to prevent impairment of surface water inflows to the refuge.

We would also appreciate your recognition that the refuge's water rights are of primary concern to you, and that there are no additional unappropriated waters in the Harney Basin, except ground waters drawn from wells that do not have their source of recharge in the rivers and streams mentioned.

April 14, 1971

Mr. Frank Skinner
P.O. Box 128
Burns, Oregon 97720

Dear Mr. Skinner:

In reply to your letter of March 30, 1971, protests in the name of the United States of America acting by and through the United States Department of the Interior, Bureau of Sport Fisheries and Wildlife have been filed against approval by the State Engineer of six applications for permits to appropriate ground water.

The protested applications are:

Application numbered G-5208 in the name of John M. Campbell for a permit to appropriate water from two wells located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 24 South, Range 30 East, W.M. for the purpose of irrigation.

Application numbered G-5214 in the name of Lloyd H. Hill for a permit to appropriate water from a well located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 31 South, Range 31 East, W.M. for the purpose of irrigation.

Application numbered G-5216 in the name of W. R. Hankins for a permit to appropriate water from a well located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 23 South, Range 33 East, W.M. for the purpose of irrigation.

Application numbered G-5345 in the name of Clifford Fine for a permit to appropriate water from a well located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 26 South, Range 30 East, W.M. for the purpose of irrigation.

Application numbered G-5365 in the name of Jerri Dell Merrill for a permit to appropriate water from a well located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 23 South, Range 31 East, W.M. for the purpose of irrigation.

Mr. Frank Skinner

-2-

April 14, 1971

Application numbered G-5439 in the name of Patricia Hayes for a permit to appropriate water from a well located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 23 South, Range 32 East, W.M. for the purpose of irrigation.

The protests allege that the proposed appropriations would conflict with the water rights of the protestant and would be prejudicial to public interest.

The several matters are being held without action to allow the applicants and the protestant to discuss the issues and determine whether the matters might be solved by stipulations between the parties. If it appears that a hearing or hearings will be necessary, the time and place for a hearing will be set at the request of the applicants, at a time reasonably convenient to all parties. It appears that it would be desirable that the hearings on the several matters be held concurrently so that testimony and evidence received on any one matter could be applied to all matters to the extent that it pertains to all matters.

If you have further questions in regard to this matter, we would be pleased to hear from you.

Very truly yours,

JAMES W. CARVER, JR.
Deputy State Engineer

JWC:klc

**Authorized
Sales and Service**



FRANK SKINNER

WELL DRILLING — PUMP INSTALLATION

Irrigation — Stock — Domestic

Ph. (503) 573-7148

**P. O. BOX 128
BURNS, OREGON 97720**

P.O. Box 128

Burns, Oregon 97720

March 30, 1971

State Engineer
Salem, Oregon

RECEIVED
APR 2 1971
STATE ENGINEER
SALEM, OREGON

Dear Mr Wheeler;

In regard to the protest of irrigation wells being drilled in Harney County, I would like some information on the reason of this protest. ~~If~~ it is the Wildlife and Fishery Department, how can they protest the irrigation well permits from being issued when the well is more than a mile from any of the Refuge water rights?

According to the Oregon State Water Laws the Refuge is wasting enough water to irrigate the biggest share of Harney County.

Going by the wells I have drilled there is no change what-so-ever in the water level in any of the irrigation wells in Harney County.

This county is already ten to twenty years behind the rest of the country and if no one is allowed to drill any irrigation wells, Harney County would be nothing but good soil gone to waste.

It would be greatly appreciated if you could give the farmers and ranchers of Harney County your full attention on this matter.

Could you please give me an answer on this matter.

Thank you for your time.

Frank Skinner Well Drilling

Frank Skinner

STATE OF OREGON

INTEROFFICE MEMO

TO: Files G-5208, G-5214, G-5216,
G-5345, G-5365, and G-5439

DATE: March 18, 1971

FROM: James W. Carver, Jr.
Deputy State Engineer

Jim C

SUBJECT: Setting matters for hearing.

It is intended that soon after July 1, 1971, all six of the above referenced files and the issues stemming from the applications and protests against approval of them will be discussed with Mr. Kessler Cannon, of the Governor's office, and contact made with the protestant and the several applicants toward setting the matters for hearing before the State Engineer at Burns, Oregon. At the present time it appears desirable that the hearings on the several matters be held concurrently so that testimony and evidence received on any one matter could be applied to all matters to the extent that it pertains to all matters. Senator Mark Harfield has requested that his office be advised of the time or times and place for the hearings when they have been set.

JWC:mfb

November 16, 1970

G-5216
G-5214
G-5208

Cramer and Gronso
Attorneys at Law
Burns, Oregon 97720

ATTENTION William D. Cramer

Dear Mr. Cramer:

A copy of the protest by the Fish and Wildlife Service to the approval of the application of W. R. Hankins was sent to you on September 25, 1970. The Fish and Wildlife Service filed one protest of applications of John M. Campbell and Lloyd Hill as well as W. R. Hankins. I am enclosing a copy of the last letter written in reference to these applications.

Very truly yours,

TREVOR JONES
Assistant

TJ:mfb

Enclosure 1

G-5208

October 5, 1970

John M. Campbell
P. O. Box 431
Hines, Oregon 97738

Dear Sir:

This will acknowledge return of your application No. G-5208. Also acknowledged is the transparency map to accompany your application.

Your application, which was returned to you for correction and completion, endorsed so that in order to retain its date of priority should have been returned to this office on or before September 8, 1970, was received September 24, 1970, and therefore, has lost its priority but has been reinstated and given a new priority date as of September 24, 1970.

Your application is now in satisfactory form for approval by issuance of a permit.

Very truly yours,

Wayne J. Overcash
Assistant

WJO:reo

G-5208

September 25, 1970

Cramer and Gronso
Attorneys at Law
P. O. Box 646
Burns, Oregon 97720

ATTENTION William D. Cramer

Pursuant to your conversation with Mr. Wheeler at this office on September 24, we are enclosing a copy of a protest filed on September 22, 1970, pertaining to applications for permits to appropriate ground water from within the Malheur Lake Basin.

Very truly yours,

JAMES W. CARVER, JR.
Deputy State Engineer

JWC:mfb

Enclosure 1

September 24, 1970

G-5208
G-5214
G-5216

Arthur G. Huey, Regional Engineer
Bureau of Sport Fisheries and Wildlife
United States Department of the Interior
P. O. Box 3737
Portland, Oregon 97208

Dear Mr. Huey:

This will acknowledge your letter of September 18, 1970, transmitting government purchase order, numbered SFWA 241652, in the amount of \$15.00 toward payment of the statutory fees necessary to the filing of a protest by the Fish and Wildlife Service, United States Department of the Interior, against approval of pending water right applications, numbered G-5208 in the name of John M. Campbell, G-5214 in the name of Lloyd H. Hill, and G-5216 in the name of W. R. Hankins. Each of the said applications is for a permit to appropriate ground water within the Malheur Lake Basin. The original of the purchase order was returned under separate cover.

The protest was filed as provided by law on September 22, 1970.

We would appreciate it if your field personnel would contact each of the applicants to determine a date, at least 60 days into the future, that would be acceptable to all parties for a hearing on the matter before the State Engineer. The hearing will be held at Burns, Oregon.

Very truly yours,

JAMES W. CARVER, JR.
Deputy State Engineer

JWC:mfb
cc John M. Campbell
Lloyd H. Hill
W. R. Hankins

U.S. GOVERNMENT
PURCHASE ORDER—INVOICE—VOUCHER

ORDER NO. SFWA 241652 NAME AND ADDRESS OF SELLER (NUMBER, STREET, CITY, AND STATE) <i>Office of the State Engineer</i> <i>516 Public Service Bldg.</i> <i>Salem, Oregon 97310</i>	ORDER NO. SFWA 241652
FURNISH SUPPLIES OR SERVICES TO (NAME AND ADDRESS) <i>Regional Engineer</i> <i>Bureau of Sport Fish & Wildlife</i> <i>PO Box 3537, Portland OR 97208</i>	

SUPPLIES OR SERVICES	QUANTITY	UNIT PRICE	AMOUNT
<i>Filing fee</i>	<i>3</i>	<i>5.00</i>	<i>15.00</i>
<i>(Fees of Application</i>			
<i>G-5208, G-5214</i>			
<i>and G-5216)</i>			

AGENCY NAME AND BILLING ADDRESS UNITED STATES DEPT. OF INTERIOR FISH AND WILDLIFE SERVICE BUREAU OF SPORT FISHERIES AND WILDLIFE ORDERED BY (SIGNATURE AND TITLE) <i>[Signature]</i> <i>Asst. Dir.</i>	TOTAL <i>15.00</i> DISCOUNT TERMS _____% _____ DAYS DATE INVOICE RECEIVED
PURPOSE AND ACCOUNTING DATA	

PURCHASER—To sign below for over-the-counter delivery of items	
RECEIVED BY	
TITLE	DATE
SELLER—Please read instructions on Copy 2	
☐ PAYMENT RECEIVED \$ _____	☐ PAYMENT REQUESTED \$ _____
NO FURTHER INVOICE NEED BE SUBMITTED	
SELLER BY _____ (SIGNATURE)	DATE _____

INSTRUCTIONS TO SELLER

After satisfactory identification of the Government representative presenting this purchase order, verify the itemization, including quantity, unit price, amount, total and discount sections.

This form is so designed that Copy 1 may be used as a cash payment receipt or as your invoice by completing, as appropriate, either the Payment Received or Payment Request blocks and signing the Seller Section.

If you would rather submit your own invoice, DO NOT SIGN COPY 1, but attach it unsigned to your invoice to expedite verification and processing for payment.



UNITED STATES
DEPARTMENT OF THE INTERIOR **STATE ENGINEER**
FISH AND WILDLIFE SERVICE SALEM OREGON
BUREAU OF SPORT FISHERIES AND WILDLIFE

730 N. E. PACIFIC STREET
P. O. BOX 3737
PORTLAND, OREGON 97208

RECEIVED
SEP 22 1970

September 18, 1970

James W. Carver, Jr.
Deputy State Engineer
Water Resources Department
516 Public Service Bldg.
Salem, Oregon 97310

Refer to:
your letter dated 9/16/70

File No. G-5208
G-5214
G-5216

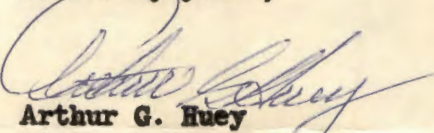
Dear Sir:

Enclosed is form SFWA241652 to cover the filing fees for above referenced application.

Thank you for returning our purchase order No. 228224. Please sign where checked and retain the blue copy for your file. Return the original to our office for payment.

Thank you for your assistance.

Sincerely yours,


Arthur G. Huey
Regional Engineer

Enclosure

Sept 22, 1970

Signed original returned this date

JWC

*Pay't rec'd 10-28-70
Rec. mailed to Mr. Huey*

September 16, 1970

G-5208
G-5214
G-5216

Arthur G. Huey, Regional Engineer
Bureau of Sport Fisheries and Wildlife
United States Department of the Interior
P. O. Box 3737
Portland, Oregon 97208

Dear Mr. Huey:

This will acknowledge your letter of September 9, 1970 transmitting a protest by the Fish and Wildlife Service, United States Department of the Interior, against the approval of ground water application numbered G-5208 in the name of John M. Campbell, ground water application numbered G-5214 in the name of Lloyd H. Hill, and ground water application numbered G-5216 in the name of W. R. Hankins, together with the United States Government purchase order, numbered SFWA 228224, in the amount of \$2.00.

The current statutory fees necessary to the filing of a protest document are \$5.00 for each water right application included, or in this instance, a total of \$15.00. Since the necessary fees were not received with the protest document, it cannot yet be filed. We will hold the unfiled document without action pending receipt of a purchase order in the amount of \$15.00. Purchase order, numbered 228224, is returned herewith.

Very truly yours,

JAMES W. CARVER, JR.
Deputy State Engineer

JWC:mfb

Enclosure 1



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE

RECEIVED
SEP 11 1970
STATE ENGINEER
SALEM OREGON

730 N. E. PACIFIC STREET
P. O. BOX 3737
PORTLAND, OREGON 97208

September 9, 1970

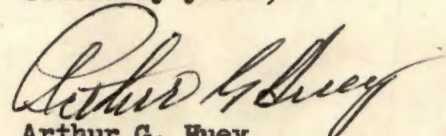
Office of the State Engineer
516 Public Service Building
Salem, Oregon 97310

Dear Sir:

Enclosed find Protest to Application G-5208, G-5214 and G-5216,
and Purchase Order form SFWA 228224 to cover the filing fee of
\$2.00. Please sign where checked in red and return the original
to our office. You may keep the blue copy for your file.

If you have any questions, please do not hesitate to write or
call.

Sincerely yours,


Arthur G. Huey
Regional Engineer

Enclosures

G-5208

September 10, 1970

John M. Campbell
P. O. Box 431
Hines, Oregon 97738

Dear Mr. Campbell:

Your application No. G-5208, which was returned to you for correction and completion, endorsed so that in order to retain its date of priority should have been returned to this office on or before September 8, 1970, has not been received.

It has, therefore, lost its priority but may be reinstated and given a new priority date as of the day it is again received.

Very truly yours,

Wayne J. Overcash
Assistant

WJO:reo

July 6, 1970

G-5208

Cramer & Gronso
Attorneys At Law
P. O. Box 646
Burns, Oregon 97720

Gentlemen:

This will acknowledge the application you submitted on behalf of John M. Campbell for a permit to appropriate 7.8 cubic feet of water per second from two wells for the irrigation and supplemental irrigation of 753.9 acres, and fees of \$63.20 for which our receipt No. 18991 is enclosed.

The application has been filed and numbered G-5208.

A map in the form of a transparency so that it may be easily reproduced is required. Information to be supplied on the map is explained on pages 7 and 8 of the enclosed booklet.

There appears to be some errors in listing the number of acres according to forty-acre tract in Section 29. For example; the SW $\frac{1}{4}$ NE $\frac{1}{4}$ is listed twice with a total of 52.8 acres to receive a primary supply of water.

We do not have a record of the wells at the locations described in your application. Will you please send us the name and address of the well driller or contractor and the date the well was constructed.

I am returning the application for correction and completion. The application is endorsed so that in order to retain its date of priority it must be returned to this office on or before September 8, 1970.

Very truly yours,

Wayne J. Overcash
Assistant

WJO:spe
Enclosures

WILLIAM D. CRAMER
WENDELL GRONSO

CRAMER & GRONSO

ATTORNEYS AT LAW
BURNS, OREGON 97720

P. O. BOX 646
PHONE 573-2066

June 3, 1970

RECEIVED
JUN 5 1970
STATE ENGINEER
SALEM, OREGON

State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

Attention: Myron V. Bish, Assistant

Re: John M. Campbell
Your File No. G-1797

Dear Mr. Bish:

I am enclosing herewith the Assignment signed by Mrs. W. B. Clayton, Administratrix of the estate of W. B. Clayton, deceased, which was witnessed by two other persons. I trust this will clear up your records.

I am also enclosing check of this office in the amount of \$1.00 for recording.

Thank you.

Very truly yours,

CRAMER & GRONSO

BY

William D. Cramer

WDC:ds
encs.

p.s. I have just received your letter of June 2 and am enclosing the check of this office in the amount of \$63.20 filing fee.

Application No. G5208
Permit No.

RECEIVED
SEP 11 1970
STATE ENGINEER
SALEM, OREGON

TO THE STATE ENGINEER, SALEM, OREGON

In the Matter of Applications Nos.)
G-5208 of John M. Campbell, G-5214)
of Lloyd H. Hill, and G-5216 of)
W. R. Hankins to appropriate waters)
from Malheur Lake, Oregon)

P R O T E S T
by
FISH AND WILDLIFE SERVICE
UNITED STATES DEPARTMENT OF THE INTERIOR

The United States of America, acting by and through its duly constituted Agency, the United States Department of the Interior, Bureau of Sports and Fisheries and Wildlife, and the duly authorized undersigned officer thereof, hereby gives notice of protest to the following applications:

Application G-5208 in the name of John M. Campbell to appropriate 7.8 c.f.s. from two wells tributary to Silvies River to Malheur Lake, the water to be used for the irrigation of lands in Sections 24 and 26 of Township 24S, Range 30E.

Application G-5214 in the name of Lloyd H. Hill to appropriate 1500 G.P.M. from one well, Silvies River, tributary to Malheur Lake for the irrigation of lands in Section 16 of Township 23S, Range 31E.

Application G-5216 in the name of W. R. Hankins to appropriate 1200 G.P.M. from one well, Cow Creek, tributary to Malheur Lake for the irrigation of alfalfa in Section 8 of Township 23S, Range 33E.

In support of the foregoing protest the Bureau of Sport Fisheries and Wildlife respectfully represents and shows:

I

The area of Malheur Lake as determined by Land Office Survey and adjacent uplands shown upon a map attached to Executive Order No. 929, dated August 18, 1908, were designated the "Lake Malheur Reservation, as a preserve and breeding

\$15.00 filing fee pd 10-28-70 -
Rec # 2412

I

grounds for native birds. This area first was under the administration of the Bureau of Biological Survey of the Department of Agriculture but at a later date it was designated as the "Malheur National Wildlife Refuge" and transferred to the Department of the Interior with administration under the Bureau of Sport Fisheries and Wildlife.

II

That Congress by Act of March 4, 1931 (46 Stat. 1552, 1562) authorized the acquisition and quieting of title to "the lands and appurtenant water rights" of the Malheur Lake Reservation.

III

That by action in the United States Supreme Court entitled United States v. Oregon, 295 U.S. 1, 55 S. Ct. 610, 79 L. ed. 1267 (1934) the rights of the United States in Malheur Lake, and other adjacent areas, for the Reservation or Refuge were determined and the title of the United States was quieted as against any claim by the State of Oregon except for certain proprietary interests in lands owned by the State.

IV

That the State of Oregon in 1931 ceded jurisdiction over lands and waters thereafter acquired by the United States for Federal Migratory Bird Refuges" as provided in the Migratory Bird Conservation Act (45 Stat. 1222, 16 U.S.C. ss 715 to 715r) as amended" excepting only:

"Jurisdiction of the State of Oregon, both civil and criminal, over persons upon areas acquired under this section shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned".

V

That subsequent to 1931 the United States acquired the land and water interests of most of the claimants to the bed of Malheur Lake under the authority of the Migratory Bird Conservation Act and other statutes.

VI

That the State of Oregon adjudicated the water rights of the Silvies River by decree of the Circuit Court of the State of Oregon for Harney County dated August 21, 1923, but this adjudication did not purport to and could not adjudicate the water rights in, to and around Malheur Lake as a part of a "stream". Sec. 11, L. 1909, ORS 539.020. Such was the ruling of the State Engineer on October 16, 1924 in response to the petition of the Malheur Lake Owners Association dated March 8, 1920 requesting an adjudication of the lake area.

VII

The United States claims a right to said waters of Silvies River and all other surface and ground waters as of the dates of settlement of the prior owners of lands now included in the Refuge, and as of August 18, 1908 for all other lands within the Refuge, and to maintain the Lake and marsh areas for wildlife purposes in its natural condition. That the State of Oregon relinquished authority over such waters so that there now are no unappropriated surface or ground waters available for the applicants use and the applications should be denied.

VIII

Harney Valley is topographically a closed basin with no outlet to either surface or underground water. Malheur and Harney Lakes form the sumps of this drainage basin and all tributary streams and percolating underground waters drain to these sumps. Any water diverted from the proposed wells and consumptively used for irrigation or other purposes would be lost to the basin. The ground water aquifers supplying water to the proposed wells must recharge from the Silvies River drainage system and other streams and inflow areas along the mountains to the north end of Harney Basin thus diminishing total water supplies to existing users, including the Malheur Refuge, lowering said natural lake and interfering with the periodic flushing of said lake into Harney Lake, all of which are required to maintain plant growth in the Lake area necessary for wildlife purposes. That the surface and ground waters cannot be separated and one be appropriated and the other, not, neither can the ground waters be so confined in separate aquifers that there is no interconnection there to the surface.

IX

This claimant believes and is of the opinion that any further depletions of the surface and underground waters of this basin will adversely affect the Malheur National Wildlife Refuge. That the Malheur National Wildlife Refuge includes the entire area of Malheur Lake within its boundaries and such lake has been for many years and now is dedicated to and utilized for wildlife purposes pursuant to the treaties and laws of the United States. That all waters of the Silvies River except some of those waters used pursuant to the Decree of the Circuit Court of the State of Oregon on February 23, 1926 have been used for and are necessary to the maintenance of Malheur Lake for the purposes of the Refuge.

X

Lastly, any additional consumptive uses of water would reduce surface and ground water inflows to the lake and interfere with the National objectives of this wildlife refuge. The State Engineer should recognize wildlife and the other ecological values of the refuge and current United States goals to rescue and protect wildlife environments such as those at the Malheur National Wildlife Refuge for the benefit and enjoyment of generations to come.

You therefore are requested to reject the applications for permits for wells above designated, and also that you enter an order closing Harney Basin to any further applications for use of water from either ground or surface sources.

STATE OF OREGON

COUNTY OF MULTNOMAH

ss.

X On this 9th day of Sept. 1970, personally appeared before me, Helen D. Hunter, a Notary Public in and for the above State and County, John D. Findlay, who by me being first duly sworn, deposes and says:

That he is the Regional Director of the Fish and Wildlife Service, United States Department of the Interior, who signed the foregoing protest and that all foregoing allegations, statements and grounds for protest, as set forth hereinabove, are true and correct to the best of the protestant's knowledge and belief and are based upon the records and information available to the protestant.

X John D. Findlay
John D. Findlay, Regional Director

Subscribed and sworn to before me this 9th day of September 1970, at Portland, Oregon.

X Helen D. Hunter
Notary Public for Oregon
My Commission Expires March 31, 1974

STATE OF OREGON

COUNTY OF MULTNOMAH

ss.

X I hereby certify that a copy of the hereinstant protest has this day of Sept. 9, 1970, been served upon the applicants, John M. Campbell, Lloyd H. Hill and W. R. Hankins, at the addresses given in the applications for permits as filed with the State Engineer, to wit, at Portland, Oregon by registered mailing of a copy hereof deposited in the Post Office at Portland, Oregon.

X John D. Findlay
John D. Findlay, Regional Director

Subscribed and sworn to before me this 9th day of September, 1970, at Portland, Oregon.

X Helen D. Hunter
Notary Public for Oregon
My Commission Expires March 31, 1974



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE

RECEIVED
OCT 8 1970
STATE ENGINEER
SALEM, OREGON

730 N. E. PACIFIC STREET
P. O. BOX 3737
PORTLAND, OREGON 97208

October 7, 1970

James W. Carver, Jr.
Deputy State Engineer
Water Resources Department
516 Public Service Building
Salem, Oregon 97310

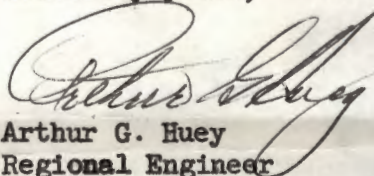
Ref: Applications 5208,
5214, 5216

Dear Sir:

Thank you for your letter of September 24, 1970 wherein you acknowledged our protest on Applications G-5208, G-5214 and G-5216 in the names of Campbell, Hill and Hankins and requesting that we contact each applicant and reach an agreement on a hearing date in Burns, Oregon.

We do not believe that it is our responsibility to contact these applicants and negotiate for a suitable hearing date. Therefore, we request that the State Engineer set the date for a hearing at Burns, Oregon, and we, upon proper notice, will arrange to be represented.

Sincerely yours,


Arthur G. Huey
Regional Engineer

RECEIVED
SEP 11 1970
STATE ENGINEER
SALEM OREGON

TO THE STATE ENGINEER, SALEM, OREGON

In the Matter of Applications Nos.
G-5208 of John M. Campbell, G-5214
of Lloyd H. Hill, and G-5216 of
W. R. Hankins to appropriate waters
from Malheur Lake, Oregon

P R O T E S T

by

FISH AND WILDLIFE SERVICE

UNITED STATES DEPARTMENT OF THE INTERIOR

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In support of the foregoing protest the Bureau of Sport Fisheries and Wildlife respectfully represents and shows:

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grounds for native birds. This area first was under the administration of the Bureau of Biological Survey of the Department of Agriculture but at a later date it was designated as the "Malheur National Wildlife Refuge" and transferred to the Department of the Interior with administration under the Bureau of Sport Fisheries and Wildlife.

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16 million acre
450,000
160,000

VI

That the State of Oregon adjudicated the water rights of the Silvies River by decree of the Circuit Court of the State of Oregon for Harney County dated August 21, 1923, but this adjudication did not purport to and could not adjudicate the water rights in, to and around Malheur Lake as a part of a "stream". Sec. 11, L. 1909, ORS 539.020. Such was the ruling of the State Engineer on October 16, 1924 in response to the petition of the Malheur Lake Owners Association dated March 8, 1920 requesting an adjudication of the lake area.

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You therefore are requested to reject the applications for permits for wells above designated, and also that you enter an order closing Harney Basin to any further applications for use of water from either ground or surface sources.

STATE OF OREGON

COUNTY OF MULTNOMAH

ss.

x On this 9th day of Sept. 1970, personally appeared before me, Helen D. Hunter, a Notary Public in and for the above State and County, John D. Findlay, who by me being first duly sworn, deposes and says:

That he is the Regional Director of the Fish and Wildlife Service, United States Department of the Interior, who signed the foregoing protest and that all foregoing allegations, statements and grounds for protest, as set forth hereinabove, are true and correct to the best of the protestant's knowledge and belief and are based upon the records and information available to the protestant.

x John D. Findlay
John D. Findlay, Regional Director

Subscribed and sworn to before me this 9th day of September 1970, at Portland, Oregon.

x Helen D. Hunter
Notary Public for Oregon
My Commission Expires March 31, 1974

STATE OF OREGON

COUNTY OF MULTNOMAH

ss.

x I hereby certify that a copy of the hereinstant protest has this day of Sept. 9, 1970, been served upon the applicants, John M. Campbell, Lloyd H. Hill and W. R. Hankins, at the addresses given in the applications for permits as filed with the State Engineer, to wit, at Portland, Oregon by registered mailing of a copy hereof deposited in the Post Office at Portland, Oregon.

x John D. Findlay
John D. Findlay, Regional Director

Subscribed and sworn to before me this 9th day of September, 1970, at Portland, Oregon.

x Helen D. Hunter
Notary Public for Oregon
My Commission Expires March 31, 1974