

**ASSIGNED**  
GERALD A LINDSEY  
LINDSEY, ONA L  
HC 73 2681 HWY 78  
BURNS, OR 97750

FILE#: G 13081

POB 108  
Whitebird  
ID 83554

Application No. G G13081

Permit No. G G-12961

Certificate No. 91150

Harney

Stream Index, Page No. 12

12-0040

v 2 Malheur Lake Misc.

**FEES PAID**

Date	Amount	Receipt No.
<u>8/19/92</u>	<u>604-</u>	<u>90607</u>
<u>1-29-96</u>	<u>10-</u>	<u>130936</u>
<u>10/15/98</u>	<u>85.00</u>	<u>117724</u>

**Cert. Fee**

**FEES REFUNDED**

Date	Amount	Check No.
------	--------	-----------

Date filed .....

Priority .....

Action suspended until A 97 / FPD

Return to applicant .....

Date of approval .....

**CONSTRUCTION**

Date for beginning 10/29/97

Date for completion 10/1/98

Extended to .....

Date for application of water 10/1/99

Extended to .....

**PROSECUTION OF WORK**

Form "A" filed .....

Form "B" filed .....

Form "C" filed .....

**FINAL PROOF**

Blank mailed .....

Proof received .....

Date certificate issued 1/25/2016

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page
<u>2-14-96</u>	<u>Searchlight-DBA: River Mtn Ranch</u>	<u>POB 108-White Bird, ID</u>	<u>7</u>	<u>3169</u>
<u>11-18-99</u>	<u>DON R. JOHNSON</u>	<u>PO Box 66 Riddig OR 97469</u>	<u>8</u>	<u>732</u>
<u>10-15-15</u>	<u>Arnold Mastre</u>	<u>58477 Hwy 78 Burns, OR 97720</u>		

**REMARKS**

Well = HARN 1046 Karl Wozniak (See App) G-6893

**PUMP TEST**  
8/26/2015  
**APPROVED**

12961

8.26.15

John Short Called  
GC looking into  
why this application  
had not been processed  
for Cert.

~~BUT~~ pump test submitted  
No pump test approved  
approved by EWO 8.26.15

Missing water use reports  
99-2000

-not sure status of  
SWR measurements

Hold until we hear  
back from John Short.

Letter for  
access  
port.



# Oregon

Kate Brown, Governor

G-13081

## 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)

June 28, 2017

JAMES GILMOUR  
30427 SW STELLMACHER DR  
ALBANY, OR 97320

REFERENCE: Transfer Application T-12354

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, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov).

Sincerely,

Marissa Andrews  
Water Right Services Support

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

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER
T-12354, Harney County	)	APPROVING A CHANGE IN POINTS
	)	OF APPROPRIATION AND A
	)	CHANGE IN PLACE OF USE

**Authority**

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

**Applicant**

JAMES AND SUE GILMOUR  
30427 SW STELLMACHER DR  
ALBANY, OR 97321  
riverbottomfarms@gmail.com

**Interested Party**

ARNOLD MASTRE  
58477 HWY 78  
BURNS, OR 97720  
arnoldmastre@yahoo.com

**Findings of Fact**

1. On April 18, 2016, JAMES AND SUE GILMOUR filed an application to change the points of appropriation and to change the place of use under Certificate 91150. The Department assigned the application number T-12354.
2. Notice of the application for transfer was published on May 3, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 17, 2016 the applicant submitted an amended application and map.
4. On June 28, 2016 the applicant submitted an amended transfer application and map.
5. On July 25, 2016, the Department sent a copy of the Draft Preliminary Determination proposing to approve Transfer Application T-12354 to the applicants. The Draft Preliminary Determination cover letter set forth a deadline of August 25, 2016, for the applicants to respond. The applicants requested that the completion date be extended to October 31, 2021 and for 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.

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.

6. On May 1, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12354 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 9, 2017, and in the Burns Times-Herald newspaper on May 10 and 17, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
7. The right to be transferred is as follows:

**Certificate:** 91150 in the name of ARNOLD MASTRE (perfected under Permit G-12961)  
**Use:** IRRIGATION of 161.5 ACRES  
**Priority Date:** APRIL 13, 1992  
**Rate:** 2.02 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31  
**Source:** A WELL within the HOT SPRINGS SLOUGH BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	35	NW SE	2598 FEET NORTH AND 1356 FEET EAST FROM THE SE CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	33 E	WM	35	NE NE	4.2
24 S	33 E	WM	35	NW NE	8.5
24 S	33 E	WM	35	SW NE	39.9
24 S	33 E	WM	35	SE NE	35.8
24 S	33 E	WM	35	SE NW	7.6
24 S	33 E	WM	35	NE SW	4.3
24 S	33 E	WM	35	NE SE	26.6
24 S	33 E	WM	35	NW SE	34.6
Total					161.5

8. Certificate 91150 has a scrivener's error in the description of the location of the point of appropriation (POA). Information is available from the final proof survey map indicating the authorized POA is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	35	NW SE	2598 FEET NORTH AND 1356 FEET WEST FROM THE SE CORNER OF SECTION 35

9. Transfer Application T-12354 proposes to move the authorized point of appropriation from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from authorized well (miles)
26 S	33 E	WM	25	SE SE	WELL 2 - 30 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 25	11.5
26 S	33 E	WM	25	SE NE	WELL 4 - 660 FEET NORTH AND 80 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 25	11.0
26 S	34 E	WM	7	NE NW	WELL 3B - 1295 FEET SOUTH AND 960 FEET EAST FROM THE NW CORNER OF SECTION 7	7.9
27 S	34 E	WM	5	SW NE	WELL 3 - 1138 FEET NORTH AND 3447 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 5	13.2
27 S	34 E	WM	5	NE SW	WELL 1 - 2 FEET SOUTH AND 2621 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 5	13.3

10. Transfer Application T-12354 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	33 E	WM	25	SW NE		40.0
26 S	33 E	WM	25	SE NE		40.0
26 S	33 E	WM	36	NE NE		30.0
26 S	34 E	WM	6	SE SW		6.3
26 S	34 E	WM	7	NE NW		6.4
27 S	34 E	WM	5	NW NE	2	2.4
27 S	34 E	WM	5	SW NE		8.8
27 S	34 E	WM	5	SE NE		27.6
Total						161.5

**Transfer Review Criteria (OAR 690-380-4010)**

11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12354.
13. The proposed changes would not result in enlargement of the right.
14. The proposed changes would not result in injury to other water rights.

## Conclusions of the Law

The change in point of appropriation and change in place of use proposed in Transfer Application T-12354 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 change in point of appropriation and change in place of use proposed in Transfer Application T-12354 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 91150 and any related decree.
3. Water right Certificate 91150 is cancelled.
4. The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install totalizing flow meters, or, with prior approval of the Director, other suitable measuring devices at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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 change(s) and full beneficial use of the water.

9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 22 day of June, 2017.



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

Mailing date: JUN 28 2017

## CLARK Gerry E

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**From:** CLARK Gerry E  
**Sent:** Wednesday, December 23, 2015 2:54 PM  
**To:** 'John Short'  
**Subject:** RE: Cert RA for Ap G-13081 Mastre

John,

It looks like the Final Order has not yet been issued to approve extension of time.

Once the extension final order has been issued, you can have the permit holder submit a letter indicating that the extension of time has been approved and they have now made beneficial use; i.e. used water within the terms of the permit and that the original Claim accurately describes the use developed under the permit. Once we have the letter, we can then place the file on our list of files to review.

Once we receive the letter, it could be a few months before the file is reviewed. If this is not "fast" enough, they could request processing under the Reimbursement Authority Program.

Gerry

Gerry Clark  
Water Right Services Division  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

Phone: 503-986-0811

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**From:** John Short [<mailto:johnshort@usa.com>]  
**Sent:** Monday, December 21, 2015 3:58 PM  
**To:** gerald.e.clark  
**Subject:** Cert RA for Ap G-13081 Mastre

Hello Gerry,

We did an extension on this so the recent SWLs could be recognized. CBU and approved pump test were submitted in 2002. Should we do certificate reimbursement authority or will it naturally come through rather soon?

Thanks,  
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC  
PO Box 1830  
Bend, OR 97709  
[johnshort@usa.com](mailto:johnshort@usa.com)  
[oregonwater.us](http://oregonwater.us)

STATE OF OREGON  
 COUNTY OF HARNEY  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ARNOLD MASTRE  
 58477 HWY 78  
 BURNS OR 97720

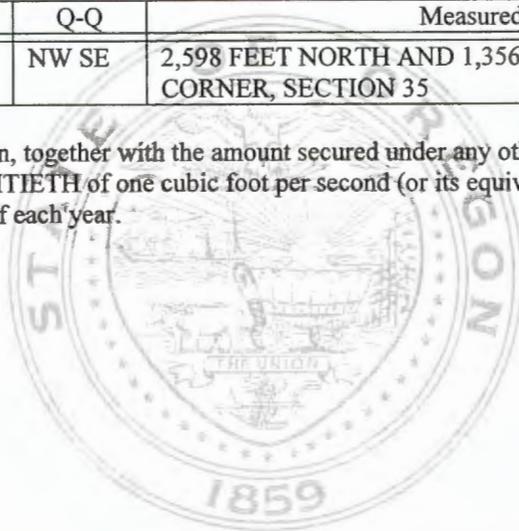
confirms the right to the use of water perfected under the terms of Permit G-12961. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13081  
 SOURCE OF WATER: A WELL IN HOT SPRINGS SLOUGH BASIN  
 PURPOSE or USE: IRRIGATION OF 161.5 ACRES  
 MAXIMUM RATE: 2.02 CUBIC FEET PER SECOND  
 PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31  
 DATE OF PRIORITY: APRIL 13, 1992

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	33 E	WM	35	NW SE	2,598 FEET NORTH AND 1,356 FEET EAST FROM SE CORNER, SECTION 35

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.



**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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	33 E	WM	35	NE NE	4.2
24 S	33 E	WM	35	NW NE	8.5
24 S	33 E	WM	35	SW NE	39.9
24 S	33 E	WM	35	SE NE	35.8
24 S	33 E	WM	35	SE NW	7.6
24 S	33 E	WM	35	NE SW	4.3
24 S	33 E	WM	35	NE SE	26.6
24 S	33 E	WM	35	NW SE	34.6

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director 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.

If at any time the well or its use:

- a. acts as a conduit for groundwater contamination,
- b. allows loss of artesian pressure,
- c. allow waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Access to the well for water level measurements must be provided.

#### **Limited Water Level Decline/Interference Condition**

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

To monitor the effect of water use from the well authorized under this right, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The user shall submit seven consecutive annual reports of static water level measurements. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which any future measurements will be compared is 49.16 feet below land surface.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well(s) 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 the water level elevation in the well at all times.

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

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

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

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

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

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

Issued JAN 25 2016

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

# Mailing List for Certificate

Application: G-13081

Permit: G-12961

Certificate: 91150

**Permit/Certificate Holder:**

ARNOLD MASTRE  
58477 HWY 78 ✓  
BURNS OR 97720

<b>Copies Mailed</b>	
by:	<u>Connie Vance</u> (STAFF)
on:	<u>JAN 25 2016</u> (DATE)

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

1. Watermaster District #: 10 ✓
2. ~~Data Center (include copy of map)~~
3. Water Availability .
4. Vault ✓
5. File ✓

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

1. Chris T. Palmer, CWRE ✓

*after e-mailing  
staple &  
put on re-bills  
cart.  
C.*

*3 letter  
4 cents  
4 map*



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

**DATE MAILED: January 25, 2016**

## **NOTICE OF CERTIFICATE ISSUANCE**

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

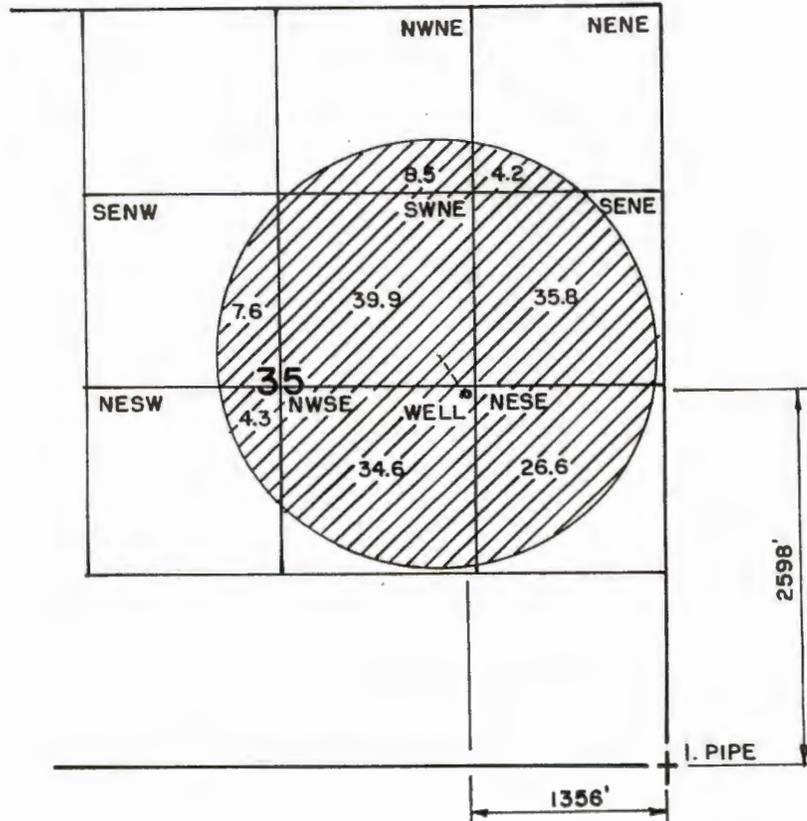
The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080,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

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

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

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

# T 24 S, R 33 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.

IRRIGATED LANDS ARE WITHIN TAX LOT 9100. LAND OWNER IS DON R. JOHNSON.

RECEIVED

OCT 30 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

## FINAL PROOF SURVEY

UNDER  
APPLICATION NO. G-13081  
PERMIT NO. G-12961

IN THE NAME OF  
DON R. JOHNSON

Scale: 4" = 1 MILE

Date: 08-04-2000

Job: 1118-00

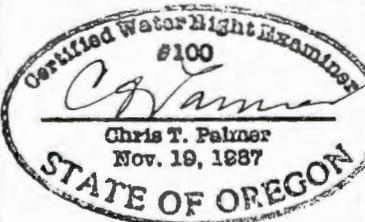
Dsn:

Dm: CHRIS



M.A. PALMER & SONS, INC.  
ENGINEERING & SURVEYING  
711 Ponderosa Village • Box 61  
Burns, Oregon 97720

Sht. No.



RENEW 1-1-2001

STATE OF OREGON  
COUNTY OF HARNEY  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ARNOLD MASTRE  
58477 HWY 78  
BURNS OR 97720

confirms the right to the use of water perfected under the terms of Permit G-12961. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13081

SOURCE OF WATER: A WELL IN HOT SPRINGS SLOUGH BASIN

PURPOSE or USE: IRRIGATION OF 161.5 ACRES

MAXIMUM RATE: 2.02 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

The well is located as follows:

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24 S	33 E	WM	35	NW NE	8.5
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24 S	33 E	WM	35	SE NE	35.8
24 S	33 E	WM	35	SE NW	7.6
24 S	33 E	WM	35	NE SW	4.3
24 S	33 E	WM	35	NE SE	26.6
24 S	33 E	WM	35	NW SE	34.6

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director 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.

If at any time the well or its use:

- a. acts as a conduit for groundwater contamination,
- b. allows loss of artesian pressure,
- c. allow waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Access to the well for water level measurements must be provided.

#### **Limited Water Level Decline/Interference Condition**

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

To monitor the effect of water use from the well authorized under this right, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The user shall submit seven consecutive annual reports of static water level measurements. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which any future measurements will be compared is 49.16 feet below land surface.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well(s) 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 the water level elevation in the well at all times.

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

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

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

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

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

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

Issued \_\_\_\_\_.

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

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OCT 3 11 2002

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SALEM, OREGON



MAP's

M. A. PALMER & SONS, INC  
ENGINEERING & SURVEYING  
711 Ponderosa Village  
P.O. Box 61  
Burns, Oregon 97720

Chris Palmer, P.E., P.L.S., C.W.R.E.  
Cork Palmer, P.E., P.L.S., C.W.R.E.

Phone 541-573-6451  
Fax 541-573-6431

SITE REPORT

for

CLAIM OF BENEFICIAL USE

UNDER:

Application No. G-13801  
Permit No. G-12961

IN THE NAME OF:

Searchlight  
Don R. Johnson

I. GENERAL INFORMATION

On July 18, 2000 I conducted a site survey of the irrigation lands located in Section 35, T 24 S, R 33 E, WM, Harney County, Oregon. The crop being irrigated is alfalfa.

II. SURVEY METHODS

The field survey was done with the use of a "NIKON" DTM-A10LG total station with related field equipment. The control point was the southeast corner of Section 35.

III. SOURCE OF WATER

*HARN 1046 K.C. Wozniak*

A well located within the NW1/4SE1/4 of Section 35. Well driller is unknown. The well casing is 14" diameter pipe, 0.25 gauge steel with an 1-1/4" inspection port. Static level = 39 feet, Pumping level = 90 feet at 1068 gpm. The water is piped to the center of a circle pivot.

IV. DISTRIBUTION SYSTEM

MOTOR: "U.S. Electric", Model "High Thrust", 60 HP, 1775 RPM.

PUMP: "National" Model M12MC, Vertical line shaft turbine set at 100 feet with 8" diameter intake and discharge.

METER: "Fluidyne", Model 2200.

PIPING: 400 feet of 10" PVC.

PIVOT: "Valley" with 164 sprinkler heads with a flow rate of 0.24 gpm to 14.59 gmp. The wetted length is 1496.5 feet.

FINAL PROOF CALCULATIONS

pumping level	90 feet
column loss	2 feet
PVC piping loss	3 feet
elevation loss	3 feet
pivot loss	40 feet
pivot pressure	<u>40 feet</u>

Total losses = 178 feet

Theoretical capacity of larger pivot.

$$\begin{aligned} Q &= ( \text{HP} \times \text{Eff} \times 3960 ) / H \\ &= ( 60 \times .80 \times 3960 ) / 178 \\ &= 1068 \text{ gpm} = \underline{2.38 \text{ cfs}} \end{aligned}$$

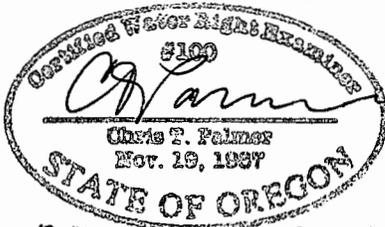
Duty of water:

$$161.5 \text{ acres at } 1/80 \text{ cfs / acre} = \underline{2.02 \text{ cfs}}$$

Therefore the system will supply the irrigated area of 161.5 acres at the rate of 1/80 cfs / acre.

V. CERTIFICATION

I, Chris T. Palmer, Certified Water rights Examiner, registered in accordance with the laws of the State of Oregon, do hereby certify that the final survey and inspection of the use was found to be completed under the terms and conditions of Permit No. G-12961 and was completed by me on August 4, 2000, and the facts contained in the report and accompanying final proof map are correct to the best of my knowledge.



*RENEW 1-1-2001*

I, John Mansfield, Ranch Manager for Don R. Johnson, do hereby agree to the above findings of Chris T. Palmer, Certified Water Rights Examiner, and do hereby submit this site report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of Permit No. G-12961.

John Mansfield, Ranch Manager

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SALEM, OREGON

# Oregon Water Resources Department Permit Condition Water Level Report

OWRD Logid	Main aq	Max depth	LSD Elev	Township	Range	S	QQ	Q
HARN.....1046	HARN.....	.....273	.....4119	.....24.00 S/	.....33.00 E-	.....35	NE	SE
Well Tag Log .....	Well Tag Field .....	Csg Diam Field .....						
Well Location 2650 FT. S. & 1300 FT. W. FR. SE. COR. S26								
Well Address .....								
Owner Well Names HUDSON WELL 2								

Well History:	Water Rights with reporting conditions that list this well:					
Logid	Compl	Permit	Certificate	pod	Reference	Trigger
Type Work	Depth	Compl Date	Owner on Log	level	activated?	
HARN 1046	NEW WELL	273	10/28/197	MR RON HUDSON	G.....1296.1	.....1

<b>Owner:</b>	
Name	ARNOLD & DEBRA MASTRE
Other Name	
Contact	
Address	85477 HWY 78
City / St / Zip	BURNS OR 97720

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Pump Idle Time	MP Description	WIComments
10/28/1974		12.00	4107.00		R	U	DRILLER			
07/31/2001		1	41.00	4078.00	T	S	BRENT CHESTER			
03/23/2012		1.25	49.16	4069.84	T	S	MATT NONNENMACHER	APPROX 5	1" PORT ON W. SIDE	
02/28/2013		1.25	53.75	4065.25	T	S	MATT NONNENMACHER	APPROX 6	1" PORT ON W. SIDE OF WELL	

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N - Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown

Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

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

<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 Year</b>	<b>Water Used (acre feet)</b>	<b>Nbr of Months in Summary</b>
31688	ARNOLD & DEBRA MASTRE	46174	A WELL (HARN 1046)	HARN 1046	2001	305.00	12
31688	ARNOLD & DEBRA MASTRE	46174	A WELL (HARN 1046)	HARN 1046	2010	262.94	12
31688	ARNOLD & DEBRA MASTRE	46174	A WELL (HARN 1046)	HARN 1046	2011	187.18	5

**MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)**

Application # <u>G-13081</u>	Permit # <u>G-12961</u>	Transfer #
WRD Reviewer <u>Machelle Bamberg</u>	Date <u>1-4-2014</u>	
WRD Peer Reviewer	Date	

**Research**

- Organize file in chronological order
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI) 24533E 9100 Harney County
- Water Organization identified using AOI?  No  Yes  
If "Yes" cc: \_\_\_\_\_ & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor verified ok  
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict?  No  Yes  
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, QQ's?  No  Yes  
If "No", either \_\_\_\_\_ WRD amend map OR \_\_\_\_\_ prepare Order of Certification

**Reviewing Claim**

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- Fish Conditions
- Meter/measuring device x
- Water Use Reporting x 2001, 2010, 2011
- Pump Test (post December 19, 1988) x 8-26-2015
- Other Conditions \_\_\_\_\_
- SWL x March 2012, 2013
- C-Date \_\_\_\_\_

Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

**NOTES:**

- Exten 10-1-2020 issued 1-22-2016 Well HARN 1046 completed 1974
- all A date 10-29-1997 well began in 1974
- B 10-1-1998 } 10-1-2020
- C 10-1-1999 }

**Determination**

\_\_\_ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

\_\_\_ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

\_\_\_ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

**Processing**

\_\_\_ Stamp PROPOSED or Assign CERT# \_\_\_\_\_ or ORDER OF CERTIFICATION (circle one)

\_\_\_ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

\_\_\_ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

**NOTES:**

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[Print Report](#)



## Oregon Water Resources Department Attribute Report

Report Date: Jan 4, 2016

### General:

TRSQQ:	WM24.00S33.00E35SWNE
DLC:	-
Latitude:	43.4427115274
Longitude:	-118.6155740608
Buffer (ft):	1
Elevation (ft):	4122
Basin Name:	Malheur Lake
County:	Harney
WM District:	10
WM Region:	EASTERN
ODFW Region, District:	High Desert, Southeast District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	<a href="#">Platcard for WM24.00S33.00E35</a>
Well Logs:	<a href="#">Logs for WM24.00S33.00E35</a>

### Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
	STATEWIDE, Malheur Slough, Redband Trout

Division 33 (Area, Watershed, species):	
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

**Hydrography:**

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1712000102
HUC Watershed:	Malheur Slough
WAB Wshed Order:	3
WAB Analysis:	HOT SPRINGS SL > MALHEUR SL - AT MOUTH
Streamflow:	OWRD Opportunities: Poor ODFW Needs: Poor Combined Priority: Not a priority
Gaging Station Data:	-

**Sources:**

<b>General</b>
<i>wrd_sde.SDE.pls_quarter_quarter</i> . Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
<i>Donated Land Claims</i> . Oregon Water Resources Department. January 1, 1995. 1:100,000.
<i>Elevation</i> . ESRI World Elevation. February 2000. 1:121,000.
<i>OWRD Administrative Basins</i> . Oregon Water Resources Department. January 1, 1995.
<i>Oregon Counties</i> . Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.
<i>OWRD Watermaster Districts</i> . Oregon Water Resources Department. March 31, 2014.

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

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

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

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

### **Rules**

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

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

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

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

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

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

*OAR Chapter 690, Division 33 - HUC 10 .* Oregon Department of Fish & Wildlife. January 1, 2003.

*Oregon Water Quality Assessment 2010.* This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section. GIS data prepared by the Watershed Management Section, Drinking Water Program.. August 16, 2013.

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

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

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

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

***Hydrography***

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

. Unknown. n.d.

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

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

*Priority Watersheds for Streamflow Restoration*. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

*Stream Gage Stations*. Oregon Water Resources Department and US Geological Survey. n.d.

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**Oregon Water Resources Department  
Water Rights Platcard Report**

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**Search Criteria**

Meridian:  Township:   Range:   Section:  Records per Page:   [Platcards Maps!](#)  
[Learn about](#) \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	ac(40): q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Permit: G 6356 CN		10/31/1975	IRRIGATION	CN				40	40	40	40									40	40			
Additional Info: RONALD K HUDSON App: G6893 Permit: G6356																								
Select Permit: G 12961 *		4/13/1992	IRRIGATION					4.2	8.5	39.9	35.8				7.6	4.3				26.6	34.6			
Additional Info: ARNOLD MASTRE App: G13081 Permit: G12961																								
Select Permit: G 15252 *		1/3/2002	IRRIGATION					35.8	31.5	0.1	4.2	40	40	40	32.4	35.7	40			13.4	5.4			
Additional Info: THOMAS HOWARD App: G15675 Permit: G15252																								
Select App: G 17613 *		12/21/2012	IRRIGATION														40	40				20		
Additional Info: DAVE MILLER App: G17613																								

Acreage Legend: 12.25 Regular acreage      42.25 Acreage is on a canceled right      (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)      [12.25] Acreage has been suspended      \* Acreage is not specified

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.24S. R.33E. W.M.  
HARNEY COUNTY

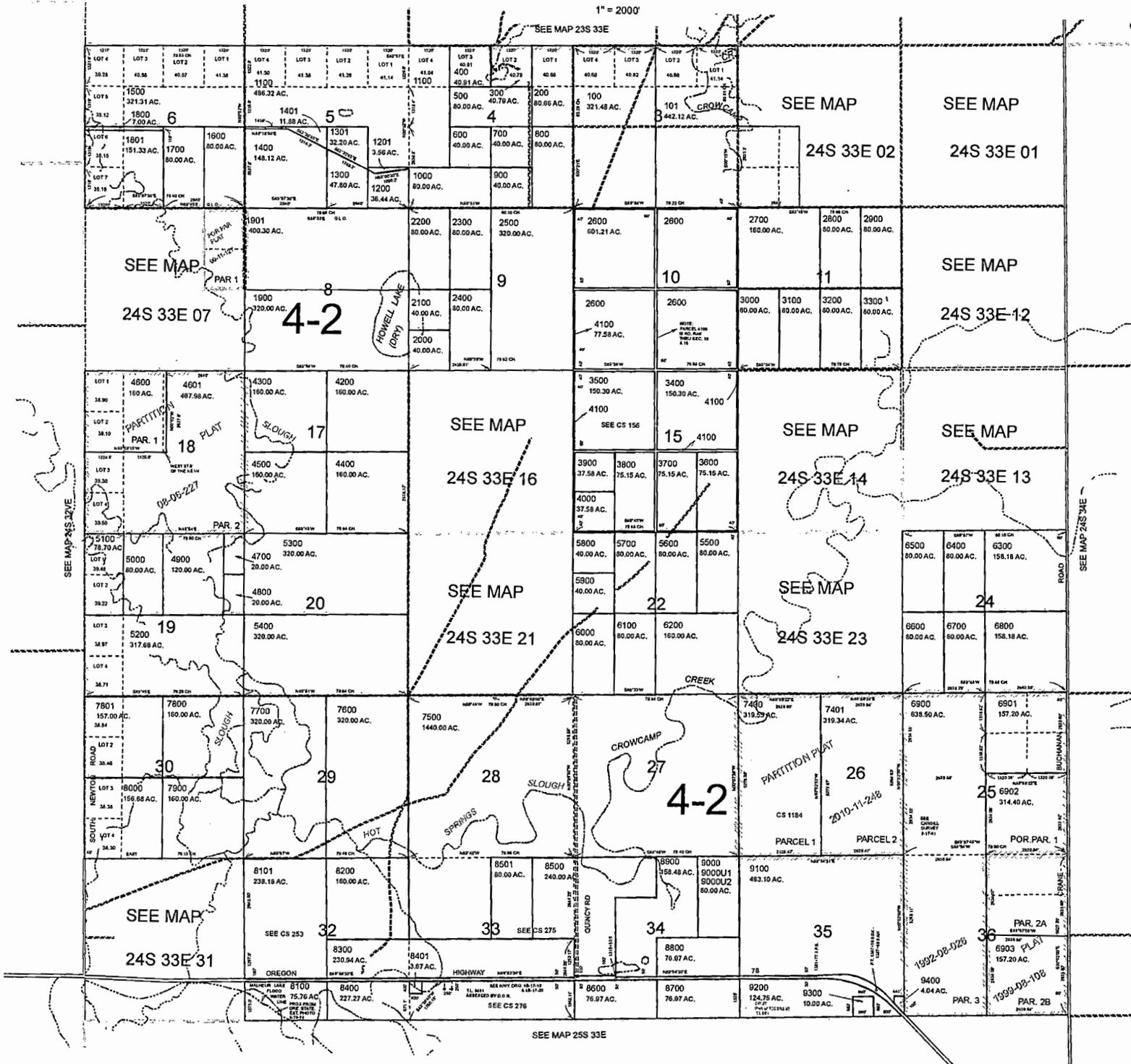
24S 33E

1" = 2000'

SEE MAP 23S 33E

CANCELLED NO.

- 6901
- 7000
- 7100
- 7200
- 7300M1
- 7300M
- 7300M1
- 9500
- 9600

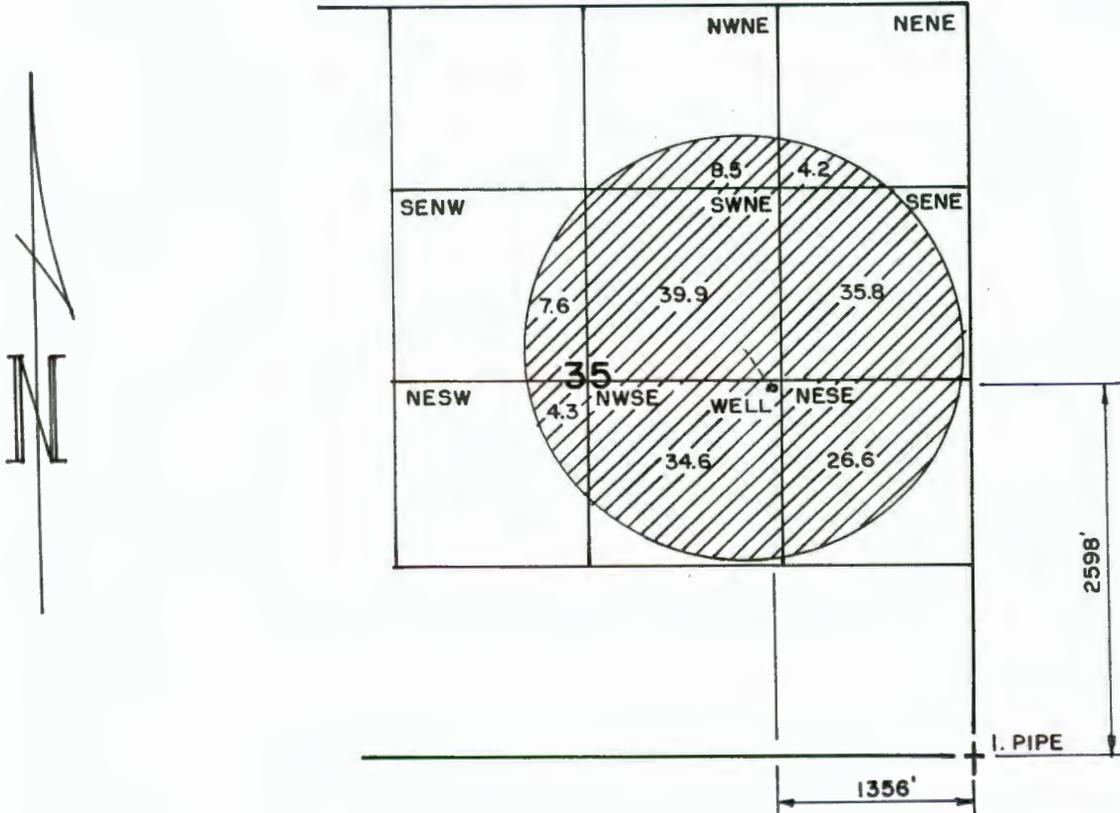


PRINTED ON 7/7/2014

24S 33E

SEE MAP 25S 33E

# T 24 S, R 33 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.

IRRIGATED LANDS ARE WITHIN TAX LOT 9100. LAND OWNER IS DON R. JOHNSON.

RECEIVED

OCT 30 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

	<h2>FINAL PROOF SURVEY</h2>		IN THE NAME OF DON R. JOHNSON		
	UNDER APPLICATION NO. G-13081 PERMIT NO. G-12961		Scale: 4 = 1 MILE	Date: 08-04-2000	Job: 1118-00
	Dsn:		M.A. PALMER & SONS, INC. ENGINEERING & SURVEYING 711 Ponderosa Village • Box 61 Burns, Oregon 97720		Sht. No.
	Dm: CHRIS				of 1
Ckd:					

4/14 Township No. 24 North Range No. 33 East Willamette Meridian, Oregon

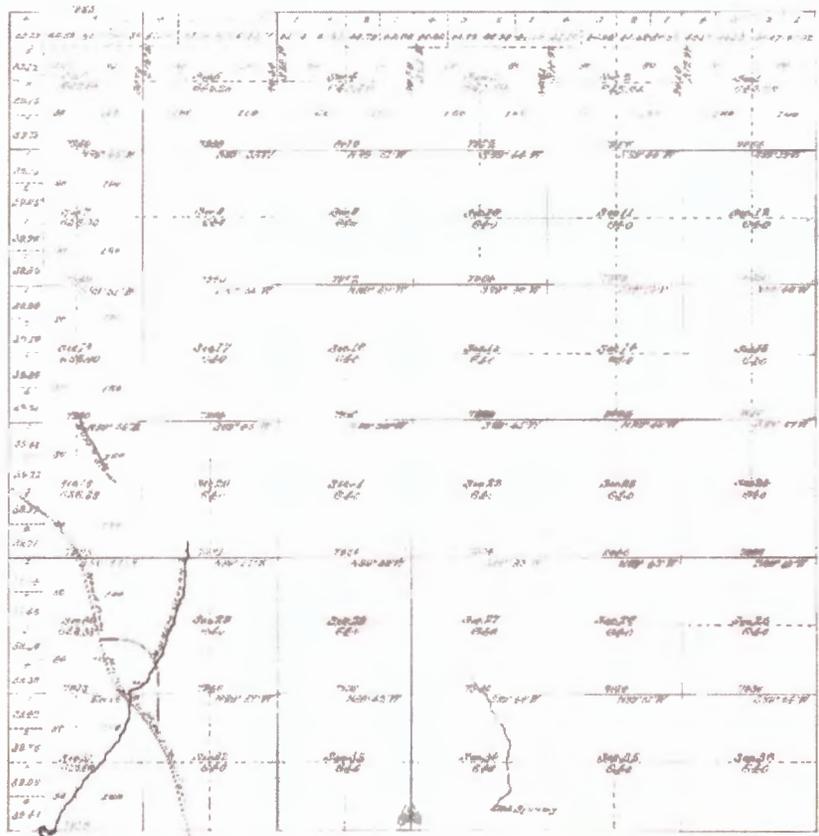


Table 20 2014 Dec 19 Survey 2303.66

OWNER'S DESIGNATION	BY WHOM SURVEYED	NO. OF ACRES IN SECTION	AMOUNT OF SURVEY			METER SURVEYED	REMARKS
			Ac.	sq. Rds.	sq. Poles		
Thomas and Linda Stubbins	John R. Stubbins	40	40	0.75	32	4000 / 101 / 100	20-15

The above map of the ~~unsubdivided~~ ~~sections~~ of Township No. 24 North of Range No. 33 East of the Willamette Meridian, Oregon, is hereby acknowledged to the Public View of the survey thereof in full in the office herein has been examined and approved.  
 U. S. Surveyor-General's Office,  
 Portland, Oregon.



working copy

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEARCHLIGHT  
DBA RIVER MOUNTAIN RANCH  
P.O. BOX 108  
WHITE BIRD, ID 83554

Arnold Mastro  
58477 HWY 78  
BUNS, OR 97720  
PHONE: (541) 493-2591

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

APPLICATION FILE NUMBER: G-13081 ✓

SOURCE OF WATER: A WELL, IN THE HOT SPRINGS SLOUGH BASIN ✓

PURPOSE OR USE: IRRIGATION OF 161.5 ACRES ✓

MAXIMUM RATE: 2.02 CUBIC FEET PER SECOND ✓

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 ✓

DATE OF PRIORITY: APRIL 13, 1992 ✓

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 35, T24S, R33E, W.M.; 2598 FEET NORTH AND 1356 FEET EAST FROM SE CORNER, SECTION 35

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:

- SE 1/4 NW 1/4 7.6 ACRES ✓
- NW 1/4 NE 1/4 8.5 ACRES
- NE 1/4 NE 1/4 4.2 ACRES
- SW 1/4 NE 1/4 39.9 ACRES
- SE 1/4 NE 1/4 35.8 ACRES
- NE 1/4 SW 1/4 4.3 ACRES
- NW 1/4 SE 1/4 34.6 ACRES
- NE 1/4 SE 1/4 26.6 ACRES

SECTION 35

TOWNSHIP 24 SOUTH, RANGE 33 EAST, W.M.

Application G-13081

Water Resources Department

PERMIT G-12961

## 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.

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- a. acts as a conduit for groundwater contamination,
- b. allows loss of artesian pressure,
- c. allows waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

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**Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water-user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### 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.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

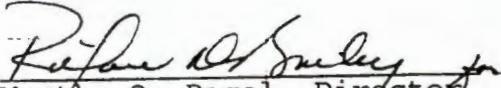
- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of 3 Ft. or more feet per year for five consecutive years; or
- (B) A water level decline of 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of 25 Ft. or more feet in any neighboring well with senior priority.

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 October 29 , 1996



Martha O. Pagel, Director  
Water Resources Department

Application G-13081  
Basin 10

Water Resources Department  
Volume 2 Malheur Lake & Misc.  
MGMT.CODE 7BG, 7BW, 7IG, 7IW

PERMIT G-12961  
District 10

Application # G-13081 Permit # G-12961

**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: 10.19.15

◆ **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 10/27/15
  - 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 MAB

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **117745**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Arnold D Mastre;  
BY: Debra G Mastre

APPLICATION	G-13081
PERMIT	
TRANSFER	

CASH:  CHECK:#  1008 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>		<b>4611</b>	
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	575.00
<b>WATER RIGHTS:</b>		<b>EXAM FEE</b>	<b>RECORD FEE</b>
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
<b>WELL CONSTRUCTION</b>		<b>EXAM FEE</b>	<b>LICENSE FEE</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 \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **117745**

DATED: 10-19-15 BY: Erin Bell Lopez

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

## Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: 6-13081 Permit: 6-12961 Permit Amendment? No  Yes  T-  pending  approved

Permit Holder's Name: Arnold & Mastre

58477 Hwy 78  
Burns, OR 97720

Permit Holder's Mailing Address: \_\_\_\_\_

Agent/ CWRE: \_\_\_\_\_

Drainage Basin: 12 County: Harney  
malheur lake

Watermaster District: 10

Watermaster: JA Johnson

Date Permit was issued: 10-29-1996 Priority Date: April 13-1992 Date of PN: 10-27-15

Source: A well, in the Hot Springs Slough Basin

Use: Irrigation of 161.5 A

"Q": 202 cfs

Orig "A" Date: 10-29-1997

Orig "B" Date: 10-1-1998

Orig "C" Date: 10-1-1998

Extension request rec'd: 10-14-15

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): 1st 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"/>	Meter <span style="float: right;">well (HARN 1046) 10-16-74 → 10-28-74</span>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	water usage reports (2001, 2009, 2010, 2011) <span style="float: right;">273 feet bgs</span>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SWC March Initial (10-28-1974)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seven Consecutive March SWC only 1 SWC March 3/23/2012
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Amptest approved 8-26-2008
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Began Construction on time 1974

**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: \$ 50,000 Estimated Remaining Cost: \$ 1,000

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 1.78  cfs  gpm  af of the total permitted quantity of water on 161.5 acres

GW REVIEW: Y  N  MAJ

MITIGATION REVIEW: Y  N

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes  No

Assignments Gerald A and <sup>DNAL</sup> Lindsey  
2-14-96 Searchlight DBA River Mtn. Ranch  
11-18-99 Don R Johnson  
10-15-15 Arnold Mastre

PFO 12-1-2015  
1-15-2014

**Determination of the market and the present demand for water or power to be supplied:**

Identify the closest surface water or localized water 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
- 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: \_\_\_\_\_ Date: \_\_\_\_\_



**Oregon**  
Kate Brown, Governor

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

October 22, 2015

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-13081 (Permit G-12961)**. 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 Mabelle Bamberger at (503) 986-0802. 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).

## Application for Extension of Time for a Water Right Permit (NON-Municipal/NON Quasi-Municipal water Use)



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

### Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to **(1) complete construction**, and/or to **(2) apply water to beneficial use**.

In order to approve a permit extension request the Department must be able to find:

**1) Construction has begun:**

**A. For Groundwater Permits**

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

**B. For Surface Water or Reservoir Permits**

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.**

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

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OCT 21 2015

SALEM, OR



Arnold and Deb Mastre  
58477 Hwy 78  
Burns Or 97720

**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.

**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**



**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).

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**OCT 19 2015**

- 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: 10 Day: 28 Year: 74

Details of construction and attach documentation: well Report

For Surface/Reservoir Permit

Has construction of the water system begun?  Yes  No

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

Details of construction and attach documentation:

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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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	11-1-15
<input type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	10-28-74
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	7-13-2001 3-23-2012 2-28-13
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): <i>Approved Pump test</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	10-26-2015
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Surface Water or Reservoir</b>			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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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.

[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*
10-28-74	well completed per claim	
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*
10-29-1996	Date the permit was signed - find date above signature on last page of permit.	
	water delivery system installed pivot meter pump	
	} Per claim submitted 10-30-2002	
10-1-1998	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 <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME:</u> 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.	COST*
Total Cost for Chart-B		50,000

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

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

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

5. Cost of project to date: 50,000  
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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 OCT 19 2015  
 SALEM, OR

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

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

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

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

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

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

Maximum rate used to date = ~~300~~ gpm (gallons per minute) or,

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

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

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

**CHART-D**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					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 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?	
245/33 E-35	3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Horn 1046	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	800 GPM	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"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			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						1.78 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- \_\_\_\_\_

Well # \_\_\_\_\_ Actual location: \_\_\_\_\_

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Harney 1046  
245/33E - 35ba

Well # \_\_\_\_\_ Actual location: 1356 Feet east From SE corner Section 35

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

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

Total acres irrigated to date: 161.5

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

Well # 245/33E - 35ba Acres 161.5      Well # \_\_\_\_\_ Acres \_\_\_\_\_  
Well # \_\_\_\_\_ Acres \_\_\_\_\_      Well # \_\_\_\_\_ Acres \_\_\_\_\_

[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)
2015	submit water usage reports	
2016	Submit March SWL	1,000
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		1,000

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

11. Estimated remaining cost to complete the project: 1,000 -  
(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.

[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.

[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.

I Purchased this farm on July 13-2013  
All developement was completed on this water right

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

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~~Well by hand~~

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

WATER WELL REPORT

STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

STATE OF OREGON JUL 31 1975 State Well No. 245/33E-35ba  
WATER RESOURCES DEPT. Permit No. \_\_\_\_\_  
SALEM, OREGON

1046  
Harm

(1) OWNER:

Name Mr. Ron Hudson  
Address P. O. Box 803  
Crane, Oregon 97732

(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

CASING INSTALLED:

Threaded  Welded   
14" Diam. from 0 ft. to 60 ft. Gage 250  
" Diam. from " ft. to " ft. Gage "  
" Diam. from " ft. to " ft. Gage "

PERFORATIONS:

Perforated?  Yes  No.  
Type of perforator used \_\_\_\_\_  
Size of perforations in. by in.  
perforations from " ft. to " ft.  
perforations from " ft. to " ft.  
perforations from " ft. to " ft.

(7) SCREENS:

Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ 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?  
Yield: gal./min. with ft. drawdown after hrs.  
" " " " " "  
" " " " " "  
Bailer test 90 gal./min. with 0 ft. drawdown after 1 hrs.  
Artesian flow g.p.m.  
Temperature of water 54 Depth artesian flow encountered \_\_\_\_\_ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement  
Well sealed from land surface to 20 ft.  
Diameter of well bore to bottom of seal 17 in.  
Diameter of well bore below seal 14 in.  
Number of sacks of cement used in well seal 12 sacks  
Number of sacks of bentonite used in well seal none sacks  
Brand name of bentonite \_\_\_\_\_  
Number of pounds of bentonite per 100 gallons of water \_\_\_\_\_ lbs./100 gals.  
Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
Did any strata contain unusable water?  Yes  No  
Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(10) LOCATION OF WELL:

County Harney Driller's well number \_\_\_\_\_  
NE 1/4 NW 1/4 Section 35 T. 24S R. 33E W.M.  
Bearing and distance from section or subdivision corner \_\_\_\_\_

(11) WATER LEVEL: Completed well.

Depth at which water was first found 69 ft.  
Static level 12 ft. below land surface. Date 10/28/74  
Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

(12) WELL LOG:

Diameter of well below casing 14"  
Depth drilled 273 ft. Depth of completed well 273 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
Top soil	0	3	
Hard pan	3	7	
Fine black sand and water	7	12	
Black clay	12	35	
Black sand-water bearing	35	53	
Mild rock(black fine grained) more water	53	69	
Green clay	69	162	
Mild rock(black fine grained)	162	169	
Green clay	169	273	

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Work started 10/16/ 1974 Completed 10/28/ 1974  
Date well drilling machine moved off of well 10/28/ 1974

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] Paul Smith Date 7/29/ 1975  
(Drilling Machine Operator)  
Drilling Machine Operator's License No. 967

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 Davidson Drilling Inc.  
(Person, firm or corporation) (Type or print)  
Address 626 N W Pershall Way Redmond, Ore. 97756  
[Signed] W. Gordon Davidson  
(Water Well Contractor)  
Contractor's License No. 548 Date 7/29/ 1975

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEARCHLIGHT  
DBA RIVER MOUNTAIN RANCH  
P.O. BOX 108  
WHITE BIRD, ID 83554

PHONE: (541) 493-2591

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

APPLICATION FILE NUMBER: G-13081

SOURCE OF WATER: A WELL, IN THE HOT SPRINGS SLOUGH BASIN

PURPOSE OR USE: IRRIGATION OF 161.5 ACRES

MAXIMUM RATE: 2.02 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 35, T24S, R33E, W.M.; 2598 FEET NORTH AND 1356 FEET EAST FROM SE CORNER, SECTION 35

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:

SE 1/4 NW 1/4 7.6 ACRES  
NW 1/4 NE 1/4 8.5 ACRES  
NE 1/4 NE 1/4 4.2 ACRES  
SW 1/4 NE 1/4 39.9 ACRES  
SE 1/4 NE 1/4 35.8 ACRES  
NE 1/4 SW 1/4 4.3 ACRES  
NW 1/4 SE 1/4 34.6 ACRES  
NE 1/4 SE 1/4 26.6 ACRES

SECTION 35

TOWNSHIP 24 SOUTH, RANGE 33 EAST, W.M.

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Application G-13081 Water Resources Department

PERMIT G-12961

**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.

If at any time the well or its use:

- a. acts as a conduit for groundwater contamination,
- b. allows loss of artesian pressure,
- c. allows waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Access to the well for water level measurements must be provided.

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

**Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

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Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

**Initial and Annual Measurements**

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

**Seven Consecutive Annual Measurements**

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of 3 Ft. or more feet per year for five consecutive years; or
- (B) A water level decline of 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of 25 Ft. or more feet in any neighboring well with senior priority.

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The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water-user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### 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.

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SALEM, OR  
PERMIT G-12961



**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-12961, Water Right Application G-13081,        ) PROPOSED FINAL ORDER  
in the name of Arnold Mastre                                        )

---

**Permit Information**

Application:	G-13081
Permit:	G-12961
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	April 13, 1992
Source of Water:	A well in the Hot Springs Slough Basin
Purpose of Use:	Irrigation of 161.5 Acres
Maximum Rate:	2.02 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, 1998 to October 1, 2020.
  
- Grant an extension of time to apply water to full beneficial use from October 1, 1999 to October 1, 2020<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

## **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. On August 19, 1992, Application G-13081 was filed by Gerald A. Lindsey and Ona L. Lindsey.
2. On February 14, 1996, Permit G-12961 was assigned by the Department from Gerald A. Lindsey and Ona L. Lindsey to Searchlight DBA River Mountain Ranch by proof of ownership.
3. Permit G-12961 was issued by the Department on October 29, 1996. The permit authorizes the use of up to 2.02 cfs of water from a well in the Hot Springs Slough Basin for irrigation of 161.5 acres. The permit specified actual construction of the well to begin October 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.

4. On February 14, 1996, Permit G-12961 was assigned by the Department from Gerald A. Lindsey and Ona L. Lindsey to Searchlight DBA River Mountain Ranch by proof of ownership.
5. On November 18, 1999, Permit G-12961 was assigned by the Department from Searchlight DBA River Mountain to Don R Johnson by proof of ownership.
6. On October 15, 2015, Permit G-12961 was assigned by the Department from Don R Johnson to Arnold Mastre by proof of ownership.
7. The permit holder, Arnold Mastre, submitted an "Application for Extension of Time" to the Department on October 21, 2015, requesting the time to complete construction of the water system be extended from October 1, 1998 to October 1, 2020 and the time to apply water to full beneficial use under the terms and conditions of Permit G-12961 be extended from October 1, 1999 to October 1, 2020. This is the first permit extension requested for Permit G-12961.
8. Notification of the Application for Extension of Time for Permit G-12961 was published in the Department's Public Notice dated October 27, 2015. 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 October 21, 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 October 29, 1997, as specified in the permit. The permit holder states, construction of Well (HARN 1046) began October 16, 1974.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

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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.

*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 October 21, 2015, the permit holder states the remaining work to be completed consists of meeting all permit conditions including, submitting annual water usage reports, and March static water level measurements to the Department; completing construction of the water system and applying water to full beneficial use.
12. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2020, 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-12961 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)]**

13. According to the permit holder, work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Actual construction of the well and water system began prior to the October 29, 1997 deadline specified in the permit. Construction of Well (HARN 1046) began October 16, 1974 and was completed October 28, 1974.
  - b. Work was completed during the original development time frame under Permit G-12961. The previous permit holders completed construction of the water delivery system, which includes a installation of a pivot, a meter and a pump.

**Beneficial Use of Water [OAR 690-315-0040(3)(b)]**

14. According to the water user a maximum rate of 1.78 cfs of water has been appropriated from the well for irrigation of 161.5 acres.
15. Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 1999.

*Compliance with Conditions [OAR 690-315-0040(3)(c)]*

16. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the required March static water level measurements have not been received by the Department, and (2) annual reports of the amount of water used each month have not been received by the Department.

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)]*

17. As of October 21, 2015, the permit holder states they have invested approximately \$50,000, which is approximately 98 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$1,000 investment is needed for the completion of this project.

*Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]*

18. The Department has found good faith of the appropriator under Permit G-12961.

*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:*

19. 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)].

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-12961; 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-12961, located within the Hot Spring Slough Basin, is not located within a limited or critical ground water area. Hot

Spring Slough 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)].*

20. 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)].*

21. None have been identified.

*Fair Return Upon Investment [OAR 690-315-0040(2)(f)]*

22. 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)]*

23. Delay in the development of this project was not caused by any other governmental requirements.

*Unforeseen Events [OAR 690-315-0040(2)(h)]*

24. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-12961, in that the current permit holder purchased the property July 13, 2013 and was unaware that permit conditions were not met prior to the previous permit holder, and was told a Claim was completed in 2002 and believed that everything was completed.

## **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, 2020, 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).

### 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-12961 from October 1, 1998 to October 1, 2020.

Extend the time to apply water to beneficial use under Permit G-12961 from October 1, 1999 to October 1, 2020.

DATED: December 1, 2015

  
Dwight 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 **January 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 TO ACTIVE DUTY SERVICE MEMBERS:** Active Duty Service members have a right to stay these proceedings under federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.of.mil>

- 
- If you have questions about statements contained in this document, please contact Mabelle A Bamberger at (503)986-0802.
  - 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  
Fax: 503-986-0901                           Salem, OR 97301-1266
-

Mailing List for Extension PFO Copies

PFO Date: December 1, 2015

Copies Mailed

Application: G-13081

By: KF

Permit: G-12961

On: 12/1/15

Original mailed to Applicant:

Arnold Mastre  
58477 HWY 78  
Burns, OR 97720

Copies sent to:

1. WRD - App. File G-13081/ Permit G-12961

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving via e-mail (10 AM Tuesday of signature date)  
(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 10, JR Johnson

CASEWORKER: MAB

**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-12961, Water Right Application G-13081, ) FINAL ORDER  
in the name of Arnold Mastre )

---

**Permit Information**

Application:	G-13081
Permit:	G-12961
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	April 13, 1992
Source of Water:	A well in the Hot Springs Slough Basin
Purpose of Use:	Irrigation use on 161.5 Acres
Maximum Rate:	2.02 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-12961 was issued by the Department on October 29, 1996. The permit specified for actual construction of the well to begin by October 29, 1997; completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On October 21, 2015, Arnold Mastre submitted to the Department an Application for Extension of Time for Permit G-12961. In accordance with OAR 690-315-0050(2), on December 1, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2020, and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed January 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 December 1, 2015.

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 no additional conditions.

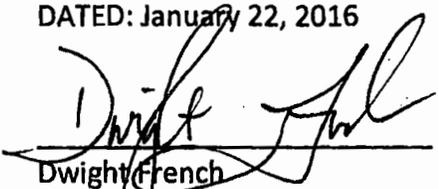
## CONCLUSION OF LAW

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-13081, Permit G-12961, therefore, is approved. The deadline for completing construction is extended from October 1, 1998 to October 1, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1999 to October 1, 2020.

DATED: January 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) 986-0802.
  - 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: January 22, 2016

Copies Mailed

Application: G-13081

By: KF

Permit: G-12961

On: 1/22/16

Original mailed to permit holder

Arnold Mastre  
58477 HWY 78  
Burns, OR 97720

Copies sent to:

1. WRD - App. File G-13081/ Permit G-12961

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 10, JR Johnson

CASEWORKER: MAB



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

# Request for Assignment

By Proof of Ownership  
 (If Water Right Holder is Not Available)

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

I, Arnold Mestre  
 (Name of Party Requesting Assignment)

58477 Hwy 78 Burns OR 97720 541-589-4884  
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
- hereby request assignment of 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.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G13081 ; Permit # G12961 ; Transfer# \_\_\_\_\_  
 -OR-

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

Don R. Johnson  
 (Name of Holder of Record)

P.O. Box 46 Riddle OR 97469  
 (Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 9<sup>th</sup> day of Oct, 2015.

Party Requesting Assignment Arnold Mestre

Party Requesting Assignment \_\_\_\_\_

ASSIGN BY PROOF  
 JM 10/15/15

**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 # 117724  
 For Director by Jerry Sauter, Program Catalyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

RECEIVED BY OWRD

OCT 15 2015

SALEM, OR



# Oregon

Kate Brown, Governor

## 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

October 19, 2015

Arnold Mastre  
58477 Highway 78  
Burns, Oregon 97720

Reference: Application G-13081, Permit G-12961

The assignment by proof from Don R. Johnson to Arnold Mastre has been recorded in the records of the Water Resources Department.

The Departments records will now show Arnold Mastre as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 117724 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 117724

cc: Watermaster 10  
Don R. Johnson  
Data Center, OWRD (cover letter & request)  
Hydrographics  
File



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **117724**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Arnold Mastre  
BY: Debra Mastre

APPLICATION	<u>C-13081</u>
PERMIT	
TRANSFER	

CASH:  CHECK # 3353  OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 85.00

**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**

0407 COPY & TAPE FEES 46111 \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 85.00  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
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: **117724** DATED: 10/15/15 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



After recording return to:

Arnold D. Mastre  
938 Sherman Ave  
Grant, NE 69140

Until a change is requested all tax statements shall be sent to the following address:

Arnold D. Mastre  
938 Sherman Ave  
Grant, NE 69140

Escrow No. CT91939HC  
Title No. 0021010  
SWD r.020212

THIS SPACE RESEI

HARNEY COUNTY, OR 2013-0951  
DEEDWD 07/12/2013 02:35 PM  
Total:\$46.00



00006208201300009510030030

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Derrin E. Robinson, Harney County Clerk



**STATUTORY WARRANTY DEED**

David Mims and Janna Mims, who acquired title as Jana Mims, as tenants by the entirety,

Grantor(s), hereby convey and warrant to

Arnold D. Mastre and Debra G. Mastre, husband and wife,

Grantee(s), the following described real property in the County of Harney and State of Oregon free of encumbrances except as specifically set forth herein:

**SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE**

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Ref#10420 Code#4-2 24 33 9100  
Ref#10421 Code#4-2 24 33 9400

The true and actual consideration for this conveyance is \$800,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

2013-2014 Real Property Taxes a lien not yet due and payable.

OFFICIAL SEAL  
TIS J BLACKBURN  
ARY PUBLIC-OREGON  
MISSION NO. 464272  
ION EXPIRES DECEMBER 21, 2015

RECEIVED BY OWRD

OCT 15 2015

SALEM, OR

Page 2 - Statutory Warranty Deed - Signature/Notary Page  
Escrow No. CT91939HC

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

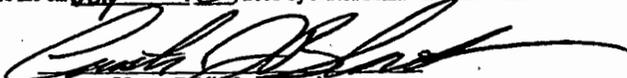
Dated this 10 day of July 2013

  
David Mims

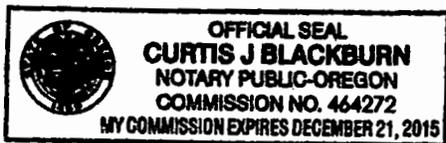
  
Jenna Mims

State of Oregon  
County of Harney

This instrument was acknowledged before me on July 10, 2013 by David Mims and Jenna Mims.

  
(Notary Public for Oregon)

My commission expires Dec. 21, 2015



RECEIVED BY OWRD

OCT 15 2015

SALEM, OR

Order No. 0021010

**EXHIBIT "A"**

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 33 E., W.M.:

Sec. 35: All that portion lying and being North and East of the U.S. Highway No. 78 right of way, as said right of way existed on September 4, 1974.

## KAVANAGH Kerry L

---

**From:** KAVANAGH Kerry L  
**Sent:** Friday, September 25, 2015 10:27 AM  
**To:** arnoldmastre@yahoo.com  
**Cc:** SAUTER Jerry K; BAMBERGER Machel A; COURCHANE Corey A; KAVANAGH Kerry L  
**Subject:** Application G-13081, Permit G-12961 - request for certificate under reimbursement authority program  
**Attachments:** RA\_Certificate\_Estimate\_Form\_arnold\_mastre.pdf; App\_Ext\_WR\_perm\_arnold\_mastre.pdf

Hello Arnold,

I pulled the file and reviewed the Claim of Beneficial Use (Claim) report that was received by the Department on 10-30-02. It appears that several of the permit conditions were NOT met within the time window for development, which is the date the permit was issued, being 10-29-96, and the date when complete application of water was to have been made, also known as the "C date", is 10-1-99 – so it may be more appropriate to apply for an Extension of Time for Permit at this time rather than a certificate under the reimbursement authority (RA) program. I have attached a pdf of the extension of time application as well as a pdf of the RA certificate estimate application.

### Need Assignment

Also, the water right owner of record is Don Johnson. Before we can accept any application from you, you will need to request to assign the permit into your name, as the new owner of lands affiliated with Permit G-12961, by submitting a Request for Assignment form along with \$85. There are two forms available, depending on whether you can obtain the permit holder's signature.

Here's a link to the assignment forms: <http://www.oregon.gov/owrd/pages/pubs/forms.aspx#other>  
You may click on "Request for Assignment" form if you can obtain the permit holder's signature. Or you may click on "Request for Assignment in Absence of Permit Holder" and submit proof of ownership.

If you have any questions about how to fill out the Request for Assignment form, please contact Mr. Jerry Sauter at 503-986-0817.

### Permit Conditions of Concern

1. Water use reporting. Permit G-12961 required that the water user submit annual reports of water use. Department records show water use reports for water years 2001, 2010, 2011 – none of which occurred during the development time window (between 10-29-96 and 10-1-99). Can you find records of water use from a period between October 26, 1996 and October 1, 2006 and submit them to the Department?
2. Annual static water level (SWL) measurements during the month of March. Department records show SWL measurements were taken in July 2001, March 2012, and March 2013 – none of which occurred during the development time window (between 10-29-96 and 10-1-99). Can you find records of March SWL measurements taken between October 26, 1996 and October 1, 2006 and submit them to the Department?
3. Installation of "meter or other suitable measuring device" was not clearly identified in the 10-30-02 Claim. Was a "meter or other suitable measuring device" installed prior to 10-1-99?

A dedicated electrical meter can suffice as a meter for purposes of proof. If a dedicated electrical meter was used to measure the amount of water used, the water user would need to convert power usage to water usage.

So, if you are unable to find information that shows 1) water use reporting, 2) March SWL measurements, and 3) installation of "meter or other suitable measuring device" between 10-20-96 and 10-1-99, were accomplished, you may wish to pursue an extension of time of permit – for questions about how to apply for an extension of time, please contact Ms. Mabelle Bamberger at 503-986-0802 or Mr. Corey Courchane at 503-986-0825.

Here is a link the "Application for Extension of Time for Permit" in the "Other Forms" category from our website: <http://www.oregon.gov/owrd/pages/pubs/forms.aspx#other>

You may select either an interactive word document (click on "DOC 124 KB") or as a pdf (click on "PDF 272 KB")

Please feel free to call me at 503-986-0927 if you have any questions.

Kerry

*Kerry Kavanagh* | Reimbursement Authority, Certificates, Water Right Services Division

---

**Oregon Water Resources Department** | 725 Summer St. NE, Suite A, Salem, Oregon 97301

Voice 503.986.0927 | Fax 503.986.0901

Email: [Kerry.L.Kavanagh@state.or.us](mailto:Kerry.L.Kavanagh@state.or.us) Web: <http://oregon.gov/ORWD>

# Oregon Water Resources Department Permit Condition Water Level Report

OWRD Logid	Main aq	Max depth	LSD Elev	Township	Range	S	QQ	Q
HARN.....1046	HARN.....	.....273	.....4119	.....24.00 S/	.....33.00 E-	.....35	NE	SE
Well Tag Log .....	Well Tag Field .....	Csg Diam Field .....						
Well Location 2650 FT. S. & 1300 FT. W. FR. SE. COR. S26								
Well Address .....								
Owner Well Names HUDSON, WELL 2								

<p><b>Owner:</b></p> <p>Name DON R. JOHNSON</p> <p>Other Name .....</p> <p>Contact .....</p> <p>Address .....</p> <p>City / St / Zip RIDDLE OR 97469</p>	<p><b>Well History:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Logid</th> <th>Type Work</th> <th>Compl Depth</th> <th>Compl Date</th> <th>Owner on Log</th> </tr> </thead> <tbody> <tr> <td>HARN 1046</td> <td>NEW WELL</td> <td>273</td> <td>10/28/197</td> <td>MR RON HUDSON</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Logid	Type Work	Compl Depth	Compl Date	Owner on Log	HARN 1046	NEW WELL	273	10/28/197	MR RON HUDSON																															<p><b>Water Rights with reporting conditions that list this well:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Permit</th> <th>Certificate</th> <th>pod</th> <th>Reference level</th> <th>Trigger activated?</th> </tr> </thead> <tbody> <tr> <td>G.....12961</td> <td>.....</td> <td>.....1</td> <td>.....</td> <td>.....</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Permit	Certificate	pod	Reference level	Trigger activated?	G.....12961	.....	.....1	.....	.....																														
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G.....12961	.....	.....1	.....	.....																																																																														

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Pump Idle Time	MP Description	WIComments
10/28/1974		12.00		4107.00	R	U	DRILLER			
07/31/2001		1	41.00	4078.00	T	S	BRENT CHESTER			
03/23/2012		1.25	49.16	4069.84	T	S	MATT NONNENMACHER	APPROX 5	1" PORT ON W. SIDE	
02/28/2013		1.25	53.75	4065.25	T	S	MATT NONNENMACHER	APPROX 6	1" PORT ON W. SIDE OF WELL	

Permit G-12961 issued 10-29-96

- Initial March SWL meas.
- Seven consecutive annual SWL meas.

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N - Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown

Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

# Water Use Report Based on Water Right



Permit: G 12961 \*

JOHNSON, DON R PO BOX 66 RIDDLE, OR 97469

Records per page: 10

### Acre-feet (AF) of Water Used

<u>Water Year*</u>	<u>Report ID</u>	<u>Facility</u>	<u>Acre-feet (AF) of Water Used</u>												<u>Total Water Used</u>	<u>Irrigated Acres</u>	
			<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>			
2011	<u>46174</u>	A WELL (HARN 1046)								0.32	33.23	65.01	46.94	41.69		187.18	
2010	<u>46174</u>	A WELL (HARN 1046)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	43.31	64.96	64.96	74.24	15.47		262.94	
2001	<u>46174</u>	A WELL (HARN 1046)	0.00	0.00	0.00	0.00	0.00	0.00	35.00	46.00	55.00	59.00	60.00	50.00		305.00	

\*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
  - For diverted rights, the total amount diverted during the month;
  - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

Data Input Forms for WRIS POD Attributes

Report Date: 8/21/2009

Application	Permit	Certificate	Claim	gw_cert_nbr	Decees	Transfers	Orders (vol/page)		
G-13081	G-12961						722		
Water Right	snp id	wr type	wr status	Valid?	snp origin				
	23596	GW	NC	Yes	PR				
Priority Date	Permit date	Cert date	name first	name last	name company	name other			
	10/29/1995		DON R	JOHNSON					
pod location id	pod nbr	pod_source_type	user id	wtr use report id	meter required	record wtr use	report wtr use	report swl	pump test status
9849	1	WE	31688		Y	Y			Approved
T	TC	R	RC	S	QQ	Q	Ben nbr	WRIS location	
								2596 NORTH AND 1356 EAST FROM SE CORNER, SECTION 35	
GW Logid	Well Tag-Log	W Tag-Well	WRIS pod name	Water Use Rptg facility name	GW Owners Well Name				
			A WELL	A WELL (HARN 1046)	HUDSON WELL 2				

Quick Links

- 1a [POD List](#)
- 1b [POD Name](#)
- 2a [Data Input Form](#)
- 2b [POD Correlation Form](#)
- [Owner Input Form](#)
- [Show Water Use Report](#)

Date Created	04/30/1998
Created By	
Date Modified	5/8/2014 8:12:37 AM
Modified By	turnersm
g_Yes	Yes
SourceOWRFilter	Temp KCW

- [Well Logs](#)
- [Owners](#)
- [Permitted Use](#)
- [Permit Condtns](#)
- [Wtr Use](#)
- [Wtr Lvl Entry](#)
- [Wtr Lvl Entry Filtered](#)
- [Wtr Lvl Compliance](#)
- [Pmp Tst Compliance](#)
- [KlamPoasGwSw](#)
- [Wtr Lvl Compliance Klam](#)
- [Kcw Stuff](#)

Pump Tests for POA:		pod loc id	GW Logid	Primary Aquifer	on Water Right:	snp id	user id	<a href="#">Show Pump Test Form Letters</a>	<a href="#">Show or Enter Pump Data</a>				
		9849	HARN 1046			23596	31688						
Letter	Flag	Logid of tested well	Received date	Test date	Test status	Exemption type	Test status by	Status date	Test comments	File Location	Userid legacy	Podid legacy	Pod status legacy
		HARN 1046	10 23 2000	01 25 2000	Approved	None	Karl Rozniak	09 25 2015		GW LOCATED WELLS			

<b>Current Owner (from Groundwater Owners File):</b>				<b>Water Use Report Owner:</b>				pump test pod_id	
Name f / i	DON R JOHNSON			ARNOLD & DEBRA MASTRE				prev pt pod_id	
Other									
Company									
Street 1	PO BOX 66			58477 HWY 78					
Street 2									
City / st / zip	RIDDLE		OR 97469	BURNS		OR 97907	USA		
Ph Home	388-352-8013		Ph Cell			Ph Cell			
Ph FAX	Ph Company			Ph Company					
Email									
Owner Comment						Last update date: 5/14/2014 3:17:05.173 PM		HARN	
						Last update user: WRD/pedersd			
8/26/2015		Last pump test owner update:							

<b>Current WRIS Owners:</b>									
user_id	name first	name last	name company	name other	street1	city	zip	last_update	
DON R	JOHNSON				PO BOX 66	RIDDLE	OR 97469	11/5/2002 8:00 AM	

Data Input Forms for WRIS POD Attributes

Report Date: 8/21/2009

Application	Permit	Certificate	Claim	gw_cirt_nbr	Decreases	Transfers	Orders (vol/page)
G 13081	G 12961						732
Water Right	snp id	wr type	wr status	Valid?	snp origin		
	23596	G	NC	Yes	PR		
Priority Date	Permit date	Cert date	name_first	name_last	name_company	name_other	
10/29/1996			CON P	JOHNSON			
pod location id	pod nbr	pod_source_type	user id	wtr use report id	meter required	record wtr use	report wtr use
9649	1	WE	31688		Y	Y	Approved
T	TC	R	RC	S	QQ	Q	Bsn nbr
							12
WRIS location							
2598 NORTH AND 1356 EAST FROM SE CORNER, SECTION 35							
GW Logid	Well Tag-Log	W Tag-Well	WRIS pod name	Water Use Rptg facility name	GW Owners Well Name		
			A WELL	A WELL (HARN 104E)	HUDSON WELL 2		

Quick Links

- 1a [POD List](#)
- 1b [POD Name](#)
- 2a [Data Input Form](#)
- 2b [POD Correlation Form](#)
- [Owner Input Form](#)
- [Export Conditions](#)
- [Print Report](#)
- [Show Water Use Report](#)
- [Water Monitoring Map](#)

Date Created	04/30/1998
Created By	
Date Modified	5/8/2014 8:12:37 AM
Modified By	turnersm
g_Yes	Yes
SourceOWRDFilter	
	Temp KCW

Well Logs	Owners	Permitted Use	Permit Condns	Wtr Use	Wtr Lvl Entry	Wtr Lvl Entry Filtered	Wtr Lvl Compliance	Pmp Tst Compliance	KlamPoasGwSw	Wtr Lvl Compliance Klam	Kcw Stuff
-----------	--------	---------------	---------------	---------	---------------	------------------------	--------------------	--------------------	--------------	-------------------------	-----------

Condition type / Action status	SWL	SWL	Other measured wells not on right:		swl required	Y	impact plan	N	owner_sta
Impact plan Submitted / Approved			Logid	Comments	swl frequency	ANN	supply plan	N	owner_nati
Month / Yr use began					swl month	MAR	limit duration	N	userid_fr
Owner's site name	HUDSON WELL 2				swl duration	7 YRS	limit date		wl_frequen
Well not drilled as of					decline trigger	3/15/25/25	meter required	Y	Primary Aq
Compliance Comments					decl trig shutoff	Y	record water use	Y	
					ref lvl on pmt/cert		report water use	Y	
ref_date		ref_wtr lvl_bsd			rt date on pmt/cert				
dcl_date		dcl_wtr lvl_bsd			Other conditions	IF AT ANY TIME THE WELL OR ITS USE: A)ACTS AS A CONDUIT FOR GW CONTAMINATION, B)ALLOWS LOSS OF ARTESIAN PRESSURE, C)ALLOWS W			
Ref lvl det by		decline			Condition Comments				
		Trigger activated			Condition source				
					Source comments				

- [Show water-level report](#)
- [Show hydrograph](#)
- [Show SWL letter for printing](#)
- [Show Plan letter for printing](#)

Logid	Source Org	SourceOWRD	Date	Time	WL BLS	Method	Status	Measured By	Pump Idle Time	WIComments
HARN 104E	DRILLER	WELL LOG	10/28/1974		12	R	U	DRILLER		
HARN 104E	PUMP INSTALLER	PERMIT COND	07/31/2001		41	T	S	BRENT CHESTER		
HARN 104E	PUMP INSTALLER	PERMIT COND	03/23/2012		49.16	T	S	MATT NONNENMACHER	APPROX 5	
HARN 104E	PUMP INSTALLER	PERMIT COND	02/28/2013		53.75	T	S	MATT NONNENMACHER	APPROX 6	



**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 26, 2015

DON R JOHNSON  
PO BOX 66  
RIDDLE OR 97469

GW

The Department has accepted the pump test results for the following permitted well(s):

Application	Water Right	Permitted Well	Tested Well	Test Date	Test Status	Exemption	Owner's Well Name
<del>G13081</del>	Permit: G 12961 *	HARN 1046	HARN 1046	01/26/2000	Approved	None	HUDSON WELL 2

Please contact me if you have any questions.

Sincerely,

Karl Wozniak  
Ground Water/Hydrology Section

cc: GW Pump Test File

## **SKAUG Jonnine L**

---

**From:** NICHOLS Adrienne F  
**Sent:** Wednesday, August 26, 2015 1:42 PM  
**To:** SKAUG Jonnine L  
**Subject:** RE: App G-13081 Pump Test

Hello there,

I went ahead and talked to Karl about this test since he had flagged it as "received" in the GW database back in 2008. Not too sure why it ended up sitting for a while, but the test itself isn't the best quality. **We will go ahead and approve it.** though since it wouldn't be worth making them do it again. I'll get that approval letter downstairs in a little bit.

Thanks,  
Adrienne

---

**From:** SKAUG Jonnine L  
**Sent:** Wednesday, August 26, 2015 10:28 AM  
**To:** NICHOLS Adrienne F  
**Subject:** App G-13081 Pump Test

Good Morning,

When you have time would you mind looking into why the attached pump test was never approved? WRIS shows that it was received but nothing else.

Thank you very much for your help! ☺

**Jonnine Skaug**  
**Certificate Specialist**  
**Water Rights Services Division**  
Oregon Water Resources Dept  
725 Summer Street NE, Suite A  
Salem OR 97301

**Phone: 503-986-0813**  
**Fax: 503-986-0901**  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

Well in Field "F"

RECEIVED

OCT 3 11 2002



Oregon Water Resources Department  
PUMP TEST COVER SHEET

WATER RESOURCES DEPT.  
SALEM, OREGON



HARN 1046 KCW

Well Owner:  
Name DON R. JOHNSON  
Address P.O. 66  
City, State, Zip RIDDLE, OR 97469  
County DOUGLAS

Well Location:  
Township 24 (N or S), Range 33 (E or W)  
Section 35 1/4, 1/4, 1/4 NE NW SE  
Well Depth \_\_\_\_\_ Date Drilled \_\_\_\_\_  
Owner's Well No. (if any) \_\_\_\_\_  
POD-ID \_\_\_\_\_

Water Right Information:

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Certificate No. \_\_\_\_\_  
Is this well used for more than one water right? NO (Y/N) If Yes, fill out numbers below:  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_

Pump Test:

Test conducted by Jay Nelson Well Owner? NO (Y/N)  
Company Ranch 2 Home Inc  
Address 13103 Hwy 20 West Date of Test 1-26-00  
City, State, Zip Burns Ore 97720

Method of Discharge Measurement Fluidyne Flow Meter  
Method of Water Level Measurement Electronic Probe  
Depth of Air Line (if used) \_\_\_\_\_  
Pump Type (Turbine, Submersible, etc.) Turbine  
Was pump test conducted during normal use of the well NO (Y/N)

Description of point from which water level was measured Ground level  
Is measuring point above or below ground level? Even  
Distance between measuring point and ground level (correction factor) \_\_\_\_\_

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? NO (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test \_\_\_\_\_

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? Y (Y/N)  
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance \_\_\_\_\_  
Approximate elevation difference \_\_\_\_\_  
Is well elevation above or below the surface water body? \_\_\_\_\_

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>8:30</u>	Depth to Water: <u>39'</u> (ft/in)
Time: <u>9:06</u>	Depth to Water: <u>39'</u> (ft/in)
Time: <u>9:29</u>	Depth to Water: <u>39'</u> (ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>9:30</u>	Discharge Rate: <u>829</u> (gpm)
Time: <u>10:30</u>	Discharge Rate: <u>829</u> (gpm)
Time: <u>11:30</u>	Discharge Rate: <u>829</u> (gpm)
Time: <u>12:30</u>	Discharge Rate: <u>829</u> (gpm)
Time: <u>1:30</u>	Discharge Rate: <u>829</u> (gpm)

Pump turned on: Date: 1-26-00 Time: 9:30 Pump turned off: Date: 1-26-00 Time: 1:30  
Total pumping time: 4 hours, - minutes.

Note: Well must be idle for at least 16 hours prior to the test.

# PUMP TEST DATA SHEET

APPLICATION NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ P.O.D.-ID \_\_\_\_\_  
 All water level measurements must either be in 1) feet and inches, or 2) feet and decimal fractions. (Circle one)

### DRAWDOWN DATA

### RECOVERY DATA

DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS
10/26/00	8:30				39'		10/26/00		1:31			81'	
	9:00				39'				1:33			57'	
	9:29				39'				1:35			51'	
	9:30				39'				1:37			47'	
	9:32				60'				1:39			44'	
	9:34				60'	829 gal							
	9:36				65'								
	9:38				65'								
	9:40				65'								
	9:45				68'								
	9:50				68'								
	9:55				69'								
	10:00				72'								
	10:05				72'								
	10:10				80'								
	10:15				80'								
	10:30				80'	829 gal							
	10:45				80'								
	11:00				80'								
	11:15				80'								
	11:30				80'								
	11:45				80'								
	12:00				81'								
	12:15				81'								
	12:30												
	12:45												
	1:00												
	1:15												
	1:30												

RECEIVED

OCT 30 2002

WATER RESOURCES DEPT.  
SALEM, OREGON



# Oregon

John A. Kitzhaber, MD, Governor

August 4, 2014

## 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

Zions First National Bank  
2460 S. 3270 W  
West Valley, Utah 84116

Reference: Application **G-13081**, Permit G-12961 – Application G-15675, Permit G-15252

The requested assignments from Arnold and Debra Mastre to you could not be made at this time. For multiple rights requiring assignment, a separate form and fee for each must be submitted. In addition, Application G-13081, Permit G-12961 has not been assigned to Arnold and Debra Mastre

I am returning your request and check

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Request and check

cc: **files**





PERMIT STATUS REVIEW BY JD DATE 6/27/02 FILE # G-13081

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: note on JS list

Permit is for municipal or quasi-municipal use or in Bonanza study area  
(per DF, when in doubt about MU/QM, change database code)

Extension pending \_\_\_\_\_ final \_\_\_\_\_

→  Assignment is pending assigned 8/2/2000

Cancellation is requested \_\_\_\_\_ final \_\_\_\_\_

Dept. has already sent a certified "Form 100" letter (date \_\_\_\_\_, # \_\_\_\_\_)  
Was mail deliverable as addressed? \_\_\_\_\_  
Send cancellation letter \_\_\_\_\_

Claim of beneficial use and final proof map (COBU) have been received by Department  
Date information received \_\_\_\_\_

2. IF NONE OF THE ABOVE APPLY

Send certified "C" date notice packet to permit holder.  
"C" DATE 10/1/99 C.O.B.U. DEADLINE 10/1/2000  
WATERMASTER DISTR # 10 WATERMASTER NAME Mitch Lewis

OK LETTER  
M.L.S.  
8/08/2002

**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:

G13081 JS 7020 2750

**DON R. JOHNSON**  
PO BOX 66  
RIDDLE OR 97469

2. Article Number  
(Transfer from service label)

7001 0320 0004 7020 2750

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*x H.A. Johnson*  Agent  
 Addressee

B. Received by (Printed Name) *H.A. Johnson* C. Date of Delivery *9-20-02*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

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 DEPT  
ATTN: J. SAUTER  
158 - 12<sup>TH</sup> STREET NE  
SALEM OR 97301-4172

97301+4172





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
www.wrd.state.or.us

September 9, 2002

Certified mail number 7020 2750  
Return receipt requested

DON R. JOHNSON  
PO BOX 66  
RIDDLE OR 97469

Reference: Application G-13081, Permit G-12961

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use, to include a final proof survey map of the development. The map and claim of beneficial use was to have been submitted to our Department within one year of October 1, 1999. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time of your permit, within 60 days of the date of this letter (November 8, 2002) the Department may cancel your permit without further notice.**

Please give me a call if you have questions. My phone number is 503-378-8455 extension 274.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (3)

cc: OWRD Watermaster MITCH LEWIS, District 10

~~File G-13081~~

*John KAMRFIELD  
FAX 541 495-2271  
CALLER 9/24/2002. WILL COMPLET  
CLAIM AND ARRANGE FOR CANCEL-  
FAXED PERMIT TO HUN. 1  
A.K.S. 9/24/2002*

Oregon Water Resources Department  
Water Rights Division

FAX  
COPY-  
WILE  
THIS ONE  
TO FAX

Water Rights Application  
Number G-13081

**Final Order**

*Application History*

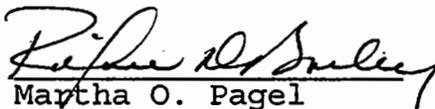
On August 19, 1992, GERALD A. AND ONA L. LINDSEY submitted an application to the Department for a water use permit. On February 14, 1996 the application was assigned to River Mountain Ranch. The Department issued a Proposed Final Order on September 3, 1996. The protest period closed October 18, 1996, and no protest was filed.

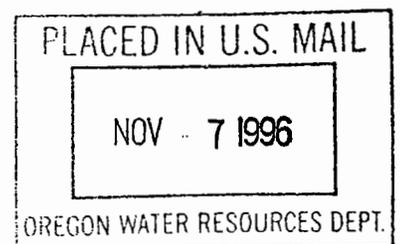
The proposed use would not impair or be detrimental to the public interest.

**Order**

Application G-13081 therefore is approved as proposed by the Proposed Final Order, and Permit G-12961 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED October 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.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEARCHLIGHT  
DBA RIVER MOUNTAIN RANCH  
P.O. BOX 108  
WHITE BIRD, ID 83554

PHONE: (541) 493-2591

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

APPLICATION FILE NUMBER: G-13081

SOURCE OF WATER: A WELL, IN THE HOT SPRINGS SLOUGH BASIN

PURPOSE OR USE: IRRIGATION OF 161.5 ACRES

MAXIMUM RATE: 2.02 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 35, T24S, R33E, W.M.; 2598 FEET NORTH AND 1356 FEET EAST FROM SE CORNER, SECTION 35

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:

SE 1/4 NW 1/4	7.6 ACRES
NW 1/4 NE 1/4	8.5 ACRES
NE 1/4 NE 1/4	4.2 ACRES
SW 1/4 NE 1/4	39.9 ACRES
SE 1/4 NE 1/4	35.8 ACRES
NE 1/4 SW 1/4	4.3 ACRES
NW 1/4 SE 1/4	34.6 ACRES
NE 1/4 SE 1/4	26.6 ACRES

SECTION 35

TOWNSHIP 24 SOUTH, RANGE 33 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.

If at any time the well or its use:

- a. acts as a conduit for groundwater contamination,
- b. allows loss of artesian pressure,
- c. allows waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Access to the well for water level measurements must be provided.

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

**Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

**Initial and Annual Measurements**

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

**Seven Consecutive Annual Measurements**

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of 3 Ft. or more feet per year for five consecutive years; or
- (B) A water level decline of 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of 25 Ft. or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### 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.

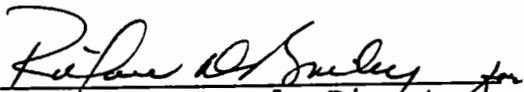
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 October 29 , 1996

  
Martha O. Pagel, Director  
Water Resources Department

Application G-13081 · Water Resources Department  
Basin 10 · Volume 2 Malheur Lake & Misc.  
MGMT.CODE 7BG, 7BW, 7IG, 7IW

PERMIT G-12961  
District 10

# MONEY SLIP

## WATER RESOURCES DEPARTMENT

MONEY SLIP #

034586

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: \_\_\_\_\_

BY: \_\_\_\_\_

APPLICATION: G-15040

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)




TOTAL REC'D: \$ 25.00

**0417 WRD MISC CASH ACCT**

*Carol  
Please  
Assign  
files G 15040 &  
G 13081 ONLY  
DSM*

FY) \_\_\_\_\_

FY) \_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

CASH ACCT.

VOUCHER #

\$ \_\_\_\_\_  
\$ \_\_\_\_\_

NOTICE, PFO ASSIGN

CC. \_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ 25.00  
\$ \_\_\_\_\_

ALT

EXAM FEE	
\$	0202
\$	0204
\$	0206
EXAM FEE	
\$	0219
\$	0220

RECORD FEE: \$ \_\_\_\_\_  
LICENSE FEE: \$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER PROTEST FEE EXTENSION

SPECIAL INSTRUCTIONS:

*TO: DACAS*

**0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD)

0231 HYDRO LICENSE FEE (FWWRD)

HRDRO APPLICATION

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

August 2, 2000

Mr Don R Johnson  
PO Box 66  
Riddle OR 97469

Reference: Files G-13081 and G-15040

The assignment of Permit G-12961 from Searchlight Trust, Boyd C. Hopkins, Trustee, to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly, and the original assignment is enclosed.

Check receipt number 0000475 covering the \$25 recording fee has been mailed to AmeriTitle.

Sincerely,

Dallas S. Miller  
Water Rights Specialist

DSM:cap

Enclosures

cc: Watermaster #10  
Data Center/OWRD  
Chris Palmer, CWRE  
Searchlight Trust, Boyd C. Hopkins, Trustee, PO Box 148, Whitebird, ID 83554  
AmeriTitle, Terri Jo Morgan, 111 W Washington, Burns, OR 97720





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **34586**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # **15040**

RECEIVED FROM: America Title  
BY: \_\_\_\_\_

APPLICATION	<u>PERMIT</u>
PERMIT	
TRANSFER	

CASH:  CHECK: # 72423 OTHER: (IDENTIFY)

TOTAL REC'D. \$ 2500

**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**

*PCA # 66111  
Assignment*

0407 MISCELLANEOUS COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$ <u>25.00</u>
(New) TC162 DEPOSIT LIAB. (IDENTIFY)	\$

<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
-----------------------	----

**0467 HYDRO ACTIVITY**

0233 POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **34586**

DATED: 11.19.99 BY: [Signature]

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal.



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

March 22, 2000

*COPY*

*Not Assigned  
Yet. Need \$*

BOYD HOPKINS, TRUSTEE SEARCHLIGHT TRUST  
PO BOX 148  
WHITEBIRD, IDAHO 83554

REFERENCE: Files G 15040, G 13081, G 9769, G 7649

Dear Mr. Hopkins:

Regarding your request for assigning application G 15040, and permits G 8980, G 12961, and G 7076. We can assign G 15040, and permit G 12961. However files G 9769 and G 7649 are in the name of the Department of Veterans Affairs, those files cannot be assigned unless a representative of the DVA signs the assignment form.

Another way to assign those two files is if you can send us a copy of the deed conveying the property to you.

It is also necessary to submit a \$25 fee to assign these files.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

*Dallas Miller*  
Dallas Miller  
Water Rights Specialist

cc: Watermaster, District 10



Attention: Mary Grainey

---

Date: 5/1/02

---

Company: Water Resources Department

---

Number of Pages: 2

---

Fax Number: 15033788130

---

Voice Number:

---

From: Michael Christian

---

Company: D.R. Johnson Lumber Co.

---

Fax Number: 541 874 8267

---

Voice Number: 541 874 8269

---

Subject:

---

Comments:

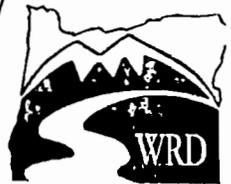
---



2000

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

2001



613081

28754  
USER-ID P.#12961

Facility	46174				
POD-ID					
October - 2000	0				
November - 2000	0				
December - 2000	0				
January - 2001	0				
February - 2001	0				
March - 2001	0				
April - 2001	35 AF				
May - 2001	46 AF				
June - 2001	55 "				
July - 2001	59 "				
August - 2001	60 "				
September - 2001	50 "				
TOTAL *	305 "				

\* 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: Pivots. If use is irrigation, total number acres irrigated 125

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

Michael Christian Signature      Env. Manager Title      4-J Ranch Reporting Entity      4-30-02 Date

AMERITITLE - ESCROW TRUST ACCOUNT  
Escrow No. BUH15009

Check Date: 11/15/1999      Check No. 0000475

To: WATER RESOURCES DEPARTMENT

Attached you will find our check in the amount of \*\*\*\*\*25.00\* , in payment for:  
REQUEST FOR ASSIGNMENT SEARCHLIGHT/JOHNSON      25.00

Please feel free to contact us if you have any questions.

BUYER: DON R. JOHNSON  
PROPERTY: LAND IN HARNEY COUNTY, OREGON  
HARNEY COUNTY OR

SELLER: SEARCHLIGHT TRUST

CHECK NO.: 0000475      RE:  
ESCROW OFFICER: TERRI JO MORGAN

TITLE NO:  
ESCROW NO: BUH15009

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-13081

**Final Order**

*Application History*

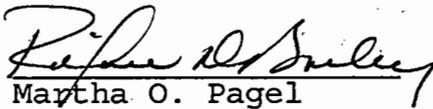
On August 19, 1992, GERALD A. AND ONA L. LINDSEY submitted an application to the Department for a water use permit. On February 14, 1996 the application was assigned to River Mountain Ranch. The Department issued a Proposed Final Order on September 3, 1996. The protest period closed October 18, 1996, and no protest was filed.

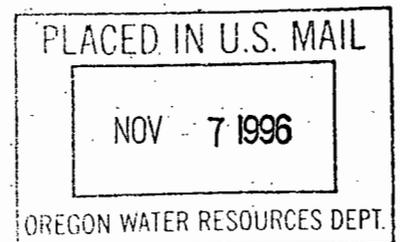
The proposed use would not impair or be detrimental to the public interest.

**Order**

Application G-13081 therefore is approved as proposed by the Proposed Final Order, and Permit G-12961 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED October 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.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEARCHLIGHT  
DBA RIVER MOUNTAIN RANCH  
P.O. BOX 108  
WHITE BIRD, ID 83554

PHONE: (541) 493-2591

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

APPLICATION FILE NUMBER: G-13081

SOURCE OF WATER: A WELL, IN THE HOT SPRINGS SLOUGH BASIN

PURPOSE OR USE: IRRIGATION OF 161.5 ACRES

MAXIMUM RATE: 2.02 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 35, T24S, R33E, W.M.; 2598 FEET NORTH AND 1356 FEET EAST FROM SE CORNER, SECTION 35

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:

SE 1/4	NW 1/4	7.6 ACRES
NW 1/4	NE 1/4	8.5 ACRES
NE 1/4	NE 1/4	4.2 ACRES
SW 1/4	NE 1/4	39.9 ACRES
SE 1/4	NE 1/4	35.8 ACRES
NE 1/4	SW 1/4	4.3 ACRES
NW 1/4	SE 1/4	34.6 ACRES
NE 1/4	SE 1/4	26.6 ACRES

SECTION 35

TOWNSHIP 24 SOUTH, RANGE 33 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.

If at any time the well or its use:

- a. acts as a conduit for groundwater contamination,
- b. allows loss of artesian pressure,
- c. allows waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Access to the well for water level measurements must be provided.

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

**Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of 3 Ft. or more feet per year for five consecutive years; or
- (B) A water level decline of 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of 25 Ft. or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### 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 October 29 , 1996

  
Martha O. Pagel, Director  
Water Resources Department

Application G-13081 · Water Resources Department  
Basin 10 Volume 2 Malheur Lake & Misc.  
MGMT.CODE 7BG, 7BW, 7IG, 7IW

PERMIT G-12961  
District 10



# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

March 22, 2000

BOYD HOPKINS, TRUSTEE SEARCHLIGHT TRUST  
PO BOX 148  
WHITEBIRD, IDAHO 83554

REFERENCE: Files G 15040, G 13081, G 9769, G 7649

Dear Mr. Hopkins:

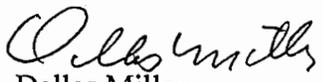
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Another way to assign those two files is if you can send us a copy of the deed conveying the property to you.

It is also necessary to submit a \$25 fee to assign these files.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

  
Dallas Miller  
Water Rights Specialist

cc: Watermaster, District 10





# Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 8, 1999

DON R JOHNSON  
PO BOX 66  
RIDDLE, OR 97469

REFERENCE: Files G 15040, G 13081, G 9769, G 7649

Dear Mr. Johnson:

Regarding your request for assigning application G 15040, and permits G 8980, G 12961, and G 7076. We can assign G 15040, and permit G 12961. However files G 9769 and G 7649 are in the name of the Department of Veterans Affairs, those files cannot be assigned unless a representative of the DVA signs the assignment form.

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Sincerely,

Dallas Miller  
Water Rights Specialist

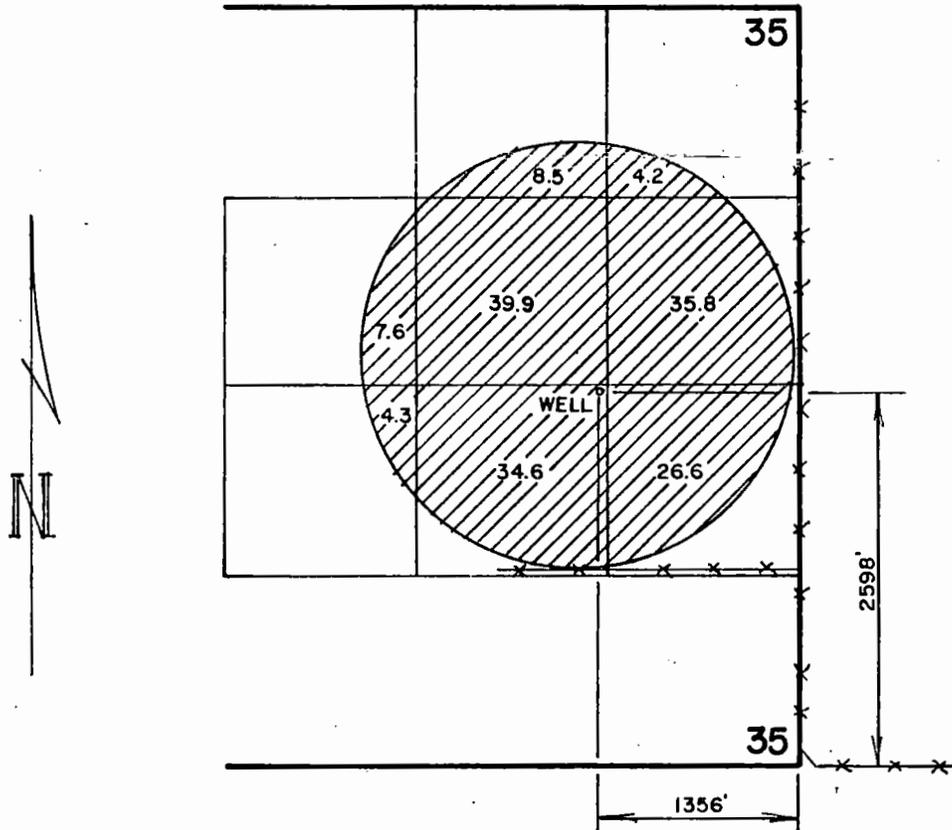
cc: Watermaster, District 10



Application No. G-13081  
 Permit No.

T. 24 S., R. 33 E.,  
 W.M.

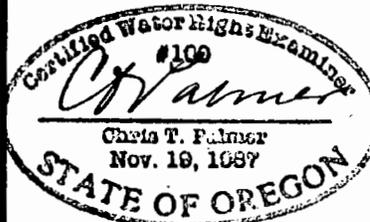
RECEIVED  
 AUG 19 1992  
 WATER RESOURCES DEPT.  
 SALEM, OREGON



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.

GERALD A. & ONA L. LINDSEY

WATER RIGHT APPLICATION MAP



Scale: 4" = 1 mile	Date: June 1992	Job: III B
Dsn:	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
Drn: CHRIS		of 1
Ckd:		

Application G-13081

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-~~12873~~ /308/ ✓

KEN STAHR ✓

WATERMASTER # 10 ✓

REGIONAL MANAGER: KENT SEARLES ✓

ODF&W - Harney County: 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):

*Waterwatch*

CASEWORKER : LKS

FILE # G-13081

# FO CHECKLIST

REVIEW DATE: 10/23/96

WEEK # 58

PFO TO FO CONVERSION

INITIALS : JTG

In preparing the FO, you should check the following:

1. Y / ~~N~~ Were comments or protests received in response to the PFO?
2. ~~A~~ If #1 = "Y", from whom were the comments received and when?
3. ~~X~~ Verify names and addresses on the PFO CC list. ALL commentors (regardless of comment date), affected landowners (were they notified?), and those who paid the \$10 fee should be listed.
4. ~~X~~ Verify payment of recording fees (circle the appropriate option)
  - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
  - (2) Issue FO w/o permit if fees are lacking
5. Y / ~~N~~ Is the file lacking a signed oath of accuracy for the application? AS IR checklist
6. Y / ~~N~~ Has ODFW asked for self certification on screening condition?
7. Y / ~~N~~ Is water use prohibited for one or more months of the normal use period?
8. Y / ~~N~~ If # 7 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. Y / N Is further processing possible? If not state reason: \_\_\_\_\_
10. \_\_\_\_\_ Notify applicant of additional information or fees required prior to permit issuance (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)
11. \_\_\_\_\_ Assign permit numbers to files with oath, fees, and no protests or other issues

200  
100  
309

Route to: (circle one)  
DENIAL FO w/o PERMIT  
LARRY JERRY

FO & PERMIT  
JEREMY

Respond to COMMENTS DOUG
--------------------------------

Modify FO as needed to:

Initials \_\_\_\_\_

12. ~~X~~ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. ~~A~~ Include or exclude permit conditions and management codes
14. ~~X~~ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

15. ~~X~~ Save WordPerfect document in M:\T\FO\WEEK 58 & delete duplicates
16. ~~X~~ Print final draft of document and submit to team leader for review
17. ~~X~~ N Team leader review completed

Water Resources Department

MEMO

March 14, 1998

TO Application G- 13081

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

13081

**Water Right Conditions  
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13081

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T24S/R33E-35

CONDITIONS ATTACHED? [ ]yes [x]no

REMARKS OR FURTHER INSTRUCTIONS:

1033 Review only - Jan Koehler  
completed a Division 9 review

Reviewer: Michael Zwart

TO: Water Rights Section

7-16, 1993

FROM: Groundwater/Hydrology Section

Kochler

Reviewer's Name

SUBJECT: Application G-13081

1. PER THE Basin rules, one or more of the proposed POA's is/is not within feet/mile of a surface water source ( ) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a. will, or have the potential for substantial interference with the nearest surface water
  - b.  will not source, namely tributary to Cowcamp Creek; or
  - c. will, if properly conditioned, adequately protect the surface water from interference:
    - i. The permit should contain condition #(s) ;
    - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. The permit should be conditioned as indicated in item 4 below; or
  - d. will, with well reconstruction, adequately protect the surface water from substantial interference.
3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. will, or likely be available in the amounts requested without injury to prior rights and/or
  - b. will not within the capacity of the resource; or
  - c.  can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
    - i.  The permit should contain condition #(s) 4I+4G;
    - 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.

G-13081  
yx

REMARKS: Access to the well for water level measurements must be provided.

(well is ~1 mile from area of ongoing groundwater interference complaints, (nearby water levels appear to have declined).

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: no well access.
8. THE WELL
- a.  was, or constructed according to the standards in effect at the time of
  - b.  was not original construction or most recent modification.
  - c.  I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

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

\_\_\_\_\_, 1993.

(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: \_\_\_\_\_

\_\_\_\_\_, 1993.

(Signature)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date: 7-14-93

FROM: Koehler

SUBJECT: Groundwater Application G- 13081

Phone: \_\_\_\_\_

Name: Lindsey → Mansini

Applicant(s) seek 2. (0.2 cfs) gpm (~900 gpm eqs) from one (1) well(s) in the Malheur Lake basin

Proposed use: Irrigation sub basin

Pertinent 7 1/2 - minute quads

Crane

Warm Springs Butte

Well 1 WRD# HARN 1046 T 24S R 33E S 35 QONENW County HARN

Legal Description 2598' N + 1356' W from SE cor - 35

Well is ~1/2 mile ft from Crowcamp Creek (river/stream)

Well is \_\_\_\_\_ ft from \_\_\_\_\_ (river/stream)

Well elevation ~4119' ft. River/stream elevation ~4119' ft.

Well elevation - river/stream elevation 0

Well depth 273 SWL 12' on 10/28/74

Sealed to 20' (8' into blk. clay) Depth first water found 7-12' (cased + sealed off); 35'-5.

Cased to 60' Perforations/screens \_\_\_\_\_

Lined to \_\_\_\_\_ Perforations/screens \_\_\_\_\_

Well tests and types Bailer - 90 gpm w/ 1 hour drawdown in 1 hour

Confined or unconfined? semi confined Hydraulically connected? no

Potential to cause substantial interference? not likely

From Hudson #2 well log assumed to be correct log

Well \_\_\_\_\_ WRD# \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_ S \_\_\_\_\_ QO \_\_\_\_\_ County \_\_\_\_\_

Legal Description \_\_\_\_\_

Well is \_\_\_\_\_ ft from \_\_\_\_\_ (river/stream)

Well is \_\_\_\_\_ ft from \_\_\_\_\_ (river/stream)

Well elevation \_\_\_\_\_ ft. River/stream elevation \_\_\_\_\_ ft.

Well elevation - river/stream elevation \_\_\_\_\_

Well depth \_\_\_\_\_ SWL \_\_\_\_\_ on \_\_\_\_\_

Sealed to \_\_\_\_\_ Depth first water found \_\_\_\_\_

Cased to \_\_\_\_\_ Perforations/screens \_\_\_\_\_

Lined to \_\_\_\_\_ Perforations/screens \_\_\_\_\_

Well tests and types \_\_\_\_\_

Confined or unconfined? \_\_\_\_\_ Hydraulically connected? \_\_\_\_\_

Potential to cause substantial interference? \_\_\_\_\_

Conditioned water rights in area: \_\_\_\_\_

Other nearby water rights of record: \_\_\_\_\_

Density of nearby wells of record: \_\_\_\_\_

Comments ① well is w/in ~1 mile of area of active groundwater interference complaints.

② applicant wants to appropriate ~900 gpm, bailer test only produced 90 gpm (but only run for 1 hour).

③ water right application indicated no well access (for water level measuring) - access must be made into this well.

References used: (1)

- SOW # 175 (24S/34E - 31acb) <sup>5/63-4/90</sup>
- # 176 (24S/34E - 31cbd) <sup>12/51-6/88</sup>
- # 212 (24S/34E - 31dcb)
- # 213 24S/34E - 31dda (12/59-8/68)
- # 1095 24S/34E - 31dd
- # 1098 24S/34E - 31a1

The original and first copy of this report are to be filed with the

WATER WELL REPORT

RECEIVED

STATE OF OREGON

JUL 31 1975

State Well No.

245/33E-35ba

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date of well completion.

(Please type or print)

WATER RESOURCES DEPT

State Permit No.

(Do not write above this line)

SALEM, OREGON G-6893

→ G-13081

1) OWNER:

Name Mr. Ron Hudson
Address P. O. Box 803
Crane, Oregon 97732

2) TYPE OF WORK (check):

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

3) TYPE OF WELL:

Rotary [ ] Driven [ ]
Auger [x] Jetted [ ]
Auger [ ] Bored [ ]

(4) PROPOSED USE (check):

Domestic [ ] Industrial [ ] Municipal [ ]
Irrigation [x] Test Well [ ] Other [ ]

CASING INSTALLED:

Threaded [ ] Welded [x]

1.4" Diam. from 0 ft. to 60 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? [ ] Yes [x] No

Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

7) SCREENS:

Well screen installed? [ ] Yes [x] No

Manufacturer's Name
Type Model No.
Diam. 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 [x] No If yes, by whom?
Field: gal./min. with ft. drawdown after hrs.
" " " "
" " " "
Packer test 90 gal./min. with 0 ft. drawdown after 1 hrs.
Artesian flow g.p.m.
Temperature of water 54 Depth artesian flow encountered ft.

9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 1.7 in.
Diameter of well bore below seal 1.4 in.
Number of sacks of cement used in well seal 12 sacks
Number of sacks of bentonite used in well seal NONE sacks
Brand name of bentonite
Number of pounds of bentonite per 100 gallons
Type of water depth of strata
Method of sealing strata off
Was well gravel packed? [ ] Yes [x] No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Harney Driller's well number
NE 1/4 NW 1/4 Section 35 T. 24S R. 33E W.M.
Bearing and distance from section or subdivision corner
Hudson #2

(11) WATER LEVEL: Completed well.

Depth at which water was first found 69 ft.
Static level 12 ft. below land surface. Date 10/28/74
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 14"

Depth drilled 273 ft. Depth of completed well 273 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.

Table with columns: MATERIAL, From, To, SWL. Rows include Top soil, Hard pan, Fine black sand and water, Black clay, Black sand-water bearing, Mild rock (black fine grained), more water, Green clay, Mild rock (black fine grained), Green clay.

I found log in G-6893 file. Hudson = Crane Land + Cattle Co.

Work started 10/16/ 1974 Completed 10/28/ 1974
Date well drilling machine moved off of well 10/28/ 1974

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] Paul Miller Date 7/29/ 1975
(Drilling Machine Operator)

Drilling Machine Operator's License No. 967

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 Davidson Drilling Inc.

Address 626 N W Pershall Way Redmond, Ore. 97756
(Person, firm or corporation) (Type or print)

[Signed] Davidson Davidson Date 7/29/ 1975
(Water Well Contractor)

Contractor's License No. 548 Date 7/29/ 1975

G-6893

G-6356

Cancelled

Ronald K. Hudson

2650' S + 1300' W SE cor - 26

PD 10/31/75

1.3 cfs

TO: Tom Shook  
FROM: Jan Koehler *JK*  
RE: Groundwater right application G-13081  
DATE: July 14, 1993

On May 11, 1993 I wrote a memo to you regarding this groundwater application, explaining that I did not have sufficient data to complete a groundwater review. I expected that the applicant would eventually supply the missing data. I was able to locate the water well record for this well by doing a bit of digging. Apparently there was a groundwater permit (G - 6893) for this well in the past which was cancelled several years ago. Dallas Miller found the old file for me (stored off site) and in it was the well log. Therefore, I have the data that I need for this well, and I will continue the groundwater review presently.

FYI - in response to groundwater interference complaints by local irrigators, a brief interference test was conducted by the Groundwater/Hydrology Section. Preliminary results indicate that groundwater interference is occurring between certain wells located a little over a mile away. In order to determine the extent of this interference, we anticipate water level data being collected locally this summer, and we expect to conduct a detailed aquifer test in the spring of 1994.

This well is not directly involved in the interference dispute. I don't think it would necessarily be wise to hold up the processing of this application while we wait for future data. Due to localized water level decline problems and interference problems, however, I do anticipate attaching conditions to my groundwater review to address these issues.

TO: Tom Shook  
FROM: Janet Koehler *JKW*  
DATE: May 11, 1993  
RE: Groundwater right application G-13081

I am returning the Lindsey (Harney county) water right application to you since there is not enough data to make a Division 9 evaluation. In order to make the required evaluation, I will need to know the following:

- well depth
- casing depth
- perforation locations
- grout seal depth
- static water level reading, and date

Also, according to Bill, two of Lindsey's neighbors may be filing a well interference complaint against Lindsey regarding an existing irrigation well about 1 mile away. I think it would be wise to wait and see what shakes out of reviewing the details of the interference complaint before proceeding with processing this application -- which will give Lindsey time to obtain data from his well.



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **130936**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: River Counties  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: # 921 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1000

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

_____	CASH ACCT.	\$
_____	COST CENTER AND OBJECT CLASS	_____
_____	VOUCHER #	_____

**03-00-0 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$ <u>Assignment 1000</u>
520.000	OTHER (P-6) (IDENTIFY)	\$

<b>WATER RIGHTS:</b>		<b>EXAM FEE</b>		<b>RECORD FEE</b>
842.001	SURFACE WATER	\$	842.002	\$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$
<b>WELL CONSTRUCTION</b>		<b>EXAM FEE</b>		<b>LICENSE FEE</b>
842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
_____	LANDOWNER'S PERMIT	_____	842.024	\$
_____	OTHER (IDENTIFY)	_____		

**06-00-0 WELL CONST. START FEE**

842.013	WELL CONST START FEE	\$	CARD #	_____
_____	MONITORING WELLS	\$	CARD #	_____
_____	OTHER (IDENTIFY)	_____		

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
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**07-00-0 HYDRO ACTIVITY**

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	_____	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	_____	_____	\$
_____	HYDRO APPLICATION	_____	_____	\$

RECEIPT # **130936**

DATED: 12-12-95 BY: [Signature]

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-13081

**Proposed Final Order**

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Application History*

On August 19, 1992, GERALD A. AND ONA L. LINDSEY submitted an application to the Department for the following water use permit:

- Amount of Water: 2.02 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION OF 161.5 ACRES
- Source of Water: A WELL IN THE HOT SPRINGS SLOUGH BASIN
- Area of Proposed Use: Malheur County within SECTION 35, TOWNSHIP 24 SOUTH, RANGE 33 EAST, W.M.

On February 14, 1996, the application was assigned to Searchlight, DBA River Mountain Ranch.

The Department mailed the applicant notice of its Technical Review December 15, 1993, determining that IRRIGATION OF 161.5 ACRES IS ALLOWABLE MARCH 20 THROUGH SEPTEMBER 1 EACH YEAR. The 60-day objection period closed FEBRUARY 25, 1994.

Within the 60-day period, objections were received from GERALD A. LINDSEY.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed

- the need for a flow rate and duty higher than the general standard
- any comments received

*Findings of Fact*

The Malheur Lake Basin Program allows the following uses: IRRIGATION OF 161.5 ACRES

Senior water rights do not exist on THE WELL, IN THE HOT SPRINGS SLOUGH BASIN.

THE WELL, IN THE HOT SPRINGS SLOUGH BASIN, IS not within or above a State Scenic Waterway.

The period of allowed use was not correctly identified in the Technical Review. Water is available for further appropriation for the period March 1 through October 31.

The Department finds that no more than 2.02 CFS (CFS) would be necessary for the proposed use. The amount of water requested, 2.02 CFS, is allowable.

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, namely a tributary to Crowcamp Creek.

The Groundwater Section finds that there is **NOT** a preponderance of evidence that the proposed use of groundwater 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.

*Conclusions of Law*

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Malheur Lake Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

The Director does not find, based on 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.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

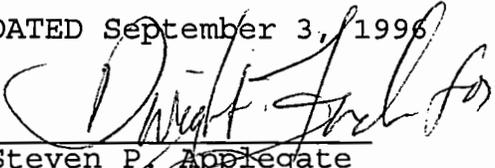
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED September 3, 1996.

  
Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.

Your protest must be received in the Water Resources Department no later than **October 18, 1996**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

LKS

DRAFT  
STATE OF OREGON  
COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SEARCHLIGHT  
DBA RIVER MOUNTAIN RANCH  
P.O. BOX 108  
WHITE BIRD, ID 83554

PHONE: (541) 493-2591

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

APPLICATION FILE NUMBER: G-13081

SOURCE OF WATER: A WELL, IN THE HOT SPRINGS SLOUGH BASIN

PURPOSE OR USE: IRRIGATION OF 161.5 ACRES

MAXIMUM RATE: 2.02 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 35, T24S, R33E, W.M.; 2598 FEET NORTH AND 1356 FEET EAST FROM SE CORNER, SECTION 35

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:

SE 1/4 NW 1/4 7.6 ACRES  
NW 1/4 NE 1/4 8.5 ACRES  
NE 1/4 NE 1/4 4.2 ACRES  
SW 1/4 NE 1/4 39.9 ACRES  
SE 1/4 NE 1/4 35.8 ACRES  
NE 1/4 SW 1/4 4.3 ACRES  
NW 1/4 SE 1/4 34.6 ACRES  
NE 1/4 SE 1/4 26.6 ACRES

SECTION 35

TOWNSHIP 24 SOUTH, RANGE 33 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.

If at any time the well or its use:

- a. acts as a conduit for groundwater contamination,
- b. allows loss of artesian pressure,
- c. allows waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Access to the well for water level measurements must be provided.

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

**Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

**Initial and Annual Measurements**

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

**Seven Consecutive Annual Measurements**

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of Generally 3 Ft. or more feet per year for five consecutive years; or
- (B) A water level decline of Generally 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of Generally 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of Generally 25 Ft. or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### 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.

Application G-13081

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 \_\_\_\_\_, 199\_

DRAFT

---

Water Resources Department  
Director

Application G-13081  
Basin 10  
LKS

Water Resources Department  
Volume 2 Malheur Lake & Misc.  
MGMT.CODE

PERMIT DRAFT  
District 10

PFO ACCURACY CHECKLIST

Application #: G-13081

1.  CHECK NAME(S)/COMPANY NAME
  - \* Assigned
  - \* Signature Name
  - \* Correct Name(s)/Company throughout PFO
  - \* Correct Address & Phone Number on Draft Permit
2.  CHECK SOURCE AND TRIBUTARY
  - \* Consistent throughout PFO and Draft Permit
3.  CHECK RATE OF USE
4.  CHECK PRIORITY DATE & TR/IR DATES
5.  CHECK POD IN DRAFT PERMIT
  - \* Check Map against permit
  - \* Check Township, Range and Section
6.  CHECK POU IN PFO AND DRAFT PERMIT
  - \* Check Map against both
  - \* If Acres on Application do not agree with Map, use Map info
  - \* Check Township, Range and Section
7.  ADD VOLUME NUMBER/NAME AT END OF DRAFT PERMIT
8.  COMPLETE READ THROUGH OF PFO
  - \* Sentence Structure
  - \* Punctuation
  - \* Spelling, etc.

Name:  
LKS

Laura Swedaker

Date:

~~8-22-96~~  
8-22-96

December 15, 1993

GERALD A LINDSEY  
ONA L. LINDSEY  
HC 73 2681 HWY 78  
BURNS, OR 97750

Reference: File G 13081

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.



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 February 25, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

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

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

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

Sincerely,



STEVE BROWN  
Manager  
Water Rights Division

Enclosures

Report Date: December 15, 1993

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, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: February 25, 1994

1. APPLICATION FILE NUMBER - G 13081
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

GERALD A LINDSEY  
ONA L. LINDSEY  
HC 73 2681 HWY 78  
BURNS, OR 97750  
HARNEY COUNTY 503-493-2591

Date application received for filing and/or tentative date of priority: 8/19/1992

SOURCE: A WELL

TRIBUTARY TO: MALHEUR LAKE

Purpose and/or use: IRRIGATION.

Flow: 2.02 cfs

Point of Diversion Location:

NW 1/4 SE 1/4 SECTION 35, T 24 S, R 33 E, W.M.; 2598 FEET NORTH AND 1356 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 35

Place of use:

NENE	4.20	Acres
NWNE	8.50	Acres
SWNE	39.90	Acres
SENE	35.80	Acres
SENW	7.60	Acres
NESW	4.30	Acres
NESE	26.60	Acres
NWSE	34.60	Acres

Section 35  
T 24 S, R 33 E, W.M.

## GROUNDWATER AVAILABILITY

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

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported that groundwater for the proposed use can, if properly conditioned, avoid injury to the existing rights and to the groundwater resource.

## 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 2.02 cfs is likely available from March 20 through September 1 of each year. 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 13081

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: March 20 through September 1 of each year.
3. Rate of use: 2.02 cfs
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 permittee shall obtain a static water-level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, or professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the permittee's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.
12. 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.

13. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
14. No water may be appropriated under the terms of this permit until the well 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.

RECEIVED

JAN 18 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon Water Resources Department  
3850 Portland Rd. N E  
Salem, Oregon 97310  
Water Rights Division  
Steve Brown  
Manager

Dear Mr. Brown:

We are in receipt of your letter and technical review for water rights application File # 13081. You asked for the legal description of the land in question where the well is located. Please find that legal description as follows; That portion of T24 R33 Sec. 35 lying north and east of highway 78 in an irregular tract, containing 483.3 acres more or less.

In addition, your review states that if we have any concerns about the potential water rights, we must file a letter objecting to the conditions in question by 2-25-94. Please accept this letter as a formal objection to that portion of the potential water rights concerning the time frames that the water would be available for use. The first mention of the date is in the Report Review section of the Technical Review. It states that the water would be available from March 20 through September 1 of each year. The second mention would be in the Proposed Permit Conditions section of your report, where under #2 it states the same time frame, March 20 through September 1 of each year.

Our objection is this ; We never are able to irrigate as early as March 20 of any year, and we almost always irrigate past September 1 st of each year. We would like the permit to be worded from April 1st of each year to October 15th of each year. You have proposed a 164 day period starting March 20 of each year, we propose a 198 day period starting April 1st. This would allow our irrigating season to coincide with our crop season. We have been raising irrigated hay crops on this place for six years, and are very certain that the dates you propose would require that we give up the first 10 days of our irrigating season because of weather conditions that won't allow irrigation, and if our water rights are cut off September 1st of each year, we would be forced to simply give up the third and last cutting of hay each and every year. As you can see the proposed dates make the irrigation project marginal with regards to the economics of the venture, and the requested dates we propose fit in with the local historical needs for irrigation purposes.

Thank you for your considerations on this matter.

Sincerely

Gerald and Ona Lindsey  
Owners  
Water Rights Application # B 13081

*Gerald Lindsey*  
January 10, 1994

RECEIVED

JAN 18 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

*[Faint, illegible text]*

L T & L, INC.

P.O. Box 868

Hines, Oregon 97738

L. T. & L., INC.

Oregon Ranch

HC 73 2681 HWY. 78

BURNS, OR 97720

CERTIFIED

P 084 174 976

MAIL



OREGON WATER RESOURCES DEPARTMENT

WATER RIGHTS Section

3850 Postland Rd. N.E.

SALEM, OR. 97310

RETURN RECEIPT  
REQUESTED



UNITED STATES  
POSTAL SERVICE

0000

U.S. POSTAGE  
PAID  
BURNS, OR, OR  
97720  
JAN 13, 94  
AMOUNT

\$0.26

00028894-01

**interoffice**  
M E M O R A N D U M

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**to:** Dave Jarrett  
**from:** Rob Carter *Rob*  
**subject:** Application G-13081  
**date:** August 20, 1996

The attached application was referred to us by the GW Section for review of well construction. An initial review of this application by our section (1993) revealed that no access port was associated with this well.

Discussions with the regional well inspector indicate that the access has been gained to the well.

Please forward this memo to Laura Snedaker. If you have any questions concerning the above, please contact me.

Rob Carter

MEMORANDUM

DATE: JUNE 17, 1996

TO: DAVE JARRETT

FROM: LAURA SNEDAKER, EXT 331  
WR PROPOSED FINAL ORDER

SUBJECT: CONCURRENCE WITH GROUNDWATER DIVISION 9 REVIEW FOR APPLICATION G-13081

The Groundwater Section's review form indicates that the file needs to be routed to Enforcement for concurrence with the reviewer's findings.

The application already appears to have been reviewed by Rob Carter. The Enforcement section of the Division 9 review form, however, has not yet been completed and signed.

Please route this file back to me when you've completed your review.

Thanks.

**ROUTING & REQUEST**

Please...

- Read
- Handle
- Approve

And...

- Forward
- Return
- Keep or Toss
- Review with Me

Post-it® 7664 © 3M 1994

Review To: Dave Jarrett

From:

*I asked Rob Carter to see what has been done about the review...*

*Laura, 6/20/96  
Does the form need to be signed for "C"? Only checks on How B appear to require a signature. D.J.*

TO: Tom Shook  
FROM: Jan Koehler *JK*  
RE: Groundwater right application G-13081  
DATE: July 14, 1993

Application 6-6893 } Karl  
Permit 6-6356 } Wozniak

On May 11, 1993 I wrote a memo to you regarding this groundwater application, explaining that I did not have sufficient data to complete a groundwater review. I expected that the applicant would eventually supply the missing data. I was able to locate the water well record for this well by doing a bit of digging. Apparently there was a groundwater permit (G - 6893) for this well in the past which was cancelled several years ago. Dallas Miller found the old file for me (stored off site) and in it was the well log. Therefore, I have the data that I need for this well, and I will continue the groundwater review presently.

FYI - in response to groundwater interference complaints by local irrigators, a brief interference test was conducted by the Groundwater/Hydrology Section. Preliminary results indicate that groundwater interference is occurring between certain wells located a little over a mile away. In order to determine the extent of this interference, we anticipate water level data being collected locally this summer, and we expect to conduct a detailed aquifer test in the spring of 1994.

This well is not directly involved in the interference dispute. I don't think it would necessarily be wise to hold up the processing of this application while we wait for future data. Do to localized water level decline problems and interference problems, however, I do anticipate attaching conditions to my groundwater review to address these issues.

WATER WELL REPORT

STATE OF OREGON

JUL 31 1975

State Well No.

245/33E-356a

(Please type or print)

(Do not write above this line)

WATER RESOURCES DEPT

State Permit No.

SALEM, OREGON G-1893 -> G-13081

Handwritten notes: "It apparently correct one" and "1046"

Handwritten note: "Hard 1046" circled

Mr. Ron Hudson, P. O. Box 803, Crane, Oregon 97732

TYPE OF WORK (check): New Well [x] Deepening [ ] Reconditioning [ ] Abandon [ ]

TYPE OF WELL: (4) PROPOSED USE (check): Domestic [ ] Industrial [ ] Municipal [ ] Irrigation [x] Test Well [ ] Other [ ]

CASING INSTALLED: 1.4" Diam. from 0 ft. to 60 ft. Gage 250

PERFORATIONS: Perforated? [ ] Yes [x] No. Type of perforator used, size of perforations

SCREENS: Well screen installed? [ ] Yes [x] No. Manufacturer's Name, type, diam., slot size

WELL TESTS: Drawdown is amount water level is lowered below static level. As a pump test made? [ ] Yes [x] No

CONSTRUCTION: Well seal—Material used Cement, sealed from land surface to 20 ft.

(10) LOCATION OF WELL: County Harney, Driller's well number Hudson #2

(11) WATER LEVEL: Completed well. Depth at which water was first found 69 ft. Static level 12 ft. below land surface. Date 10/28/74

(12) WELL LOG: Diameter of well below casing 14". Formation: Describe color, texture, grain size and structure of materials

Table with columns: MATERIAL, From, To, SWL. Rows include Top soil, Hard pan, Fine black sand and water, Black clay, Black sand-water bearing, Mild rock, Green clay.

Work started 10/16/1974 Completed 10/28/1974 Date well drilling machine moved off of well 10/28/1974

Drilling Machine Operator's Certification: This well was constructed under my direct supervision. [Signed] Paul Smith, Date 7/29/1975

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. [Signed] R. Davidson, Date 7/29/1975

6 13001

**State of Oregon**  
**Water Resources Department**

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**INTEROFFICE MEMORANDUM**

Date: 11-30-93

**TO:** Steve Brown  
**FROM:** Rob Carter, Steve Applegate  
**SUBJECT:** Permit Condition; Water Right Review

Below is proposed permit condition language for those wells which do not meet current rules at time of water right review, but did conform at the time of construction:

According to the well report, the well does not conform with current construction standards. However, it appears that the well was constructed in accordance with the standards in effect at the time. If at any time, however, the well or its use:

- a) acts as a conduit for groundwater contamination,
- b) allows loss of artesian pressure,
- c) allows waste of groundwater,
- d) interferes with senior groundwater users, or
- e) interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Our section's reviews of well construction is attached.

1. The current batch of water rights forwarded to the Enforcement Section from Groundwater include several wells that met the standards (if any) in effect at the time. Those files are listed below. The Enforcement Section recommends conditioning these permits with the attached (or similar) language.

<u>Application #</u>	<u>Applicant</u>	<u>Year</u>	<u>Concern</u>
G-13210	Scharer	1954	Commingling
G-13352	Laney	1957	No Surface Seal
G-13374	3-D Ranches	1957	No Surface Seal
G-13390	Blue Sky Farm	1956	Puddled Clay Seal
G-13215	Rice	1951	No Known Seal

2. I concur with Groundwater's assessment concerning the construction of the following wells and recommend well repair. The Enforcement Section will contact the constructor or landowner to effect repairs. We recommend issuance of the permit with the condition that the wells be repaired prior to use of water:

<u>Application #</u>	<u>Applicant</u>	<u>Concern</u>
G-13132	USFS	Commingling
G-13189	Hendry	No Seal into Clay
G-13081	Lindsey	No Access Port
G-13415	Dillard	Commingling
G-13320	Ofelt	Commingling
G-13265	Lee	Commingling
G-12323	Wurdinger	Commingling
G-13375	McGhehey	Health Hazard, Sanitary Seal
G-13354	Eggleston	Commingling
G-12446	Farr	Commingling
G-12917	Farr	Commingling

3. The Enforcement Section disagrees with Groundwater's assessment concerning the construction of the following wells and feel the current construction is adequate. We recommend issuance of the permit with no well construction conditions:

<u>Application #</u>	<u>Applicant</u>	<u>GW's Concern</u>
G-13416	Arranmore	Insufficient Seal
G-13297	Hostetler	Loss of Artesian Head
G-13324	Carlton Plants	Improper Abandonment
G-12249	Eyman	Commingling (Poss Interference)
G-13483	Kelso Water	Commingling

By copy of this memo, we are alerting the Groundwater Section of our decisions concerning the above. If there are questions or concerns, contact Rob Carter.

cc: Fred Lissner

TO: Tom Shook  
FROM: Jan Koehler *JK*  
RE: Groundwater right application G-13081  
DATE: July 14, 1993

On May 11, 1993 I wrote a memo to you regarding this groundwater application, explaining that I did not have sufficient data to complete a groundwater review. I expected that the applicant would eventually supply the missing data. I was able to locate the water well record for this well by doing a bit of digging. Apparently there was a groundwater permit (G - 6893) for this well in the past which was cancelled several years ago. Dallas Miller found the old file for me (stored off site) and in it was the well log. Therefore, I have the data that I need for this well, and I will continue the groundwater review presently.

FYI - in response to groundwater interference complaints by local irrigators, a brief interference test was conducted by the Groundwater/Hydrology Section. Preliminary results indicate that groundwater interference is occurring between certain wells located a little over a mile away. In order to determine the extent of this interference, we anticipate water level data being collected locally this summer, and we expect to conduct a detailed aquifer test in the spring of 1994.

This well is not directly involved in the interference dispute. I don't think it would necessarily be wise to hold up the processing of this application while we wait for future data. Do localized water level decline problems and interference problems, however, I do anticipate attaching conditions to my groundwater review to address these issues.

TO: Tom Shook  
FROM: Janet Koehler *JKW*  
DATE: May 11, 1993  
RE: Groundwater right application G-13081

I am returning the Lindsey (Harney county) water right application to you since there is not enough data to make a Division 9 evaluation. In order to make the required evaluation, I will need to know the following:

- well depth
- casing depth
- perforation locations
- grout seal depth
- static water level reading, and date

Also, according to Bill, two of Lindsey's neighbors may be filing a well interference complaint against Lindsey regarding an existing irrigation well about 1 mile away. I think it would be wise to wait and see what shakes out of reviewing the details of the interference complaint before proceeding with processing this application -- which will give Lindsey time to obtain data from his well.

TO: Water Rights Section

7-16, 1993

FROM: Groundwater/Hydrology Section

Kochler

Reviewer's Name

SUBJECT: Application G- 13081

1. PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
  
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a. \_\_\_ will, or \_\_\_\_\_ have the potential for substantial interference with the nearest surface water
  - b.  will not \_\_\_\_\_ source, namely tributary to Cowcamp Creek; or
  - c. \_\_\_ will, if properly conditioned, adequately protect the surface water from interference:
    - i. \_\_\_ The permit should contain condition #(s) \_\_\_\_\_;
    - ii. \_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_ will, with well reconstruction, adequately protect the surface water from substantial interference.
  
3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. \_\_\_ will, or \_\_\_\_\_ likely be available in the amounts requested without injury to prior rights and/or
  - b. \_\_\_ will not \_\_\_\_\_ within the capacity of the resource; or
  - c.  can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
    - i.  The permit should contain condition #(s) 4I+4G;
    - 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: Access to the well for water level measurements must be provided.

(well is ~1 mile from area of ongoing groundwater interference complaints, (nearby water levels appear to have declined).

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: no well access.
8. THE WELL
- a.  was, or \_\_\_\_\_ constructed according to the standards in effect at the time of
  - b.  was not \_\_\_\_\_ original construction or most recent modification.
  - c.  I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

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

\_\_\_\_\_, 1993.

(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: \_\_\_\_\_

\_\_\_\_\_, 1993.

(Signature)

(WRFORM8\91)

The original and first copy of this report are to be filed with the

WATER WELL REPORT

RECEIVED

STATE OF OREGON

JUL 31 1975 State Well No. 245/33E-35ba

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date of well completion.

(Please type or print)

WATER RESOURCES DEPT. Permit No.

(Do not write above this line) SALEM, OREGON G-1293 -> G-13081

1) OWNER:

Name Mr. Ron Hudson
Address P. O. Box 803
Crane, Oregon 97732

2) TYPE OF WORK (check):

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

3) TYPE OF WELL:

(4) PROPOSED USE (check):

Rotary [ ] Driven [ ] Domestic [ ] Industrial [ ] Municipal [ ]
Auger [x] Jetted [ ] Irrigation [x] Test Well [ ] Other [ ]
Plug [ ] Bored [ ]

CASING INSTALLED:

Threaded [ ] Welded [x]

14" Diam. from 0 ft. to 60 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? [ ] Yes [x] No

Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

7) SCREENS:

Well screen installed? [ ] Yes [x] No

Manufacturer's Name
Type Model No.
Diam. 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 [x] No If yes, by whom?
Field: gal./min. with ft. drawdown after hrs.
" " " " "
" " " " "
Cailier test 90 gal./min. with 0 ft. drawdown after 1 hrs.
Artesian flow g.p.m.
Temperature of water 54 Depth artesian flow encountered ft.

9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal .17 in.
Diameter of well bore below seal .14 in.
Number of sacks of cement used in well seal 12 sacks
Number of sacks of bentonite used in well seal none sacks
Brand name of bentonite
Number of pounds of bentonite per 100 gallons
Type of water lbs./100 gals.
Was a drive shoe used? [ ] Yes [x] No Plugs Size: location ft.
Did any strata contain unusable water? [x] Yes [ ] No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? [ ] Yes [x] No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Harney Driller's well number
NE 1/4 NW 1/4 Section 35 T. 24S R. 33E W.M.

Bearing and distance from section or subdivision corner

Hudson #2

(11) WATER LEVEL: Completed well.

Depth at which water was first found 69 ft.
Static level 12 ft. below land surface. Date 10/28/74
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 14"

Depth drilled 273 ft. Depth of completed well 273 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.

Table with columns: MATERIAL, From, To, SWL. Rows include Top soil, Hard pan, Fine black sand and water, Black clay, Black sand-water bearing, Mild rock (black fine grained), Green clay, etc.

I found this log; It apparently is the correct one for G-13081 (Maupin-Lindsey) 7-9-93 J. Kochler

Work started 10/16/1974 Completed 10/28/1974
Date well drilling machine moved off of well 10/28/1974

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] Paul Miller Date 7/29/1975 (Drilling Machine Operator)

Drilling Machine Operator's License No. 967

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 Davidson Drilling Inc. (Person, firm or corporation) (Type or print)
Address 626 N W Pershall Way Redmond, Ore. 97756

[Signed] R. Gordon Davidson (Water Well Contractor)

Contractor's License No. 548 Date 7/29/1975

TO: Tom Shook  
FROM: Janet Koehler *JAK*  
DATE: May 11, 1993  
RE: Groundwater right application G-13081

I am returning the Lindsey (Harney county) water right application to you since there is not enough data to make a Division 9 evaluation. In order to make the required evaluation, I will need to know the following:

- well depth
- casing depth
- perforation locations
- grout seal depth
- static water level reading, and date

Also, according to Bill, two of Lindsey's neighbors may be filing a well interference complaint against Lindsey regarding an existing irrigation well about 1 mile away. I think it would be wise to wait and see what shakes out of reviewing the details of the interference complaint before proceeding with processing this application -- which will give Lindsey time to obtain data from his well.

G 13081

**State of Oregon**  
**Water Resources Department**

---

**INTEROFFICE MEMORANDUM**

Date: 11-30-93

**TO:** Steve Brown  
**FROM:** Rob Carter, Steve Applegate  
**SUBJECT:** Permit Condition; Water Right Review

Below is proposed permit condition language for those wells which do not meet current rules at time of water right review, but did conform at the time of construction:

According to the well report, the well does not conform with current construction standards. However, it appears that the well was constructed in accordance with the standards in effect at the time. If at any time, however, the well or its use:

- a) acts as a conduit for groundwater contamination,
- b) allows loss of artesian pressure,
- c) allows waste of groundwater,
- d) interferes with senior groundwater users, or
- e) interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Our section's reviews of well construction is attached.

1. The current batch of water rights forwarded to the Enforcement Section from Groundwater include several wells that met the standards (if any) in effect at the time. Those files are listed below. The Enforcement Section recommends conditioning these permits with the attached (or similar) language.

<u>Application #</u>	<u>Applicant</u>	<u>Year</u>	<u>Concern</u>
G-13210	Scharer	1954	Commingling
G-13352	Laney	1957	No Surface Seal
G-13374	3-D Ranches	1957	No Surface Seal
G-13390	Blue Sky Farm	1956	Puddled Clay Seal
G-13215	Rice	1951	No Known Seal

2. I concur with Groundwater's assessment concerning the construction of the following wells and recommend well repair. The Enforcement Section will contact the constructor or landowner to effect repairs. We recommend issuance of the permit with the condition that the wells be repaired prior to use of water:

<u>Application #</u>	<u>Applicant</u>	<u>Concern</u>
G-13132	USFS	Commingling
G-13189	Hendry	No Seal into Clay
G-13081	Lindsey	No Access Port
G-13415	Dillard	Commingling
G-13320	Ofelt	Commingling
G-13265	Lee	Commingling
G-12323	Wurdinger	Commingling
G-13375	McGhehey	Health Hazard, Sanitary Seal
G-13354	Eggleston	Commingling
G-12446	Farr	Commingling
G-12917	Farr	Commingling

3. The Enforcement Section disagrees with Groundwater's assessment concerning the construction of the following wells and feel the current construction is adequate. We recommend issuance of the permit with no well construction conditions:

<u>Application #</u>	<u>Applicant</u>	<u>GW's Concern</u>
G-13416	Arranmore	Insufficient Seal
G-13297	Hostetler	Loss of Artesian Head
G-13324	Carlton Plants	Improper Abandonment
G-12249	Eyman	Commingling (Poss Interference)
G-13483	Kelso Water	Commingling

By copy of this memo, we are alerting the Groundwater Section of our decisions concerning the above. If there are questions or concerns, contact Rob Carter.

cc: Fred Lissner

**Water Right Conditions  
Tracking Slip**

*Groundwater/Hydrology Section*

FILE ## G-13081

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T24S/R33E-35

CONDITIONS ATTACHED?  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

1033 Review only. Jan Koehler  
completed a Division 9 review

Reviewer: Michael Zwart



Limited Use  
OK

**PFO CHECKLIST**

Application #: G 13081

Basin: Malheur Lake WAB: \_\_\_\_\_

Township 24E Range 33E Section 35 1/4 1/4 \_\_\_\_\_

- A1. Public Interest Screen Criteria No
- 1. Is the file complete by the Completeness Checklist? Yes
- 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) No
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) None
- 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
  - a. Is second groundwater review necessary? (objection)
  - b. Is HB 1033 review complete? Done
- 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- 6. Is the Proposed Use located in or above a Scenic Waterway? No
- 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- 8. Is the use allowed or limited by the Basin Program? Allowed
- 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) No
- 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 11. Rate 140 Duty 3.0 Irrigation Season March 1 -> Oct 31
- 12. Period of Allowed Use April 1 -> Oct 15 per letter from applicant
- 13. Is use from a B.O.R. project and if so, is a signed contract in the file? N/A
- 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) N/A
- 15. Have conflicts been identified, verified and/or addressed? None identified by T.R.
- 16. Is the use Small ( $\leq 0.1\text{cfs}$ ,  $\leq 9.2\text{AF}$ ), Medium ( $> 0.1$  or  $< 1.5\text{cfs}$ ,  $> 9.2$  or  $< 100\text{AF}$ ) or Large ( $> 1.5\text{cfs}$ ,  $\geq 100\text{AF}$ )? 2.02 cfs
- 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- 18. Fill out Accuracy Checklist TB, 70 PFO Short (?)  
 $161.5\text{ ac} \times 80 = 2.02\text{ cfs}$
- 19. Spell Check
- 20. Documents used in determination are attached and highlighted
- 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
  - a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) Yes
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laurea Smealaker Date: 3-26-96

OREGON WATER RESOURCES DEPARTMENT  
ADMINISTRATIVE RULES  
CHAPTER 690  
DIVISION 512  
MALHEUR LAKE BASIN PROGRAM

**Minimum Perennial Streamflows**

690-512-001

The minimum perennial streamflows listed in Table 1 are hereby adopted or established.

**Water Availability**

690-512-040

(1) Except as provided in section (3) of this rule, the Department shall not accept an application for permit, or issue a permit, for any use of surface water, or of groundwater the use of which has the potential to substantially interfere with surface water, in the Malheur Lake Basin unless the applicant shows, by a preponderance of evidence, that unappropriated water is available to supply the proposed use at the times and in the amounts requested. The evidence provided shall be prepared by a qualified hydrologist or other water resources specialist and shall include:

- (a) Streamflow measurements or gage records from the source or, for use of groundwater, the stream in hydraulic connection with the source; or
- (b) An estimate of water availability from the source or, for use of groundwater, the stream in hydraulic connection with the source which includes correlations with streamflow measurements or gage records on other, similar streams and considers current demands for water affecting the streamflows.

(2) The criteria used in determining if the use of groundwater has the potential to substantially interfere with surface water shall be those established in OAR Chapter 690, Division 9.

(3) This rule shall not apply to issuance of:

- (a) Instream water rights,
- (b) Permits for storage of water between March 1 and May 31 if the application is not required to be referred to the Commission under OAR 690-11-080 (2)(a)(C), or
- (c) Permits for use of water legally stored.

Well determined  
by GW to be  
not in  
significant  
interference  
w/ surface  
water

**Table 1**  
**Malheur Lake Basin**  
**Minimum Perennial Streamflows**  
**(cfs)**

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Priority Date
Trout Creek at USGS gage 10406500 in Sec. 25, T 39 S, R 36 E.	5	5	5	5	5	5	5	5	5	5	5	5	11/3/83
Willow Creek at Whitehorse Road	3	3	3	3	3	3	3	3	3	3	3	3	11/3/83

CC: Water Rights Technical - 1997

SEASONS  
Q  
PRV/SUPP

STATE OF OREGON

INTEROFFICE MEMO

WATER RESOURCES DEPARTMENT  
NORTHWEST REGION

May 16, 1995

TO: Steve Applegate, ACT, Region Managers, Watermasters

FROM: Tom Paul *TP*

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**

A

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

The irrigation season for groundwater should match that established in the basin program 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. This only 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 courts 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

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-13081

**Final Order**

*Application History*

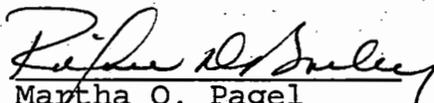
On August 19, 1992, GERALD A. AND ONA L. LINDSEY submitted an application to the Department for a water use permit. On February 14, 1996 the application was assigned to River Mountain Ranch. The Department issued a Proposed Final Order on September 3, 1996. The protest period closed October 18, 1996, and no protest was filed.

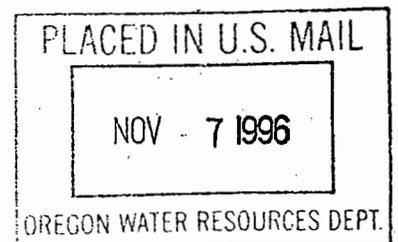
The proposed use would not impair or be detrimental to the public interest.

**Order**

Application G-13081 therefore is approved as proposed by the Proposed Final Order, and Permit G-12961 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED October 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.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SEARCHLIGHT  
DBA RIVER MOUNTAIN RANCH  
P.O. BOX 108  
WHITE BIRD, ID 83554

PHONE: (541) 493-2591

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

APPLICATION FILE NUMBER: G-13081

SOURCE OF WATER: A WELL, IN THE HOT SPRINGS SLOUGH BASIN

PURPOSE OR USE: IRRIGATION OF 161.5 ACRES

MAXIMUM RATE: 2.02 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 13, 1992

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 35, T24S, R33E, W.M.; 2598 FEET NORTH AND 1356 FEET EAST FROM SE CORNER, SECTION 35

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:

SE 1/4 NW 1/4	7.6 ACRES
NW 1/4 NE 1/4	8.5 ACRES
NE 1/4 NE 1/4	4.2 ACRES
SW 1/4 NE 1/4	39.9 ACRES
SE 1/4 NE 1/4	35.8 ACRES
NE 1/4 SW 1/4	4.3 ACRES
NW 1/4 SE 1/4	34.6 ACRES
NE 1/4 SE 1/4	26.6 ACRES

SECTION 35

TOWNSHIP 24 SOUTH, RANGE 33 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.

If at any time the well or its use:

- a. acts as a conduit for groundwater contamination,
- b. allows loss of artesian pressure,
- c. allows waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Access to the well for water level measurements must be provided.

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

**Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of 3 Ft. or more feet per year for five consecutive years; or
- (B) A water level decline of 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of 25 Ft. or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### 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 October 29, 1996.

  
Martha O. Pagel, Director  
Water Resources Department

April 2, 1996

WATER  
RESOURCES  
DEPARTMENT

SEARCHLIGHT  
DBA RIVER MOUNTAIN RANCH  
PO BOX 108  
WHITE BIRD ID 83554

REFERENCE: File G-13081

The assignment of Application G-13081 from Gerald and Ona Lindsey to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipt number 130936 covering the recording fee of \$10 you submitted.

Sincerely,

DALLAS S. MILLER  
Water Rights Specialist

DSM:jh

Enclosure

cc: William Beal, Watermaster  
June Miller, Field Office  
Gerald & Ona Lindsey  
Chris Palmer, CWRE



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

January 29, 1996

SEARCHLIGHT DBA RIVER MTN RANCH  
PO BOX 108  
WHITE BIRD, IDAHO 83554

REFERENCE: ~~File G-13081~~

We received your assignment form to assign the name on this application from Gerald and Ona Lindsey to Searchlight dba River Mtn Ranch. Enclosed is the receipt for the \$10 recording fee you submitted.

Before we can process this assignment Ona Lindsey must sign the form or you can submit a copy of deed or contract showing the subject property in the name of Searchlight dba River Mtn. Ranch.

Sincerely,



DALLAS S. MILLER  
Water Rights Specialist

DSM:

*Quiet  
GWE back to  
Laura - after  
ASSIGNMENT*

**RECEIVED**

FEB 14 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



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

River Mountain Ranch



P.O. Box 108 · White Bird, ID 83554



Oregon Water Resources Dept.  
Commerce Bldg.  
158 12th Str. NE  
Salem, OR 97310-0210

January 29, 1996

SEARCHLIGHT DBA RIVER MTN RANCH  
PO BOX 108  
WHITE BIRD, IDAHO 83554

REFERENCE: File G 13081

We received your assignment form to assign the name on this application from Gerald and Ona Lindsey to Searchlight dba River Mtn Ranch. Enclosed is the receipt for the \$10 recording fee you submitted.

Before we can process this assignment Ona Lindsey must sign the form or you can submit a copy of deed or contract showing the subject property in the name of Searchlight dba River Mtn. Ranch.

Sincerely,



DALLAS S. MILLER  
Water Rights Specialist

DSM:



---

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

NUMBER 05052

Check 10<sup>00</sup> NO \_\_\_\_\_ Cash \_\_\_\_\_

\_\_\_ Surface Application

\_\_\_ Reservoir Application

\_\_\_ Ground Water Application

\_\_\_ Transfer Application

\_\_\_ Power Claim

\_\_\_ Hydroelectric Examination

\_\_\_ Hydroelectric License

\_\_\_ Copying

Assignment

\_\_\_ Extension of Time

\_\_\_ Other

\_\_\_ P-6

\_\_\_ Quadrangle

\_\_\_ Basin

\_\_\_ Protect

\_\_\_ Constructors Examination

\_\_\_ Constructors License

\_\_\_ Adjudication

*Dallas*

G13081

*Baker 12*

RECEIVED

DEC 12 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

REQUEST FOR ASSIGNMENT

I, GERALD A. LINDSEY - LT+L, INC

PO BOX 108      WHITE BIRD      IDAHO      IDAHO 83554      208-839-2312  
(Mailing address)      (City)      (County)      (State) (Zip) (Phone)

do hereby assign all my interest in and to water right Application # G-13081, Permit # N/A; OR GR Statement # N/A, GR Certificate of Registration # N/A as filed in the office of the Water Resources Director, to:

SEARCHLIGHT DBA RIVER MTN RANCH  
(name)

PO BOX 108      WHITE BIRD      IDAHO      83554      208-839-2312  
(Mailing address)      (City)      (State)      (Zip)      (Phone)

( Note: If there are other owners of property described in Application, Permit or Certificate of Groundwater Registration you must attach a list of their names and addresses 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 7th day of DEC. 1995 .

Gerald A. Lindsey  
Julie Fowler

The completed assignment must be submitted to the Water Resources Department, together with a recording fee of \$10.

WATER RESOURCES DEPARTMENT  
158 12TH ST. NE  
SALEM, OREGON 97310

**CERTIFIED MAIL**  
Return Receipt Requested

WATER  
RESOURCES  
DEPARTMENT

November 7, 1995

GERALD A LINDSEY  
LINDSEY, ONA L  
HC 73 2681 HWY 78  
BURNS OREGON 97750

**RECEIVED**

DEC - 5 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

RE: Application File # G-13081

Dear GERALD A LINDSEY,

On **December 15, 1993**, a letter was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ A description of your water delivery system (type of pump, size and length of pipeline, etc.).
- ▶ A legal (metes and bounds) description of the property where water is to be used, such as that found on your deed or title insurance contract.

Please submit these items by **December 8, 1995**. If we do not receive the items requested above by this date, we will reject your application consistent with ORS Chapter 537. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

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

Sincerely,



Meredith Carine  
Completeness Team

Enclosures



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

We are in the process  
of changing the  
name on the water  
rights from Gerald &  
Dna to their trust  
Searchlight.

Thanks,  
Julie

RECEIVED

GENERAL WARRANTY DEED

DEC - 5 1995 THE STATE OF OREGON

KNOW ALL MEN BY THESE PRESENTS:

WATER RESOURCES DEPARTMENT COUNTY OF HARNEY SALEM, OREGON

THAT Gerald A. Lindsey and Ona L. Lindsey, husband and wife, of PO Box 148, White Bird, Idaho 83554 hereinafter called "Grantor" (whether one or more), for and in consideration of the sum of TEN AND NO/100 (\$10.00) and other good and valuable consideration of Grantor in hand paid by the Trustees, VERN I. BROWN AND DARRYL WILLIS, of SEARCHLIGHT, a Trust dated July 16, 1994 hereinafter called "Grantee" (whether one or more), whose mailing address is PO Box 598, Grangeville, Idaho 83530.

And the Grantor has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, BARGAIN, SELL AND CONVEY, unto said Grantee, the following described real property, to-wit:

Township 24 South, Range 33 East, W.M.
Section 25: W1/2
Section 36: W1/2
Also known as Parcel #3 of Partition Plat 92-08-028

Township 24 South, Range 33 East, W.M.
Section 28: All

Township 24 South, Range 33 East, W.M.
Section 35: N1/2, N1/2S1/2 and that portion of the SE1/4SE1/4 which lies north of the State Hwy 78 right of way
Save and except the following parcel:
The East 2/3 of the SE1/4SE1/4 lying North and East of State Hwy 78 right of way

Township 24 South, Range 33 East, W.M.
Section 35: The East 2/3 of the SE1/4SE1/4 lying North and East of State Hwy 78 right of way

Gerald and Ona Lindsey 1785.84 acres

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereunto in anywise belonging unto said Grantee, his heirs and assigns FOREVER. Grantor does hereby bind himself, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This Deed is executed, delivered and accepted subject to all and singular any liens securing the payment of any debt created or assumed in connection herewith and described herein, ad valorem taxes for the current and all subsequent years, taxes for subsequent assessments for the current and prior years due to changes in land usage, ownership, or both, zoning ordinances and utility district assessments, if any, applicable to and enforceable against the above described property, and all valid easements, restrictions, mineral reservations and maintenance fund liens, if any, applicable to and enforceable against the above described property as shown by the Records of the County Clerk of the County in which said real property is located.

When this Deed is executed by more than one person, or when the Grantee is more than one person, the instrument shall read as though pertinent verbs, nouns, and pronouns were changed correspondingly, and when executed by or to a legal entity other than a natural person, the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns." Reference to any gender shall include either gender and in the case of a legal entity other than a natural person shall include the neuter gender, all as the case may be.

DATED: February 8, 1995
ATTEST:

Gerald A. Lindsey Ona L. Lindsey

STATE OF IDAHO )
)
County of Idaho )

On this 6 day of FEB, 1995, before me, a Notary Public in and for said County and State, personally appeared GERALD A. LINDSEY and ONA L. LINDSEY, known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)

Notary Public for the State of Idaho, residing at White Bird, therein. My commission expires 3-15-99.

RECEIVED

DEC - 5 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

# River Mountain Ranch



November 30, 1995

Oregon Water Resources Department  
Commerce Building  
158 12th Str. NE  
Salém, OR 97310-0210

Atten: Meredith Carine

RE: Application File # G-13081

Dear Ms. Carine:

In your letter of November 7, 1995 you requested a description of our water delivery system. Type of pump: Deep Well Turbine  
Size: 75 HP  
Length of Pipe: 1,680 ft. of 10"

Enclosed find additional information necessary to complete our application for water use.

If you have further questions please contact us at the address listed below.

Sincerely,

*Gerald A. Lindsey*

Gerald A. Lindsey

GAL:jlf

Enclosures

**COMPLETED**

**COMPLETENESS DETERMINATION CHECKLIST**

*no phone contact*

Application #	Review Date	Reviewer
G-13081	11/17/95	MC

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

- 1. Examination fees (and recording fees, if for PFO/FO). /
- 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.

**CERTIFIED MAIL**  
**Return Receipt Requested**

WATER  
RESOURCES  
DEPARTMENT

November 7, 1995

GERALD A LINDSEY  
LINDSEY, ONA L  
HC 73 2681 HWY 78  
BURNS OREGON 97750

RE: Application File # G-13081

Dear GERALD A LINDSEY,

On **December 15, 1993**, a letter was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ A description of your water delivery system (type of pump, size and length of pipeline, etc.).
- ▶ A legal (metes and bounds) description of the property where water is to be used, such as that found on your deed or title insurance contract.

Please submit these items by **December 8, 1995**. If we do not receive the items requested above by this date, we will reject your application consistent with ORS Chapter 537. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

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

Sincerely,



Meredith Carine  
Completeness Team

Enclosures



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

2

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

✓ CC: FILE # 613081

✓ WATERWATCH

✓ ODF&W - <sup>1</sup> 2 copies

✓ WATERMASTER # 10

✓ REGIONAL MANAGER - East Region

✓ CWRE - Christ Palmer

✓ DEO

✓ KEN STAHR

OTHER ADDRESSES:

CASEWORKER 26



## 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 that groundwater for the proposed use can, if properly conditioned, avoid injury to the existing rights and to the groundwater resource.

## 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 2.02 cfs is likely available from March 20 through September 1 of each year. 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 13081

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: March 20 <sup>WHY?</sup> through September 1 of each year. ~~THEY HAS BEEN NO GW ADJUDICATION TO DETERMINE WHAT THE SEASON IS!~~
3. Rate of use: 2.02 cfs <sup>N.C. ALSO SEE ATTACHED COPY FROM SWEDES R DECREE.</sup>
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 permittee shall obtain a static water-level ~~measurement~~ *Report* for each well during March <sup>*of*</sup> each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, or professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the permittee's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.
12. 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.

13. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
14. No water may be appropriated under the terms of this permit until the well 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.

other works or devices for controlling or influencing the flow of the water, as nearly as may be in accordance with the priorities of the respective rights; subject, however, to the provisions of the decree hereinafter referred to and other findings herein. That the quantity of water herein specified to which any of such lands are entitled shall include the supply furnished or which may be or become available to any tract on account of the irrigation of other lands.

That the irrigation season, during which the water users from Silvies River and its tributaries shall be entitled to the use of the water for irrigation purposes, extends from March 20th to September 1st of each year; provided, however, that as irrigation depends upon climatic conditions and changes in the season, the season hereby fixed shall not prevent water users awarded a right herein to use the water of the Silvies River and its tributaries for the purposes of irrigation according to their relative rights of priority, and in quantities in accordance with this decree, at other time when such use will be beneficial to the land and the crops grown thereon when the ground is not frozen and the same can be used without needless waste.

*IRRIGATION  
SEASON*

34.

In this proceeding in all cases wherein a water right has been awarded for lands to which the water has not been applied completely to a beneficial use the respective claimants shall be and they hereby are allowed five years from the date of the entry of the mandate herein in the Circuit Court, or such further time as may be allowed by the State Engineer to make a complete beneficial use of the water. Feb. 23, 1926

make do Feb 23, 1931

35.

(a) That the Circuit Court shall make corrections of any clerical errors in these proceedings within six months from the date of the filing of the mandate

December 15, 1993

GERALD A LINDSEY  
ONA L. LINDSEY  
HC 73 2681 HWY 78  
BURNS, OR 97750

Reference: File G 13081

Hello:

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

Please send the following:

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);

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,



STEVE BROWN  
Manager  
Water Rights Division

SB\eg

cc: Chris T. Palmer, CWRE





TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: G-13081
- (2) Review Date: 9-21-93

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 <i>LEGAL DESCRIPTION/COPY of DEED</i>
<u>S</u>	Land Use
<u>S</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts
<u>S</u>	Water Availability

(3) U 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.

(4) N/A No oath is required because application was filed before June 5, 1992.

(5) S Application fees:

Examination fee:	\$ 200.00
Recording fee:	\$ 404.00
TOTAL REQUIRED	\$ 604.00
TOTAL SUBMITTED	\$ 604.00
AMOUNT DUE prior to issuance of permit	\$ 0.00
AMOUNT OVERPAID	\$ $\phi$
refund due applicant	\$ <u>          </u>

(6) S Proposed dates of beginning and completion of construction, and complete application of water.

(7) S MAP:  Prepared by a CWRE  
 Exempt under OAR 690-11-150(3)  
 A map or drawing included (non-CWRE)  
 No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) U A written copy of the legal description of the property on which the water is to be used.
- (10) N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) 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.
- (13) S IRRIGATION use(s) is/are classified uses(s) under the MADEIRA LAKE Basin Program, OAR 690 - 512-040(2)
- (14) U The application, map and supporting data are complete and free of defects. DEED OR LEGAL DEED

Land Use Compatibility:

- (15) As expressed by the Planning Department of HARNEY COUNTY
- (16) 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 ARTICLE 3, SEC. 3.020).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) 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:

- (20) S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) S The report from groundwater section has been received.

For reservoir applications:

- (22) N/A Plans, specifications and supporting information for the dam and impoundment area.



file in  
each

To: Reed Marbut and Steve Brown  
From: Janet Koehler, Groundwater Hydrology Section *JK*  
Re: Groundwater right applications in Harney county  
Date: 07/19/93

Doug Woodcock, Bill Beal and I are involved in a groundwater interference complaint in the Crane area of Harney county. Mr. McCoombs and Mr. DeGuire have both filed interference complaints with OWRD claiming that four neighboring irrigation wells (owned by Maupin) are interfering with their respective irrigation wells.

Details:

<u>Name</u>	<u># Wells of concern</u>	<u>Well/water right status</u>	<u>Application #s</u>
McCoombs	2 wells	2 wells with certificates	
DeGuire	4 wells	3 wells with certificates * 1 application for a well (in use) ** 1 application for a well	G-13373 G-13374
Maupin	4 wells	2 wells w/ certificates 2 wells w/ permits *** 1 application for a well	G-13081

\* well is directly associated with interference complaint

\*\* well is not directly associated with complaint (located  $\approx$  1/2 mi. SE of a well DeGuire claims is being interfered with)

\*\*\* well is not directly associated with complaint (located  $\approx$  1 mi. W of a well DeGuire claims is causing interference)

Summary

Doug and I visited the area in early June 1993 and spoke with the parties involved. We collected water level measurements from several of the wells and conducted a brief interference test. Evaluation of these preliminary data suggest that groundwater interference could exist locally, but the extent of this interference is not clear. In order to better understand the hydraulics of the aquifer system we need additional data. Specifically, we need water level data collected routinely during this irrigation season, and a more detailed aquifer test performed next spring, prior to the start of irrigation. We expect to receive the supplemental water level data later this summer and to complete a groundwater investigation by late April 1994.

Groundwater reviews of DeGuire G - 13374 & Maupin G - 13081 have been completed. Conditions # 4I - for possible groundwater interference & # 4G - to address possible water level declines were recommended, plus one well reconstruction issue for each well.

Proposal:

I propose postponing the groundwater review of DeGuire G - 13373 until after the additional data mentioned above have been collected and evaluated. By obtaining these data, we expect to determine the likelihood of groundwater interference between wells locally, including possible impacts to the well associated with this application. How does this sound to you? If the groundwater right application must be processed without delay, please note that I anticipate proposing conditions 4I & 4G to this water right also.

Please let me know what your thoughts are on this.

**State of Oregon**  
**Water Resources Department**

---

**INTEROFFICE MEMORANDUM**

Date: 11-30-93

**TO:** Steve Brown  
**FROM:** Rob Carter, Steve Applegate  
**SUBJECT:** Permit Condition; Water Right Review

Below is proposed permit condition language for those wells which do not meet current rules at time of water right review, but did conform at the time of construction:

According to the well report, the well does not conform with current construction standards. However, it appears that the well was constructed in accordance with the standards in effect at the time. If at any time, however, the well or its use:

- a) acts as a conduit for groundwater contamination,
- b) allows loss of artesian pressure,
- c) allows waste of groundwater,
- d) interferes with senior groundwater users, or
- e) interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Our section's reviews of well construction is attached.

1. The current batch of water rights forwarded to the Enforcement Section from Groundwater include several wells that met the standards (if any) in effect at the time. Those files are listed below. The Enforcement Section recommends conditioning these permits with the attached (or similar) language.

<u>Application #</u>	<u>Applicant</u>	<u>Year</u>	<u>Concern</u>
G-13210	Scharer	1954	Commingling
G-13352	Laney	1957	No Surface Seal
G-13374	3-D Ranches	1957	No Surface Seal
G-13390	Blue Sky Farm	1956	Puddled Clay Seal
G-13215	Rice	1951	No Known Seal

2. I concur with Groundwater's assessment concerning the construction of the following wells and recommend well repair. The Enforcement Section will contact the constructor or landowner to effect repairs. We recommend issuance of the permit with the condition that the wells be repaired prior to use of water:

<u>Application #</u>	<u>Applicant</u>	<u>Concern</u>
G-13132	USFS	Commingling
G-13189	Hendry	No Seal into Clay
G-13081	Lindsey	No Access Port
G-13415	Dillard	Commingling
G-13320	Ofelt	Commingling
G-13265	Lee	Commingling
G-12323	Wurdinger	Commingling
G-13375	McGhehey	Health Hazard, Sanitary Seal
G-13354	Eggleston	Commingling
G-12446	Farr	Commingling
G-12917	Farr	Commingling

3. The Enforcement Section disagrees with Groundwater's assessment concerning the construction of the following wells and feel the current construction is adequate. We recommend issuance of the permit with no well construction conditions:

<u>Application #</u>	<u>Applicant</u>	<u>GW's Concern</u>
G-13416	Arranmore	Insufficient Seal
G-13297	Hostetler	Loss of Artesian Head
G-13324	Carlton Plants	Improper Abandonment
G-12249	Eyman	Commingling (Poss Interference)
G-13483	Kelso Water	Commingling

By copy of this memo, we are alerting the Groundwater Section of our decisions concerning the above. If there are questions or concerns, contact Rob Carter.

cc: Fred Lissner

# WaterWatch

O F O R E G O N

RECEIVED

SEP - 1 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

August 31, 1992

Stephen C. Brown  
Water Resources Department  
3850 Portland Rd. N. E.  
Salem, OR 97310

RE: Application for Permit #G13081, Gerald Lindsey  
Malheur Lake Basin, Harney Co., 1.02 cfs, Irrigation

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose any application which in any way reduces surface water flows needed for the public uses that are served by any instream water right.

Given the importance of this groundwater resource, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources in Oregon for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5)

Will this proposed use be compatible with Goal 5 elements in the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1) Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical analysis of this application.

Sincerely,

Jim Myron

bc:

WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039

August 24, 1992

GERALD A LINDSEY  
LINDSEY, ONA L  
HC 73 2681 HWY 78  
BURNS, OR 97750

REFERENCE: File(s) G-13081

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



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

AUG 19 1992

WATER RESOURCES DEPT.  
OREGON

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: GERALD A. & ONA L. LINDSEY  
 Address: HC 73, 2621 HIGHWAY 78  
 City: BURNS State: OR Zip: 97720 Day Phone: 403-2579

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
T.L. 0100	24, 33 EFRU-2			

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

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)

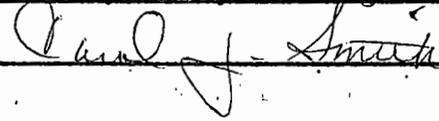
b) Please provide printed name and written signature.

Name: Carol J. Smith

Date: 6/15/92

Title: Harney County Planning Director

Phone: 573-6655

Signature: 

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.

MEMORANDUM

DATE: JUNE 17, 1996

TO: DAVE JARRETT

FROM: LAURA SNEDAKER, EXT 331  
WR PROPOSED FINAL ORDER

SUBJECT: CONCURRENCE WITH GROUNDWATER DIVISION 9 REVIEW FOR APPLICATION G-13081

The Groundwater Section's review form indicates that the file needs to be routed to Enforcement for concurrence with the reviewer's findings.

The application already appears to have been reviewed by Rob Carter. The Enforcement section of the Division 9 review form, however, has not yet been completed and signed.

Please route this file back to me when you have completed your review.

Thanks.

**ROUTING & REQUEST**

Please...  Read/Review *To: Dave Jarrett*

Handle \_\_\_\_\_

Approve \_\_\_\_\_

And... \_\_\_\_\_

Forward \_\_\_\_\_

Return \_\_\_\_\_

Keep or Toss \_\_\_\_\_

Review with Me *From: Laura Snedaker*

Post-it © 7664 © 3M 1994 *Date: 6-17-96*

*I asked Rob Carter to see what has been done about the access part.*

*D.J.*

<u>DATE</u>	<u>INITIALS</u>
8-19-92	N. J. M.
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

MINIMUM REQUIREMENTS TO FILE

Name and mailing address \_\_\_\_\_  
 Source of water \_\_\_\_\_  
 Quantity of water \_\_\_\_\_  
 Location of project \_\_\_\_\_  
 Use of water \_\_\_\_\_  
 Signature of applicant \_\_\_\_\_  
 Allowable use by policy \_\_\_\_\_  
 State Engineer withdrawal \_\_\_\_\_  
 Legislative withdrawal \_\_\_\_\_  
 Land use approved  pending \_\_\_\_\_

FIELD OPERATIONS

Application date stamped per money receipt date \_\_\_\_\_  
 Stream Indexed \_\_\_\_\_  
 Stream Code \_\_\_\_\_  
 Scenic Waterway \_\_\_\_\_  
 Findings:  
 1) Concluded - Scenic-Reg Ack letter \_\_\_\_\_  
 2) Under Study - Scenic-Ack letter \_\_\_\_\_  
 3) Basin 2 - Willamette-Ack letter \_\_\_\_\_  
 Plat Carded and copy made \_\_\_\_\_ YES NO  
 Conflicts (well \_\_\_\_\_ surface \_\_\_\_\_) \_\_\_\_\_  
 Prior ISWR # \_\_\_\_\_  
 Within Irrigation District \_\_\_\_\_ (name) \_\_\_\_\_  
 Notified \_\_\_\_\_  
 District excerpt received \_\_\_\_\_  
 Entered in Paradox \_\_\_\_\_  
 Prepare six copies of Draft Permit \_\_\_\_\_  
 Send one copy to Data Center \_\_\_\_\_

8/24	cm
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SUPPORT SERVICES

Stamp contents with application number \_\_\_\_\_  
 Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER \_\_\_\_\_  
 Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file \_\_\_\_\_  
 Place label on file and card \_\_\_\_\_  
 If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section \_\_\_\_\_  
 Notify Irrigation District \_\_\_\_\_

FIELD OPERATIONS

	<u>YES</u>	<u>NO</u>
Ownership Statement	_____	_____
Name and address of all owners	_____	_____
Other landowners notified	_____	_____
Legal Description	_____	_____
Need Commission review	_____	_____
Requests greater than 5.0 cfs	_____	_____
Dam height greater than 20 feet	_____	_____
Storage greater than 100 acre-feet	_____	_____
Out of Basin diversion	_____	_____
Groundwater recharge project	_____	_____
Other substantial public interest	_____	_____
GW comments received	_____	resolved _____
ODFW comments received	_____	resolved _____
DEQ comments received	_____	resolved _____
Interest Groups	_____	_____
Water availability received	_____	_____
Objections received	_____	resolved _____
Protest received	_____	resolved _____
Management Codes	_____	_____

EXAMINATION FEE:	_____	REMARKS:	_____
RECORDING FEE:	_____		_____
TOTAL:	_____		_____
REFUND:	_____		_____
DEFICIENT:	_____		_____



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 161.5

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).

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

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

Proposed date construction work will begin UNDER CONST.

Proposed date construction work will be completed SUMMER 1992

Proposed date water use will be completed SUMMER 1992

**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? YES. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

David A. Lindsay  
Signature of Applicant

8/18/92  
Date

One [Signature]  
Signature of Co-Applicant, if any

8/18/92  
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 19<sup>th</sup> day of August, 19 92, at 8:00 o'clock, A M.

APPLICATION NO: G-13081

A 97

ASSIGNED

Application No. **C13081**

Permit No. **6-12961**

GERALD A LINDSEY  
LINDSEY, ONA L

HC 73 2681 HWY 78

BURNS, OR 97750

Assigned *Searchlight DBA: River Mtn Ranch*

Address *POB 108 - White Bird ID 83554*

Beginning construction *10/29/97*

Completion of construction *10/1/98*

Extended to .....

Complete application of water *10/1/99*

Extended to .....

88261

NUMBER

Check 604<sup>00</sup> MO Cash

Surface Application

Reservoir Application

Ground Water Application

Transfer Application

Power Claim

Hydroelectric Examination

Hydroelectric License

Copying \$ 200.<sup>00</sup> Exam

Assignment \$ 406.<sup>00</sup> Recording

Extension of Time

Other

P-6

To:  
Dance Marcel

Quadrangle

Basin

Protest

Constructors Examination

Constructors License

Adjudication