

Name Otley Bros Inc. G-18129  
 By 40926 S Diamond Ln.  
Diamond, OR 97722  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
C-21

Application No. **G-18129**

Permit No. G-17638 G-17647

Certificate No. \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
<u>8-11-15</u>	<u>\$4600.00</u>	<u>116955</u>

Priority August 11, 2015  
 County HARNEY WM# 10

Date \_\_\_\_\_  
**DENIED** \_\_\_\_\_  
**MISFILED** \_\_\_\_\_  
**WITHDRAWN** \_\_\_\_\_  
**CANCELLED** \_\_\_\_\_

**FEES REFUNDED**

Date	Amount	Receipt No.

**RELATED FILES**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ASSIGNMENTS**

Date	To Whom	Address

**DEVELOPMENT** August 30, 2015 <sup>Date</sup>  
 Completion July 18, 2021  
 Extended to \_\_\_\_\_  
 \_\_\_\_\_  
 Final Proof received \_\_\_\_\_  
 Proposed Cert. Mailed \_\_\_\_\_

**REMARKS** \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MAP LOCATION \_\_\_\_\_

JLS 8/11/2015



**Oregon**  
Kate Brown, Governor

6-18129  
**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

October 1, 2019

OTLEY BROTHERS INC.  
40926 S DIAMOND LANE  
DIAMOND, OR 97722

RE: Status of groundwater right permit(s)  
Permit: G 17647 \*, with a completion date of 8/30/2021

Dear Groundwater Right Holder,

Our records indicate that you are the owner or agent of the water right permit(s) identified above. This letter includes important information to remind you about requirements related to developing water under your permit(s), and to help you anticipate how the Department may process future requests, specifically extensions of time related to these water right permits.

A permit provides authorization to develop and put water to beneficial use. Permits require development of the water use according to the limits and conditions of the permit by the completion date specified in the permit, usually within five years of issuance. Upon reaching the completion date, the permit holder is required to submit a claim of beneficial use to the Department within one year. A claim of beneficial use demonstrates to the Department that work has been completed within the terms and conditions of the permit and the extent of water use. Alternatively, a permit holder may need to apply for an extension of time to fully develop the water use under the permit or to come into compliance with certain time sensitive conditions specified in the permit.

The water right permit(s) listed above are located within or near the Greater Harney Valley Groundwater Area of Concern, an administrative area established by the Water Resources Commission in the Malheur Lakes Basin Program rules (OAR 690-512-0020) in 2016. While the Department evaluates each extension of time application on a case-by-case basis, please be aware that due to concerns about over-appropriation and an assessment of the present demand for water within or near the Groundwater Area of Concern, extensions of time are unlikely to be approved to allow any additional development of irrigated lands beyond what has been developed as of the currently authorized completion date. Extensions may be approved to address minor deficiencies with time sensitive permit conditions.

An attachment to this letter provides annotated links to several online resources. In addition, **staff from the Department will be available to meet with you in person to answer questions on Wednesday, October 16, from 2-6 PM in the back meeting room of The Pine Room in Burns. Please join us to make sure you have the information you need to make important decisions about your water right(s).**

### **Water Right Resources:**

- **Water Rights in Oregon Booklet (“Aqua Book”)**  
<https://www.oregon.gov/OWRD/WRDPublications1/aquabook.pdf>  
General description of Oregon’s water rights system.
  
- **Water Rights Information System**  
<https://apps.wrd.state.or.us/apps/wr/wrinfo/>  
The Department’s online record of your water right file. A PDF copy of your permit and other related documents are available under the “Scanned Documents” section.
  
- **Claim of Beneficial Use / Certification Information**  
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>  
Find forms and information necessary to file a claim of beneficial use to complete the development of your water right and obtain a Certificate.
  
- **Extension of Time**  
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>  
Find forms and information necessary to file an extension of time if necessary to come into compliance with certain time sensitive conditions as required by the permit.

### **Additional Information:**

- **Malheur Lake Basin Groundwater Rules:**  
<https://secure.sos.state.or.us/oard/view.action?ruleNumber=690-512-0020>  
In April 2016, the Water Resources Commission established the Greater Harney Valley Groundwater Area of Concern (GHVGAC) in the Malheur Lakes Basin Program Rules. Among other things, the rules required the Department to complete a Groundwater Study by 2020, and then convene a Rules Advisory Committee to reexamine these rules in 2021.
  
- **Groundwater Study Advisory Committee:**  
<https://www.oregon.gov/OWRD/programs/GWWL/GW/HarneyBasinStudy/Pages/default.aspx>  
In May 2016, OWRD and the Harney County Court appointed a Groundwater Study Advisory Committee to foster an open exchange of information, data, and ideas between Harney County residents, interested parties, and the groundwater study team.
  
- **Community-Based Water Planning:**  
<http://hcwatershedcouncil.com/community-based-water-planning/>  
In addition to the groundwater study, the Harney County Watershed Council and Harney County Court have undertaken a place-based integrated water resources planning effort in the basin. The Community-Based Planning group is working to develop integrated solutions for meeting long-term water needs”, in which they will recommend a suite of actions to address the community’s groundwater-related challenges.



# Oregon

Kate Brown, Governor

61-18129

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

[www.wrd.state.or.us](http://www.wrd.state.or.us)

May 6, 2016

Dear Otley Brothers Inc;

On April 15, 2016, the revised Oregon Administrative Rule 690-512 for the Malheur Lake Basin Program was adopted. These rules provide greater flexibility for addressing pending groundwater applications in the Greater Harney Valley while the Department is conducting a groundwater study to better understand groundwater resources. These rules were developed in consultation with a local rules advisory committee.

Copies of the final rules are included with this letter and are also available on the Department's website at: <http://www.oregon.gov/owrd/pages/law/oar.aspx> (Scroll down to 690-512).

Your application is within either the North or South sub-areas of the Greater Harney Valley Groundwater Area of Concern (GHVGAC), therefore you have several options on how to proceed:

25. You may request, in writing, that the Department proceed with processing the pending application under the new rules, OAR 690-512-0020(6) which would allow a new permit, with conditions, to be issued. **The request to move forward with your application under this option must be made no later than October 15, 2016.** Any water use permitted will be subject to the provisions of OAR 690-512-0200(6)(a-e) and conditioned consistent with OAR 690-512-0200(7)(a-c).
26. You may put your application on administrative hold and pursue the cancellation of enough permitted or certificated groundwater rights to offset the use described in your groundwater application. This option is consistent with OAR 690-512-0020(4). **You have until April 15, 2019 to pursue this option.** After April 15, 2019, if you were not able to get your pending application approved, you may request that the Department put your application on administrative hold and wait for the results of the groundwater study to be completed. The study should be completed by the end of 2020.
27. You may withdraw your application now and receive a refund of all but \$225 of the fees you have paid to the Department.
28. If you own or can acquire active water rights that would be subject to transfer, you may pursue a transfer of water rights to transfer to all of part of the acreage described in the pending application. To pursue this option, you will need to move forward with option 2 or 3.



Please complete the following page and return it to the Department and let us know how you would like to proceed. If you do not let us know how you would like to proceed by August 1, 2016, we will need to assume that you would like your application to be processed according to the former rules which would result in the Department proposing to deny your application. You may request more time to decide what to do if you need it.

If you have any questions, please contact me at 503-986-0819 or [dwight.w.french@state.or.us](mailto:dwight.w.french@state.or.us).

Thank you,

Dwight French  
Water Right Services Division Administrator

# Greater Harney Valley Groundwater Area of Concern

## Malheur Lakes Basin

Applicant Name Otley Brothers Inc Application # G-18129

- 1. I would like the Department to proceed with processing of my application under the new rules which would allow a permit to be issued because my application is located within of the sub-areas of the Greater Harney Valley Groundwater Area of Concern. OAR 690-512-0020(6).
  
- 2. Put my application on administrative hold while I pursue cancellation of groundwater permits and certificates to offset the amount of water I am requesting with my pending application. I understand that any permit issued will be subject to conditions listed under OAR 690-512-0200(7)(a-c). I understand that I cannot use groundwater as described in my application unless the application is approved and a permit is issued.
  
- 3. I would like to withdraw the application and receive a refund of all but \$225 of the fees paid towards this application.

Signed \_\_\_\_\_

Signed \_\_\_\_\_

*Anyone who signed the original application should sign this form.*



RECEIVED BY OWRD

JAN 29 2016

SALEM, OR

January 25, 2016

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

RE: Comments on Initial Review of Application G-18129, in the name of Otley Brothers, Inc. and Request for Administrative Hold

Dear Ms. Park:

GSI Water Solutions, Inc. (GSI) is providing these comments on behalf of the Applicant, Otley Brothers, Inc.

As you are aware, the Department is developing administrative rules for the processing of groundwater right applications in the Greater Harney Valley Groundwater Area of Concern (GHVGAC). The Department issued Hearing Draft Rules on January 21, 2016. According to the Hearing Draft Rules, the proposed rules would apply to applications pending as of April 15, 2016, which includes Application G-18129.

Otley Brothers, Inc. appreciates the Department's effort to move forward with Application G-18129 while the Hearing Draft Rules are being developed. Being in a position to obtain a water use permit prior to the irrigation season is critical.

The Department's Initial Review for Application G-18129 dated December 25, 2015, is however, inconsistent with the Hearing Draft Rules. Specifically there is a significant disconnect between the Initial Review Determination #5 and Groundwater Review, and the content of the proposed rules. The Initial Review Determination #5 and Groundwater Review conclude that the proposed source of groundwater is over-appropriated and that the use is not within the capacity of the resource. In contrast, the Hearing Draft Rules acknowledge that "groundwater levels are declining in areas of the GHVGAC" and that "groundwater is fully allocated in some areas of the basin." The proposed rules also provide a mechanism to obtain a permit in the South Sub-area of the GHVGAC (where Application G-18129 is located) due to the fact that there is "limited groundwater level trend information."

The South Sub-area is estimated to receive nearly 40 percent of the groundwater recharge for the entire Greater Harney Valley Area (Robison, 1968). Moreover, there are very few groundwater rights in this area and most of the land is owned by federal, state and local governmental agencies. Given this low-level of groundwater development, the significant amount of recharge and the lack of documented water level declines, the Applicant does not agree with the Initial Review Determination #5 and the Groundwater Review.

The Applicant requests an administrative hold until April 15, 2016, because the Department is in the process of developing administrative rules that have a direct bearing on Application G-18129. A hold of this duration will provide the needed time for the Department to complete its rulemaking process for the GHVGAC.

Please contact me at 541-257-9001 if you have any questions. We look forward to receiving the Department's acknowledgement that Application G-18129 is on hold.

Sincerely,  
GSI Water Solutions, Inc.



Adam Sussman  
Principal Water Resources Consultant

Cc: Otley Bros, Inc.

RECEIVED BY OWRD

JAN 29 2016

SALEM, OR



**Water Solutions, Inc.**

April 18, 2016

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

RE: Application G-18129, in the name of Otley Brothers, Inc.

Dear Ms. Park:

In a letter dated January 25, 2016, GSI Water Solutions, Inc. (GSI), on behalf of the Applicant Otley Bros. Inc., requested an administrative hold until April 15, 2016 to allow for the adoption of updated administrative rules under OAR Chapter 690, Division 512. The updated rules have now been adopted and the Applicant requests that the Department continue the processing of Application G-18129.

Moreover, under the newly adopted administrative rules at OAR 690-512-0020(6)(d), the Applicant is confirming in writing that they wish for their permit application to be processed under OAR 690-512-0020(6).

Please contact me at 541-257-9001 if you have any questions. We look forward to receiving the Department's Proposed Final Order.

Sincerely,  
GSI Water Solutions, Inc.

A handwritten signature in blue ink, appearing to read "Adam Sussman".

Adam Sussman  
Principal Water Resources Consultant

Cc: Otley Bros, Inc.

**RECEIVED**  
**APR 18 2016**  
**OWRD**



# 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.wrds.state.or.us](http://www.wrds.state.or.us)

February 5, 2018

Otley Brothers Inc.  
40926 S. Diamond Lane  
Diamond, OR 97722

Re: Application G-18129/Permit G-17647

Dear Mr. Otley,

On August 30, 2016, the Department issued water use Permit G-17647. One of the conditions of water use required the construction of an observation well within 6 months of permit issuance. The deadline for this condition was February 30, 2017.

The Department's understanding is that, as of the deadline date, no observation well had been constructed under this permit; therefore water cannot be legally used. Additionally, because this permit condition was not met, there will not be a way to meet the requirements to receive a certificate.

Enclosed is an Authorization for the Voluntary Cancellation of a Water Right form. The Department suggests that you voluntarily cancel this permit. If not, the permit will likely be cancelled involuntarily.

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

Sincerely,

Kim French  
Water Right Specialist

cc: Watermaster #10  
Justin Iverson, Groundwater Section Manager



## BOSCHMANN Darrick E \* WRD

---

**From:** BOSCHMANN Darrick E \* WRD  
**Sent:** Tuesday, August 29, 2017 11:39 AM  
**To:** 'Walt Burt'; 'fredotley@hotmail.com'  
**Subject:** RE: Observation Well Designation: Permit G-17647  
**Attachments:** HARN\_0052617\_hydrograph.PNG

RE: Application G-18129/Permit G-17647 Observation Well

Otley Brothers Inc.

Walt & Fred,

The Solinst Levellogger and Barologger units were installed in provisional observation well HARN 52617 on 4/19/2017. I have reviewed the water level data for the period of record 4/19/2017 to 8/15/2017. I find that the well is sufficiently recording the local aquifer response to pumping under permit G-17647, and as such can serve to permanently satisfy the observation well condition under this permit. I will continue to visit the site quarterly to make manual water level measurements and download data from the Solinst units. The hydrograph for data over this period of record is attached.

Please let me know if you have any questions or wish to discuss anything further.

Regards,  
Darrick

*Darrick E. Boschmann, RG* | Hydrogeologist – Groundwater Section

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

| Phone: 503-986-0853  
| Fax: 503-986-0902

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**From:** BOSCHMANN Darrick E \* WRD  
**Sent:** Monday, January 23, 2017 8:59 AM  
**To:** 'Walt Burt'  
**Cc:** IVERSON Justin T \* WRD  
**Subject:** RE: Observation Well Designation: Permit G-18129

Walt,

RE: Application G-18129/Permit G-17647  
Otley Brothers Inc.

Thank you for your summary below.

The intent of the observation well condition under permit G-17647 is to monitor the aquifer response to pumping from the authorized wells. The language of the condition states that the well shall be cased and sealed to the same depth as the production wells, and be constructed at a location approved by the department. The proposed well (HARN 52617) was constructed at a location selected by the permittee without consulting the department. My understanding is that HARN 52617 was drilled with the intent of being used as a production well under this permit. From our conversation it sounds as though the well yield was insufficient to meet the needs of the permittee for this purpose. The well is

This e-mail contains information that may be confidential and/or privileged work product prepared in anticipation of litigation. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this e-mail in error, please notify me by telephone or e-mail.



**Water Solutions, Inc.**

April 18, 2016

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

RE: Application G-18129, in the name of Otley Brothers, Inc.

Dear Ms. Park:

In a letter dated January 25, 2016, GSI Water Solutions, Inc. (GSI), on behalf of the Applicant Otley Bros. Inc., requested an administrative hold until April 15, 2016 to allow for the adoption of updated administrative rules under OAR Chapter 690, Division 512. The updated rules have now been adopted and the Applicant requests that the Department continue the processing of Application G-18129.

Moreover, under the newly adopted administrative rules at OAR 690-512-0020(6)(d), the Applicant is confirming in writing that they wish for their permit application to be processed under OAR 690-512-0020(6) .

Please contact me at 541-257-9001 if you have any questions. We look forward to receiving the Department's Proposed Final Order.

Sincerely,  
GSI Water Solutions, Inc.

A handwritten signature in black ink, appearing to read "Adam Sussman", is written over a horizontal line.

Adam Sussman  
Principal Water Resources Consultant

Cc: Otley Bros, Inc.

## BOSCHMANN Darrick E \* WRD

---

**From:** BOSCHMANN Darrick E \* WRD  
**Sent:** Monday, January 23, 2017 8:59 AM  
**To:** 'Walt Burt'  
**Cc:** IVERSON Justin T \* WRD  
**Subject:** RE: Observation Well Designation: Permit G-18129

Walt,

RE: Application G-18129/Permit G-17647

Otley Brothers Inc.

Thank you for your summary below.

The intent of the observation well condition under permit G-17647 is to monitor the aquifer response to pumping from the authorized wells. The language of the condition states that the well shall be cased and sealed to the same depth as the production wells, and be constructed at a location approved by the department. The proposed well (HARN 52617) was constructed at a location selected by the permittee without consulting the department. My understanding is that HARN 52617 was drilled with the intent of being used as a production well under this permit. From our conversation it sounds as though the well yield was insufficient to meet the needs of the permittee for this purpose. The well is completed significantly deeper than the authorized production wells under this permit. The well is however constructed relatively close to the location you and I had discussed for drilling of the dedicated observation well several months ago.

Given the above considerations, HARN 52617 is provisionally acceptable for use as the designated observation well and will serve to satisfy the six month requirement of the observation well condition. However, given the well construction details, and failure to consult with the department for final well construction and location details, the department reserves the right to require well reconstruction or construction of a new dedicated observation well should water levels measured in HARN 52617 be determined to not represent the response to pumping under permit G-17467.

I spoke with Mr. Otley last Thursday about installation of the monitoring equipment in HARN 52617 and I hope to get the equipment installed in the next month or two as conditions allow. We will monitor the water levels in the well over the course of the 2017 irrigation season and then make the final determination if this well will meet the intent of the observation well requirement.

Please let me know if you have any questions. A copy of this email will be placed in the file here in Salem.

Thank you,  
Darrick

*Darrick E. Boschmann, RG* | Hydrogeologist – Groundwater Section

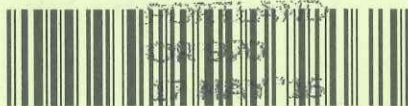
Oregon Water Resources Department | Phone: 503-986-0853  
725 Summer ST. NE., Suite A Salem OR 97301 | Fax: 503-986-0902

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**From:** Walt Burt [<mailto:wburt@gsiws.com>]  
**Sent:** Friday, January 20, 2017 6:24 PM  
**To:** BOSCHMANN Darrick E \* WRD



USPS TRACKING#



9590 9402 1280 5246 7524 46

United States  
Postal Service

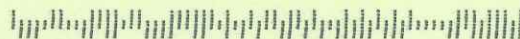
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

MAY 16 2016

• Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department  
725 Summer St NE, STE A  
Salem, OR 97301

01126673



UNITED STATES POSTAL SERVICE



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

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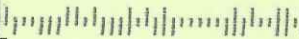
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301

JAN - 2 2016

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9590 9403 0644 5183 3827 95



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

Otley Bros Inc. G-18129  
40926 S Diamond Ln.  
Diamond, OR 97722



9590 9402 1280 5246 7524 46

2. Article Number (Transfer from service label)  
7015 1730 0001 0092 2938

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Shirley Hughes  Agent  
 Addressee

B. Received by (Printed Name)  
Shirley Hughes

C. Date of Delivery  
5-19-16

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

RECEIVED

MAY 19 2016

OWRD

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, July 2015 PSN 7530-02-000-9053 **WR/SP** Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

Otley Bros Inc. G-18129  
40926 S Diamond Ln.  
Diamond, OR 97722



9590 9403 0644 5183 3827 95

2. Article Number (Transfer from service label)  
7015 1730 0001 0092 0248

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Todd Otley  Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery  
12-31-15

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

RECEIVED

JAN 06 2016

OWRD

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, April 2015 PSN 7530-02-000-9053 **WRKF** Domestic Return Receipt



# Mailing List for FO Copies

Application #G-18129

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**Original mailed to applicant with claim of beneficial use form:**

OTLEY BROTHERS INC  
40926 S DIAMOND LANE  
DIAMOND OR 97722

**Copies sent via Email to:**

1. WRD - Watermaster District #: 10
2. Agent - Adam Sussman, [ASUSSMAN@GSIWS.COM](mailto:ASUSSMAN@GSIWS.COM)

**Copies sent to:**

1. WRD - File # G-18129

<p><b>Copies Mailed</b></p> <p>By: <u>SP</u> (SUPPORT STAFF)</p> <p>on: <u>8-30-16</u> (DATE)</p>
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CASEWORKER : Barbara Park Poage

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

Water Rights Application  
Number G-18129

**Superseding Final Order**

*Appeal Rights*

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law.

*Findings of Fact*

1. On August 11, 2015, Otley Brothers Inc submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on May 10, 2016.
3. The protest period closed June 24, 2016, and no protest was filed.
4. On July 18, 2016, the Department issued a Final Order approving Application G-18129 and Permit G-17638. Subsequently the Department discovered that the July 18, 2016 Final Order and Permit erroneously contained a condition within the Observation Well Requirement stating, "The well shall be completed prior to water use authorized by this permit."

Accordingly, pursuant to OAR 137-004-0080(5), a superseding Final Order and Permit will be issued.

*Conclusions of Law*

1. The proposed use would not impair or be detrimental to the public welfare, safety, and health pursuant to ORS 537.621(2).

**Order**

The July 18, 2016 Final Order is superseded by this document and is of no further force or effect.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OTLEY BROTHERS INC  
40926 S DIAMOND LANE  
DIAMOND, OR 97722

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

APPLICATION FILE NUMBER: G-18129

SOURCE OF WATER: WELL BV1; WELL BV2 (HARN 51892/L109045); WELL BV3 (HARN 51895/L109043); WELL BV4 (HARN 51894/L109042); AND WELL BV5 IN DONNER UND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 426.0 ACRES

MAXIMUM RATE: 5.33 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: AUGUST 11, 2015

WELL LOCATIONS:

WELL BV1: SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SECTION 9, T29S, R31E, W.M.; 1828 FEET SOUTH AND 1429 FEET EAST FROM NW CORNER, SECTION 9

WELL BV2: (HARN 51892/L109045): SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SECTION 9, T29S, R31E, W.M.; 1657 FEET SOUTH AND 1608 FEET EAST FROM NW CORNER, SECTION 9

WELL BV3: (HARN 51895/L109043): NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SECTION 9, T29S, R31E, W.M.; 805 FEET SOUTH AND 891 FEET EAST FROM NW CORNER, SECTION 9

WELL BV4: (HARN 51894/L109042): SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SECTION 9, T29S, R31E, W.M.; 2271 FEET SOUTH AND 2184 FEET EAST FROM NW CORNER, SECTION 9

WELL BV5: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SECTION 9, T29S, R31E, W.M.; 3920 FEET SOUTH AND 4937 FEET EAST FROM NW CORNER, SECTION 9

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

Drawdown Condition and Static Water Level Conditions:

All groundwater pumping authorized by this permit shall be prohibited if March groundwater levels indicate 18 feet or more of decline has occurred, as measured in the observation well or any authorized irrigation well, when compared to the first March measurement.

Subsequent groundwater pumping may occur with Department approval during the year(s) a subsequent March groundwater level measurement indicates the groundwater level at the observation well has recovered to less than 18 feet of decline when compared to the first March measurement.

The Department requires the water user to obtain, from a qualified individual (see below), the annual static groundwater level measured in any authorized irrigation well. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static groundwater-level measurement from any authorized irrigation well once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least 0.1 foot. Airlines are not acceptable methods of measurement. The Department requires the individual performing the measurement to accomplish the following:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

Groundwater Study Findings and Potential for Future Prohibition of Use:

Water use under this permit, or certificate if one is later issued, is prohibited if, based on the Department's Harney Basin Groundwater Study, the Department cannot make a finding that the groundwater use is within the capacity of the resource, is not over appropriated, or will not cause injury to senior water users. The permit holder may provide offset water in the manner described in OAR 690-512-0020(4) within three years of the final report being issued. The Department shall make the findings described in this subsection for each permit issued under Section 6 within one year of completing the Harney Basin Groundwater Study. The Department's findings described in this condition shall include site-specific substantial evidence.

**STANDARD CONDITIONS**

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

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

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

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

# Mailing List for FO Copies

Application #G-18129

---

**Original mailed to applicant with claim of beneficial use form:**

OTLEY BROTHERS INC  
40926 S DIAMOND LANE  
DIAMOND OR 97722

**Copies sent via Email to:**

1. WRD - Watermaster District #: 10
2. Agent - Adam Sussman, [ASUSSMAN@GSIWS.COM](mailto:ASUSSMAN@GSIWS.COM)

**Copies sent to:**

1. WRD - File # G-18129

<p><b>Copies Mailed</b></p> <p>By: <u>SP</u> (SUPPORT STAFF)</p> <p>on: <u>7-19-16</u> (DATE)</p>
---

CASEWORKER : Barbara Park



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

Water Rights Application  
Number G-18129

**Final Order**

*Appeal Rights*

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

*Findings of Fact*

1. On August 11, 2015, Otley Brothers Inc submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on May 10, 2016.
3. The protest period closed June 24, 2016, and no protest was filed.

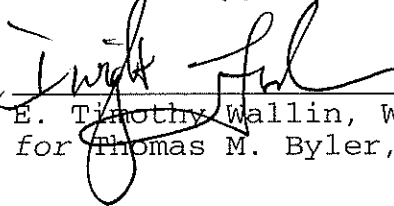
*Conclusions of Law*

1. The proposed use would not impair or be detrimental to the public welfare, safety and health pursuant to ORS 537.621(2).

**Order**

Application G-18129 therefore is approved as described in the Proposed Final Order, and Permit G-17638 is issued as limited by the conditions therein.

DATED July 18, 2016



E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OTLEY BROTHERS INC  
40926 S DIAMOND LANE  
DIAMOND, OR 97722

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

APPLICATION FILE NUMBER: G-18129

SOURCE OF WATER: WELL BV1; WELL BV2 (HARN 51892/L109045); WELL BV3 (HARN 51895/L109043); WELL BV4 (HARN 51894/L109042); AND WELL BV5 IN DONNER UND BLITZEN RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 426.0 ACRES

MAXIMUM RATE: 5.33 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: AUGUST 11, 2015

WELL LOCATIONS:

WELL BV1: SE ¼ NW ¼ SECTION 9, T29S, R31E, W.M.; 1828 FEET SOUTH AND 1429 FEET EAST FROM NW CORNER, SECTION 9

WELL BV2 (HARN 51892/L109045): SE ¼ NW ¼ SECTION 9, T29S, R31E, W.M.; 1657 FEET SOUTH AND 1608 FEET EAST FROM NW CORNER, SECTION 9

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# WATER RIGHT APPLICATION MAP FOR OTLEY BROS. INC.

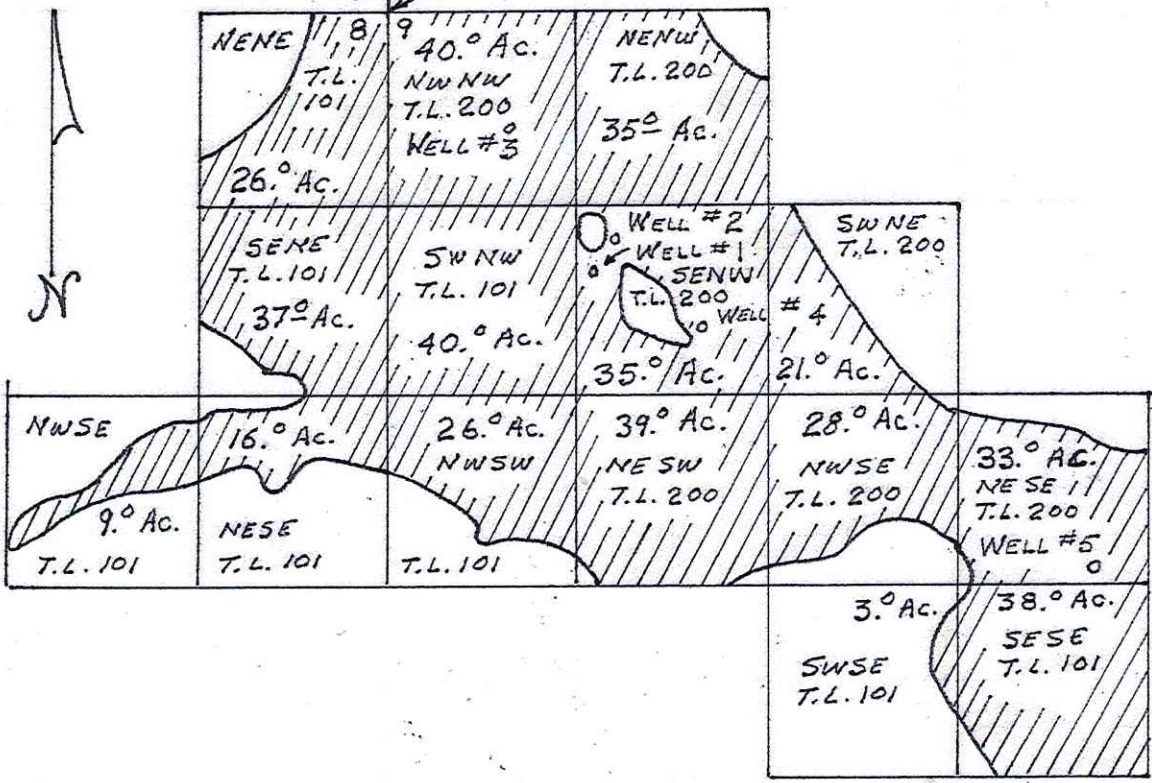
RECEIVED

AUG 11 2015

WATER RESOURCES DEPT  
SALEM, OREGON

T. 29S., R. 31E., W.M.

5 4 ✓ MARKED  
STONE N.W. CORNER SECTION 9



WELL LOCATIONS FROM THE  
N.W. CORNER OF SECTION 9

- WELL #1 1828'S. 1429'E.
- WELL #2 1657'S. 1608'E.
- WELL #3 805'S. 891'E.
- WELL #4 2271'S. 2184'E.
- WELL #5 3920'S 4937'E

IRRIGATION OF 426° ACRES

SCALE 4" = 1 MILE

B.R.S.

PRINTED ON RECYCLED PAPER G-10129

**FO Checklist**

Application #: G-18129 Applicant: OTLEY BROTHERS INC GHVGS

Name and/or address has **changed or been assigned**  Yes  No  
If new: \_\_\_\_\_

Respond to **significant comments, issues, or disputes** related to the proposed use of water.  N/A  Yes

**Affected landowner(s)** have been notified  N/A  Yes  No, send a letter to landowners before FO issuance.

**Verify names/addresses** of affected landowners, and those who commented and/or paid \$25 fee.  N/A  Yes

PFO conclusions **require modification** due to typos, errors or omission of conditions  Yes  No  
If so: \_\_\_\_\_

If PFO requires modification, use **FO MOD appeal rights**  N/A  Yes  
*S:\groups\wr\Resource Center\language\fo\appeal rights - fo mod*

Within North Umpqua settlement or Tenmile Lake and issuing permit, **spreadsheet has been updated**  N/A  Yes

**SWW**  N/A  Yes - If GW and interference, cc: Shawn Ortiz-Turner

**WMCP** required  N/A  Yes - cc: Lisa Jaramillo

**Fees**

EXAM FEE REQUIRED	_____	RECORDING FEE REQUIRED	_____
EXAM FEE PAID	_____	RECORDING FEE PAID	_____
STILL OWED	<u>Ø</u>	STILL OWED	<u>Ø</u>

FO w/ draft permit; still needed: \_\_\_\_\_ FO w/ permit # G-17638 \_\_\_\_\_ FO to deny  
\_\_\_ fees refund \$ \_\_\_\_\_  
\_\_\_ easement  
\_\_\_ st water contract  
\_\_\_ approved dam plans & specs  
\_\_\_ land use approval  
\_\_\_ well construction approval

Name: Barbara Park Date: 6/30/2016 Peer Reviewer: \_\_\_\_\_

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.



**PFO Checklist**

Application #: G-18129 Applicant: OTLEY BROTHERS INC G H V G W S A

IR requested add'l info  No  Yes \_\_\_\_\_

Have conflicts been addressed?  NA  No  Yes \_\_\_\_\_

IR date 12/25/15 Noticed on 12/29/15 Comment Deadline 01/29/16

Electronic/written comments?  No  Yes \_\_\_\_\_ Comment eval?  NA  No  Yes

Allowed Use/Rate/Season IR 5.33 g/s 426<sup>0</sup> acres Limit 1/10 Duty 2.5

Make specific finding in PFO if  Rate/Limit higher-than-standard  Duty higher-than-standard

Confirm POD/POU are correct per the map

Is second gw review necessary?  NA  No  Yes Complete?  No  Yes Add'l fees  necessary  collected  needed

DIV 9  NA  will likely be available...  will not likely be available...  will, if properly conditioned...

No PSI Table C4a NOT filled out  No PSI Table C4a filled out - Highest impact? \_\_\_\_\_ Month? \_\_\_\_\_

PSI per 690-009-0040(4)  PSI per 690-009-0040(5) well \_\_\_\_\_ has PSI with \_\_\_\_\_

GW conditions FN FT Large + Special [GHV conditions]

Conditions \_\_\_\_\_

Small  $\leq 0.1$  CFS,  $\leq 9.2$  AF  Medium  $> 0.1$  CFS but  $< 0.25$  CFS,  $> 9.2$  AF but  $< 100$  AF  Large  $\geq 0.25$  CFS,  $\geq 100$  AF

SW availability  NA  80%  50% \_\_\_\_\_

DIVISION 33  NA  No  UPPER COLUMBIA (not allowed 4/15 - 9/30)  
 LOWER COLUMBIA  
 STATEWIDE

SWW  NA  above  within \_\_\_\_\_ If GW and interference, copy form for Shawn O-T.

Land Use  allowed outright  decision obtained  being pursued  not being pursued (add text box - deny)

Needed before permit  NA  fees  evidence of well repair  LU  easement  plans/specs  storage contract

Changes from IR determinations  
Allowed per new 690-512 rules

Notes Harney County - use new conditions per 690-512

# IR CHECKLIST

Application #: G-18129 Applicant: OTLEY BROTHERS INC

Use(s): IRRIGATION OF 426.0 ACRES Priority Date: August 11, 2015

Requested Use/Rate/Season IR 426.0 ac / 5.33 cfs / MAR 1 - SEPT 30 Limit 180 Duty 3.0

Allowed Use/Rate/Season GW OVER-APPROPRIATED Limit \_\_\_\_\_ Duty \_\_\_\_\_

DIV 9  NA  will likely be available...  will not likely be available...  will, if properly conditioned...

classify as surface water well \_\_\_\_\_ has PSI with NO PSI

GW conditions IN FT Large + Special

Conditions \_\_\_\_\_

Small  $\leq 0.1$  CFS,  $\leq 9.2$  AF  Medium  $> 0.1$  CFS but  $< 0.5$  CFS,  $> 9.2$  AF but  $< 100$  AF  Large  $\geq 0.5$  CFS,  $\geq 100$  AF

use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water  
use Large for: Tenmile Lake, NU or other temp control, and gov. entities; Large-7g, Large-7i for 7g/7i  
use Large-TFM: HC exceptions; and if GW in South Salem Hills, or 10+ acres in Stage Gulch CGWA

ORS 538 prohibits use  No  Yes (stop processing and return app and fees)

Stream is withdrawn  NA  No  Yes, allows use/season \_\_\_\_\_

Use is  allowed  not allowed  limited  OAR  Compact 690-512 Wickham Lake

SW availability  NA  80%  50% \_\_\_\_\_ WID: \_\_\_\_\_

Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)

DIVISION 33  NA  No  UPPER COLUMBIA (not allowed 4/15 - 9/30)  
 LOWER COLUMBIA  
 STATEWIDE

Use is within a high priority area for streamflow restoration  NA  No  Yes

4D Rules apply  NA  No  Yes

SWW  NA  above  within \_\_\_\_\_ (If GW and interference, copy form for Stahr.)

POU conflict  NA  No  No, different sources  No, make up a deficiency in rate  No, existing not at max. rate

Yes \_\_\_\_\_

Use is supplemental, checked for primary rights w/ diff source  NA  Yes limits \_\_\_\_\_

App w/in a District boundary  No  Yes, cc: \_\_\_\_\_

Land use  allowed outright  not allowed  being pursued  not being pursued  decision obtained  N/A

MU or QM  NA  will complete construction within 20 years  Lisa reviewed recommendations \_\_\_\_\_

Storage contract  NA  BOR  Doug Co  Corp of Eng  needed  obtained \_\_\_\_\_

POD is within North Umpqua settlement reach and the spreadsheet was updated  NA  Yes

Forms  NA  HC except (receipts/well logs attached)  spring description  Form M

WATER RESOURCES DEPARTMENT

DIVISION 512

MALHEUR LAKE BASIN PROGRAM PROVISION

**690-512-0040**

Water Availability

(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 of 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; or

(c) Permits for use of water legally stored.

(d) Permits for Multipurpose Storage under OAR 690-512-0100.



# Point of Diversion Characteristics

Right:	App: G 18129 *
Name:	OTLEY BROTHERS INC.

**TRSQQ: 29.00S-31.00E-09-NESE**

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: DONNER UND BLITZEN R > MALHEUR L - AT MOUTH (31200311)

Priority WAB: Donner Und Blitzen R @ mouth (OWRD: Fair, ODFW: Highest) (31200311)

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

**TRSQQ: 29.00S-31.00E-09-NWNW**

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: DONNER UND BLITZEN R > MALHEUR L - AT MOUTH (31200311)

Priority WAB: Donner Und Blitzen R @ mouth (OWRD: Fair, ODFW: Highest) (31200311)

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

**TRSQQ: 29.00S-31.00E-09-SENW**

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: DONNER UND BLITZEN R > MALHEUR L - AT MOUTH (31200311)

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Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:



## Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: G 18129 \*

# Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Yes  No

Application G-18129 County HARNEY Priority Date August 11, 2015

Township 29S Range 31E Section 8,9

Amount 5.33 cfs Use IRRIGATION 426 Acres WM Dist. # 10

Applicant Name OTLEY BROTHERS INC.

Receipt No. 116955 Caseworker Assigned:  Barbe  Kim  Kerri

- Contact info: Applicant/Organization Name and Mailing Address
- Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).
- Property ownership: Does the applicant own all the land for the proposed project? Y / N  
 If No:
  - The affected landowner's name and mailing address must be listed
  - A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

- For a SW Application: Source of water must be indicated.
  - If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)  
*NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2).*
  - If for stored water not under contract, is the source authorized under a permit, certificate, or decree?  
 Permit or Certificate issued? Y / N Permit or Certificate # \_\_\_\_\_

- For a GW Application: Well Development Tables completed and/or a well log report included (if existing)
- Proposed water use
  - Amount of water from each source in GPM, CFS, or AF
  - Period of use indicated
  - If for supplemental irrigation, primary acreage or underlying permit or certificate number listed  
*(Primary and Supplemental Irrigation counts as 2 uses)*

- Water Management Section *(Estimates if the water system has not been designed)*
- Resource Protection Section *(N/A for Groundwater)*
- For all standard reservoir applications: Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir.
- Project schedule (If system is already completed, indicate "existing.")

# Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # G-18129

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 29S/31E-9

CONDITIONS ATTACHED?:  yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:

\_\_\_\_\_

Reviewer: D. Buschmann







PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 12/7/2015  
 FROM: Groundwater Section Gerald H. Grondin (Darrick E. Boschmann)  
Reviewer's Name  
 SUBJECT: Application G- 18129 Supersedes review of N.A.  
Date of Review(s)

**PUBLIC INTEREST PRESUMPTION; GROUNDWATER**

**OAR 690-310-130 (1)** *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review groundwater applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. **This review is based upon available information and agency policies in place at the time of evaluation.**

**A. GENERAL INFORMATION:** Applicant's Name: Otley Brothers Inc. County: Harney

- A1. Applicant(s) seek(s) 5.33 cfs from 5 well(s) in the Malheur Lake Basin,  
Lower Donner und Blitzen River subbasin
- A2. Proposed use Irrigation (426 acres primary) Seasonality: March 1 to September 30
- A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	no log on file	BV 1	tuffaceous rocks & sediment	5.33	29S/31E-9 SE-NW	1828 FEET SOUTH AND 1429 FEET EAST FROM NW CORNER, SECTION 9
2	HARN 51892	BV 2	tuffaceous rocks & sediment	5.33	29S/31E-9 SE-NW	1657 FEET SOUTH AND 1608 FEET EAST FROM NW CORNER, SECTION 9
3	HARN 51895	BV 3	tuffaceous rocks & sediment	5.33	29S/31E-9 NW-NW	805 FEET SOUTH AND 891 FEET EAST FROM NW CORNER, SECTION 9
4	HARN 51894	BV 4	tuffaceous rocks & sediment	5.33	29S/31E-9 SE-NW	2271 FEET SOUTH AND 2184 FEET EAST FROM NW CORNER, SECTION 9
5	Proposed	BV 5	tuffaceous rocks & sediment	5.33	29S/31E-9 SE-SE	3920 FEET SOUTH AND 4937 FEET EAST FROM NW CORNER, SECTION 9

\* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	4157	?	*32	*2012	?	?	*40	?	?	?	?	?
2	4156	27	27	11/1/2012	200	0-20	0-40	None	None	600	-	Air
3	4159	35	35	10/13/2012	250	0-20	0-60	None	None	300	-	Air
4	4157	29	29	10/8/2012	210	0-40	0-40	None	None	600	-	Air
5	4186	?	?	?	?	?	?	?	?	?	?	?

Use data from application for proposed wells.

A4. **Comments:** \_\_\_\_\_

The proposed wells are located along the western margin of the Blitzen Valley 0.6 – 1.4 miles west of the Malheur National Wildlife Refuge Buena Vista Guard Station. The area is mapped as Qal/Qs (alluvium and Holocene sediments), Tmbh (Basalt of Harney Lake), Tmtd (Devine Canyon ash-flow tuff) and Tmst3 (Tuffaceous sedimentary rocks) by Brown and others (1980). The available water well reports for the existing wells show tuffaceous rocks and sediment including sand, clay, pumice, pumice stone, claystone, and conglomerate.

\*Note: No well log on file for well 1. The information listed in the table above is taken directly from the application. The original source of this information is not known.

Note: Satellite imagery clearly shows two irrigated center pivots already exist at this location.

- A5.  Provisions of the Malheur lake Basin rules relative to the development, classification and/or management of groundwater hydraulically connected to surface water  are, or  are not, activated by this application. (Not all basin rules contain such provisions.)  
 Comments: \_\_\_\_\_

OAR 690-512-0040

The rule states: "(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 of 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."

**This review does not find a potential for substantial interference with surface water.**

- A6.  Well(s) # \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, tap(s) an aquifer limited by an administrative restriction.  
 Name of administrative area: \_\_\_\_\_  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 Currently no administrative area.

**B. GROUNDWATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070**

B1. Based upon available data, I have determined that groundwater\* for the proposed use:

- a.  is over appropriated,  is not over appropriated, or  cannot be determined to be over appropriated during any period of the proposed use. \* This finding is limited to the groundwater portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b.  will not or  will likely be available in the amounts requested without injury to prior water rights. \* This finding is limited to the groundwater portion of the injury determination as prescribed in OAR 690-310-130;
- c.  will not or  will likely to be available within the capacity of the groundwater resource; or
- d.  will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource:
  - i.  The permit should contain condition #(s) \_\_\_\_\_;
  - ii.  The permit should be conditioned as indicated in item 2 below.
  - iii.  The permit should contain special condition(s) as indicated in item 3 below;

- B2. a.  Condition to allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;
- b.  Condition to allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;
- c.  Condition to 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. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Groundwater Section.



**C. GROUNDWATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	tuffaceous rocks & sediment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	tuffaceous rocks & sediment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	tuffaceous rocks & sediment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	tuffaceous rocks & sediment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	tuffaceous rocks & sediment	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Basis for aquifer confinement evaluation: \_\_\_\_\_

Leonard (1970) found that near the edges of the valley there is likely good interconnection between individual water-bearing beds in the valley fill and those in the adjacent and underlying Tertiary rocks.

Available data, including Piper and others (1939), Leonard (1970), and water well reports indicate ground water in the basin fill is generally unconfined and hydraulically connected to Malheur and Harney Lakes. Some local confinement can occur where discontinuous low permeability layers are present. Leonard (1970) indicates confined ground water occurs at depth in the basin in deep basin fill sediments and underlying Tertiary volcanic and sedimentary rocks. Hubbard (1975) indicates the ground water contribution to flow into Malheur Lake is small with the lake perched above ground water in most areas.

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than 1/4 mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Donner und Blitzen River	4125	4130	13200	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	1	Donner und Blitzen River	4129	4130	13000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	1	Donner und Blitzen River	4124	4130	13750	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	1	Donner und Blitzen River	4128	4130	12400	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	1	Donner und Blitzen River	?	4130	9890	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: \_\_\_\_\_

This evaluation considers perennial reaches of surface water only (see memo by Ivan Gall, 1/15/2008).

The groundwater elevations cited above are derived from the static water levels reported on the water well reports for HARN 51892, HARN 51895, and HARN 51894. The groundwater elevation cited for well 1 is derived from information provided in the application - the original source of this information is not known.

Within the uncertainty of the groundwater elevation estimates, the groundwater elevation for wells 1, 2, 3, and 4 are roughly coincident with the elevation of the closest perennial reach of the Donner und Blitzen River, suggesting that groundwater likely provides baseflow to this surface water body at this location.

Water Availability Basin the well(s) are located within: DONNER UND BLITZEN R > MALHEUR L - AT MOUTH

C3a. **690-09-040 (4):** Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked  box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
			<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
			<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
			<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: \_\_\_\_\_

C3a./C3b. No analysis here. All wells are located at a distance greater than 1 mile from perennial reaches of hydraulically connected surface water.

\_\_\_\_\_

C4a. 690-09-040 (5): Estimated impacts on hydraulically connected surface water sources greater than one mile as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
5	1	6.19%	5.78%	0.72%	2.08%	3.37%	4.55%	5.61%	6.59%	7.50%	7.80%	7.23%	6.67%
Well Q as CFS		0	0	3.01	3.01	3.01	3.01	3.01	3.01	3.01	0	0	0
Interference CFS		0.186	0.174	0.022	0.063	0.102	0.137	0.169	0.198	0.226	0.235	0.218	0.201
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.		0.186	0.174	0.022	0.063	0.102	0.137	0.169	0.198	0.226	0.235	0.218	0.201
(B) = 80 % Nat. Q		56.30	35.80	45.80	107.0	263.0	214.0	77.00	37.30	26.00	35.70	28.90	50.30
(C) = 1 % Nat. Q		0.563	0.358	0.458	1.07	2.63	2.14	0.77	0.373	0.26	0.357	0.289	0.503
(D) = (A) > (C)		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
(E) = (A / B) x 100		0.330%	0.486%	0.048%	0.059%	0.039%	0.064%	0.219%	0.531%	0.869%	0.658%	0.754%	0.400%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed, as CFS; (C) = 1% of calculated natural flow at 80% exceed, as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

**Basis for impact evaluation:** \_\_\_\_\_

C4a. Hunt (1999) was used to calculate the interference between Well 5 and SW #1, the closest surface water body outside of a mile from the proposed wells. Very little data is available about aquifer parameters at this location. The values used for the calculation are conservative and appropriate until better values become available. The calculations used an intermediate transmissivity of 1000ft<sup>2</sup>/day. Additionally, the calculation used an assumed intermediate storage coefficient (0.001). The pumping rate used represents the maximum allowable duty prorated over the irrigation season (3.01 cfs). See reports attached.

Interference is determined to be less than 1% of the 80% flow in all months evaluated.

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C4b. **690-09-040 (5) (b)** The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

- C5.  **If properly conditioned**, the surface water source(s) can be adequately protected from interference, and/or groundwater use under this permit can be regulated if it is found to substantially interfere with surface water:
- i.  The permit should contain condition #(s) \_\_\_\_\_;
  - ii.  The permit should contain special condition(s) as indicated in "Remarks" below;

C6. **SW / GW Remarks and Conditions:** \_\_\_\_\_

**C1. 690-09-040 (1)**

It is determined that all wells will produce water from an unconfined aquifer.

**C2. 690-09-040 (2) (3)**

It is determined that all wells are hydraulically connected with the Donner und Blitzen River..

**C3a./C3b.** No analysis here. All wells are located at a distance greater than 1 mile from perennial reaches of hydraulically connected surface water.

**C4a. 690-09-040 (5)**

Interference is determined to be less than 1% of the 80% flow in all months evaluated for Well 5 to SW#1.

The proposed well(s) for this application is within the greater Harney Valley area where observed groundwater level declines are occurring in most areas (see attached map). The decline indicates that demand for groundwater is exceeding the average annual recharge. An analysis by the Department confirms the volume of groundwater permitted for annual use exceeds the average annual volume of recharge to groundwater. The Department also estimates that approximately 30 percent of the total acreage permitted for groundwater use has yet to be developed. Groundwater development for these acres under already-existing permits will further increase the groundwater level decline rate. Based on the location of the proposed POA(s), the Department finds that the proposed groundwater use will occur from the same groundwater source exhibiting groundwater level declines. Groundwater is therefore determined to be over-appropriated [see OAR 690-400-0010(11)(a)(B)] and the proposed use for this application is not within the capacity of the resource.

If a permit is issued, the following conditions are recommended:

**7N:** Annual Measurement and Decline Condition

**7P:** Well Tag Condition

**7T:** Dedicated Measuring Tube Condition for all POA wells

**Flow meter condition:** Use the water rights "large" permit condition requiring a totalizing flow meter and reporting

**7F:** Well Location Condition

**Special Permit Condition:**

The permittee shall construct one (1) minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.



**References Used:**

Piper, A.M., Robison, T.W., and Park C.F. 1939. Geology and Ground Water Resources of the Harney Basin, Oregon. USGS Water Supply Paper 841.

Brown, D. E., McLean, G. D., and Black, G. L., 1980, Preliminary geology and geothermal resource potential of the southern Harney Basin, Oregon: Portland, Oreg., Oregon Department of Geology and Mineral Industries Open-File Report O-80-7, Plate 2, scale 1:62,500.

Leonard, A.R. 1970. Ground-Water Resources in Harney Valley, Harney County, Oregon. Ground Water Report 16, Oregon Water Resources Department, Salem, Oregon.

Memo by Ivan Gall, 1/15, 2008

Oregon Administrative Rules

OWRD water well reports, water level data, and/or hydrographs

Hubbard, Larry. L. 1975. Hydrology of Malheur Lake, Harney County, Southeastern Oregon. USGS Water Resources Investigation 75-21.

**D. WELL CONSTRUCTION, OAR 690-200**

D1. Well #: \_\_\_\_\_ Logid: \_\_\_\_\_

D2. **THE WELL does not appear to meet current well construction standards based upon:**

- a.  review of the well log;
- b.  field inspection by \_\_\_\_\_;
- c.  report of CWRE \_\_\_\_\_;
- d.  other: (specify) \_\_\_\_\_

D3. **THE WELL construction deficiency or other comment is described as follows:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D4.  **Route to the Well Construction and Compliance Section for a review of existing well construction.**

**Water Availability Tables**

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

DONNER UND BLITZEN R > MALHEUR L - AT MOUTH

Watershed ID #: 31200311

Basin: MALHEUR LAKE

Exceedance Level: 80

Time: 3:04 PM

Date: 12/02/2015

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
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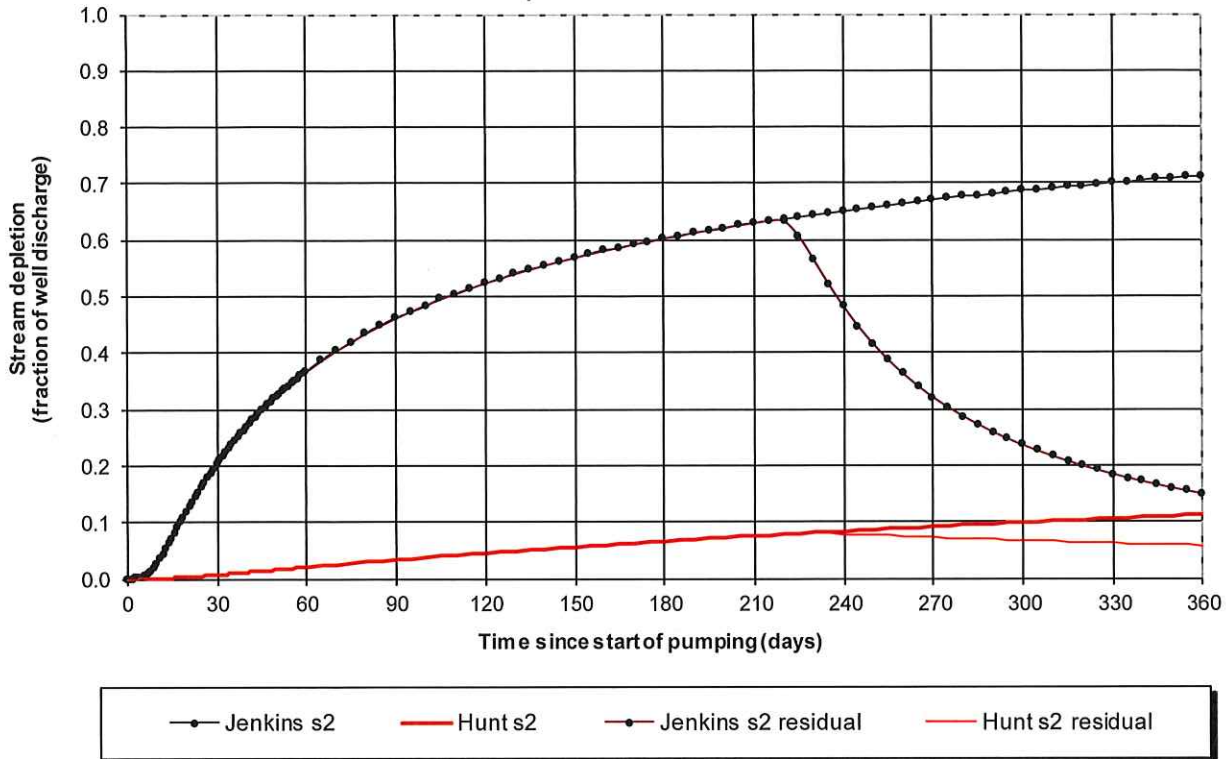
Monthly values are in cfs.

Storage is the annual amount at 50% exceedance in ac-ft.

JAN	56.30	87.30	-31.00	0.00	0.00	-31.00
FEB	35.80	87.70	-51.90	0.00	0.00	-51.90
MAR	45.80	107.00	-60.90	0.00	0.00	-60.90
APR	107.00	105.00	2.17	0.00	0.00	2.17
MAY	263.00	267.00	-3.75	0.00	0.00	-3.75
JUN	214.00	215.00	-0.67	0.00	0.00	-0.67
JUL	77.00	71.50	5.47	0.00	0.00	5.47
AUG	37.30	29.60	7.67	0.00	0.00	7.67
SEP	26.00	17.00	8.98	0.00	0.00	8.98
OCT	35.70	92.70	-57.00	0.00	0.00	-57.00
NOV	28.90	86.00	-57.10	0.00	0.00	-57.10
DEC	50.30	87.30	-37.00	0.00	0.00	-37.00
ANN	84,700	75,700	16,300	0	0	16,300

## Transient Stream Depletion (Jenkins, 1970; Hunt, 1999)

### Proposed Well 5 - Blitzen River



**Output for Hunt Stream Depletion, Scenerio 2 (s2):**

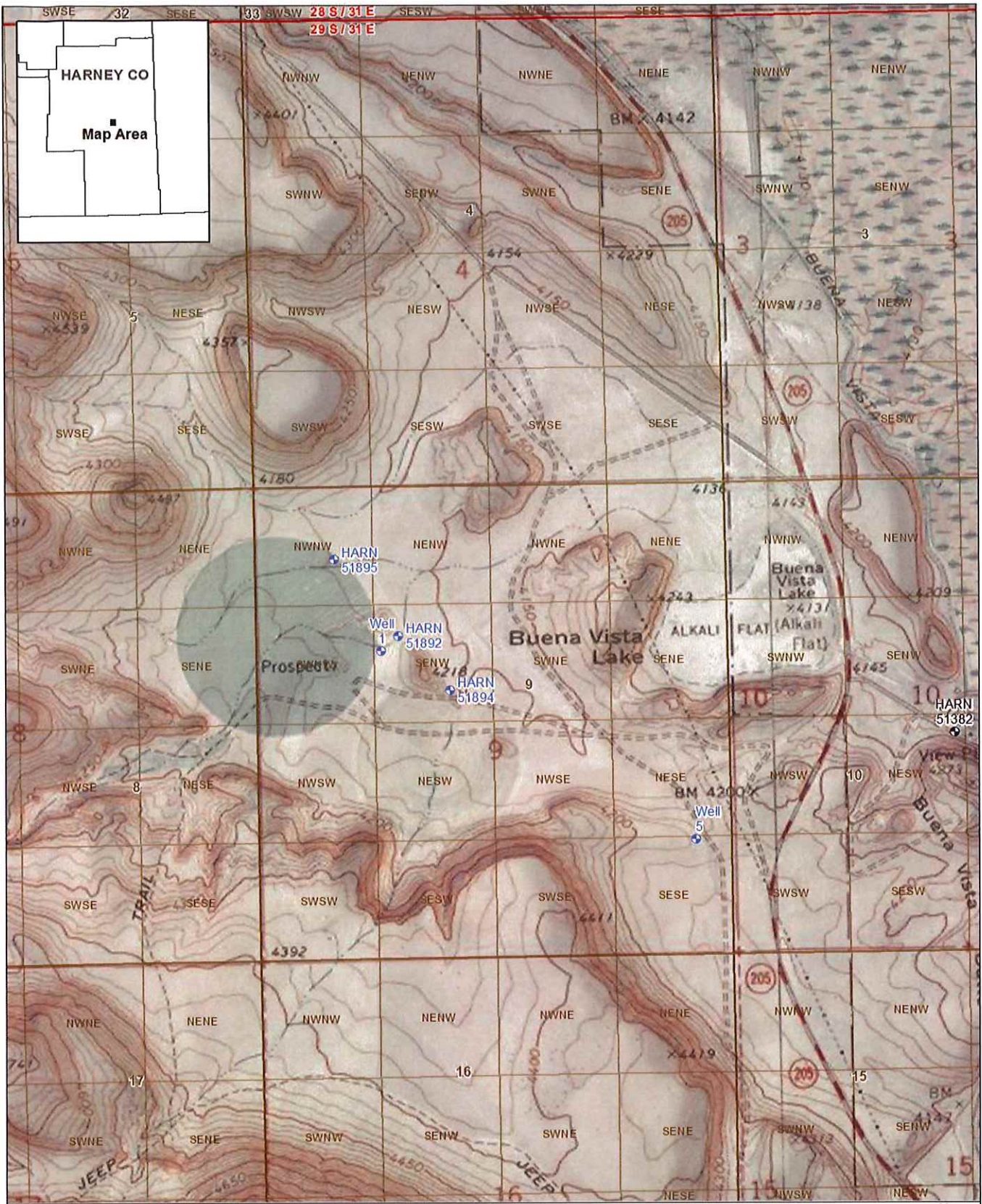
Time pump on = 214 days

Days	30	60	90	120	150	180	210	240	270	300	330	360
Qw, cfs	3.010	3.010	3.010	3.010	3.010	3.010	3.010	3.010	3.010	3.010	3.010	3.010
Jenk SD s2 %	20.17	36.66	46.10	52.32	56.80	60.22	62.94	48.15	32.04	23.56	18.41	14.97
Jen SD s2 cfs	0.607	1.104	1.388	1.575	1.710	1.813	1.894	1.449	0.964	0.709	0.554	0.451
Hunt SD s2 %	0.72	2.08	3.37	4.55	5.61	6.59	7.50	7.80	7.23	6.67	6.19	5.78
Hunt SD s2 cfs	0.022	0.063	0.102	0.137	0.169	0.198	0.226	0.235	0.218	0.201	0.186	0.174

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate	Qw	3.01	3.01	3.01	cfs
Distance to stream	a	9890	9890	9890	ft
Aquifer hydraulic conductivity	K	0.5	5	50	ft/day
Aquifer thickness	b	200	200	200	ft
Aquifer transmissivity	T	100	1000	10000	ft*ft/day
Aquifer storage coefficient	S	0.001	0.001	0.001	
Stream width	ws	50	50	50	ft
Streambed hydraulic conductivity	Ks	0.01	0.01	0.01	ft/day
Streambed thickness	bs	25	25	25	ft
Streambed conductance	sbc	0.02	0.02	0.02	ft/day
Stream depletion factor (Jenkins)	sdf	978.121	97.8121	9.78121	days
Streambed factor (Hunt)	sbf	1.978	0.1978	0.01978	



Well Location Map



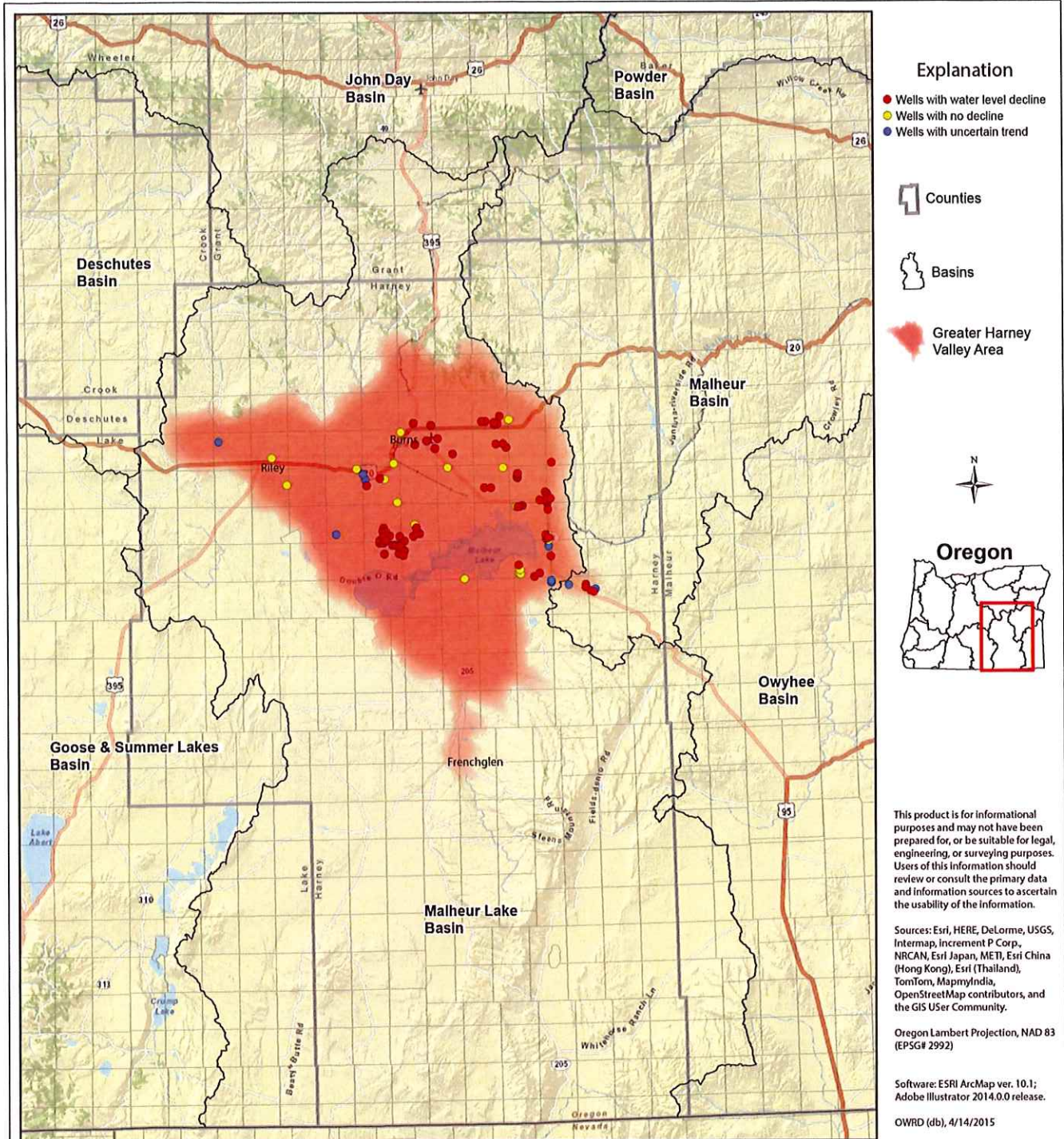
G-18129  
Otley Brothers Inc.

0 0.25 0.5 1 Miles





Water-Level Trends in Nearby Wells



**Greater Harney Valley Groundwater Level Trends  
Oregon Water Resources Department  
April 2015 Draft**

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



# Mailing List for PFO Copies

Application #G-18129

PFO Date May 10, 2016

**Original mailed via CERTIFIED MAIL to applicant:**

OTLEY BROTHERS INC  
40926 S DIAMOND LANE  
DIAMOND, OR 97722

Copies Mailed By: <u>SP</u> (SUPPORT STAFF) on: <u>5/10/16</u> (DATE)
---

**SENT VIA EMAIL:**

1. WRD - Watermaster # 10
2. Agent - Adam Sussman, [ASUSSMAN@GSIWS.COM](mailto:ASUSSMAN@GSIWS.COM)

**Copies sent to:**

1. WRD - File # G-18129

Protest/ Standing Dates checked <hr/>
--

CASEWORKER : Barbara Park

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

Water Rights Application  
Number G-18129

**Proposed Final Order**

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

*Findings of Fact*

1. On August 11, 2015, Otley Brothers Inc. submitted an application to the Department for the following water use permit:
  - Amount of Water: 5.33 cubic feet per second (CFS)
  - Use of Water: irrigation of 426.0 acres
  - Source of Water: Well BV1; Well BV2 (HARN 51892/L109045); Well BV3 (HARN 51895/L109043); Well BV4 (HARN 51894/L109042); and Well BV5 in Donner und Blitzen River Basin
  - Area of Proposed Use: Harney County within Sections 8 and 9, Township 29 South, Range 31 East, W.M.
2. On December 25, 2015, the Department mailed the applicant notice of its Initial Review, determining that "...the appropriation of 5.33 CFS of water from Well BV1, Well BV2 (HARN 51892/L109045), Well BV3 (HARN 51895/L109043), Well BV4 (HARN 51894/L109042), and Well BV5 in Donner und Blitzen River Basin for irrigation of 426.0 acres is not allowable...". The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On December 29, 2015, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.
4. On January 25, 2016 the applicant put the application on administrative hold, which ended April 18, 2016.
5. On April 13, 2016, the Water Resources Commission revised the applicable Basin Program (OAR 690-512). The new rules allow permits to be issued if they are consistent with the conditions and limitations of the rules. The applicant has indicated that they wish for their application to be subject to the revised rules, specifically OAR 690-512-0020(6), in order for the proposed use to be approved.

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

- any applicable basin program
- applicable statutes, administrative rules, and case law



9. Because the application is consistent with OAR 690-512-0020(6) (a, b, and d), and will be conditioned consistent with 690-512-0020(6)© and (7), the Department finds that groundwater is available for the proposed use.
10. Well BV1, Well BV2 (HARN 51892/L109045), Well BV3 (HARN 51895/L109043), Well BV4 (HARN 51894/L109042), and Well BV5 in Donner und Blitzen River Basin are not within or above a State Scenic Waterway.
11. The Department finds that the amount of water requested, 5.33 CFS, is an acceptable amount.
12. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.
13. The proposed groundwater use is not within a designated critical groundwater area.

*Conclusions of Law*

1. 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.
2. The proposed use requested in this application is allowed in the Malheur Lake Basin Program.
3. Pursuant to the findings made above in 9, water is available for the proposed use.
4. The proposed use will not injure other water rights.
5. No proposed flow rate and duty of water higher than the general basin-wide standard is needed.
6. The application is in compliance with the State Agency Coordination Program regarding land use.
7. The proposed use complies with rules of the Water Resources Commission not otherwise described above.
8. For these reasons, the required presumption has been established.
9. Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

## Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **June 24, 2016**. Protests 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 the 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;
- To affect the department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;
- If you are the applicant, the protest fee of \$350 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$700 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.

partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is:  
<http://legalassistance.law.af.mil>

*This document was prepared by Barbara Park. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0859.*

*If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.*

*If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:*

*Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼ 26.0 ACRES  
 SE ¼ NE ¼ 37.0 ACRES  
 NE ¼ SE ¼ 16.0 ACRES  
 NW ¼ SE ¼ 9.0 ACRES  
 SECTION 8

SW ¼ NE ¼ 21.0 ACRES  
 NE ¼ NW ¼ 35.0 ACRES  
 NW ¼ NW ¼ 40.0 ACRES  
 SW ¼ NW ¼ 40.0 ACRES  
 SE ¼ NW ¼ 35.0 ACRES  
 NE ¼ SW ¼ 39.0 ACRES  
 NW ¼ SW ¼ 26.0 ACRES  
 NE ¼ SE ¼ 33.0 ACRES  
 NW ¼ SE ¼ 28.0 ACRES  
 SW ¼ SE ¼ 3.0 ACRES  
 SE ¼ SE ¼ 38.0 ACRES  
 SECTION 9

TOWNSHIP 29 SOUTH, RANGE 31 EAST, W.M.

Observation Well Requirement:

Within six (6) months of permit issuance, the permittee shall construct one (1) observation well to penetrate the same aquifer as the production wells, or the permit may be cancelled. This six month deadline shall not be extended. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose. The well shall be completed prior to water use authorized by this permit. Failure to construct a dedicated observation well within six (6) months of permit issuance shall cause the watermaster to regulate off any future use under the permit.

Dedicated Measuring Tube Condition:

Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to Figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

Groundwater Study. The Department's findings described in this condition shall include site-specific substantial evidence.

Setback Requirement and Potential Regulation Condition:

Any well authorized under this permit shall be located more than 1,320 feet from any existing senior exempt, permitted, or certificated well(s) not owned by the permit holder. Any well authorized on this permit, when located between 1,320 feet and 2,640 feet of any senior exempt, permitted, or certificated well not owned by the permit holder, shall immediately cease pumping groundwater if Department staff determine 10 feet or more of measured groundwater level interference related to the authorized well use has occurred in a senior exempt, permitted, or certificated well.

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Well Identification Tag Condition

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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.

Construction of the well shall be made within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

**DRAFT - THIS IS NOT A PERMIT**

E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director





**Water Solutions, Inc.**

January 25, 2016

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

RE: Comments on Initial Review of Application G-18129, in the name of Otley Brothers, Inc. and Request for Administrative Hold

Dear Ms. Park:

GSI Water Solutions, Inc. (GSI) is providing these comments on behalf of the Applicant, Otley Brothers, Inc.

As you are aware, the Department is developing administrative rules for the processing of groundwater right applications in the Greater Harney Valley Groundwater Area of Concern (GHVGAC). The Department issued Hearing Draft Rules on January 21, 2016. According to the Hearing Draft Rules, the proposed rules would apply to applications pending as of April 15, 2016, which includes Application G-18129.

Otley Brothers, Inc. appreciates the Department's effort to move forward with Application G-18129 while the Hearing Draft Rules are being developed. Being in a position to obtain a water use permit prior to the irrigation season is critical.

The Department's Initial Review for Application G-18129 dated December 25, 2015, is however, inconsistent with the Hearing Draft Rules. Specifically there is a significant disconnect between the Initial Review Determination #5 and Groundwater Review, and the content of the proposed rules. The Initial Review Determination #5 and Groundwater Review conclude that the proposed source of groundwater is over-appropriated and that the use is not within the capacity of the resource. In contrast, the Hearing Draft Rules acknowledge that "groundwater levels are declining in areas of the GHVGAC" and that "groundwater is fully allocated in some areas of the basin." The proposed rules also provide a mechanism to obtain a permit in the South Sub-area of the GHVGAC (where Application G-18129 is located) due to the fact that there is "limited groundwater level trend information."

The South Sub-area is estimated to receive nearly 40 percent of the groundwater recharge for the entire Greater Harney Valley Area (Robison, 1968). Moreover, there are very few groundwater rights in this area and most of the land is owned by federal, state and local governmental agencies. Given this low-level of groundwater development, the significant amount of recharge and the lack of documented water level declines, the Applicant does not agree with the Initial Review Determination #5 and the Groundwater Review.



**Oregon**  
Kate Brown, Governor

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

December 25, 2015

OTLEY BROTHERS INC  
40926 S DIAMOND LANE  
DIAMOND, OR 97722

Reference: File G-18129

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of the water-use permit application and to describe the options. In determining whether an application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the appropriation of 5.33 cubic feet per second (CFS) of water from Well BV1, Well BV2 (HARN 51892/L109045), Well BV3 (HARN 51895/L109043), Well BV4 (HARN 51894/L109042), and Well BV5 in Donner und Blitzen River Basin for irrigation of 426.0 acres March 1 through September 30 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well BV1, Well BV2 (HARN 51892/L109045), Well BV3 (HARN 51895/L109043), Well BV4 (HARN 51894/L109042), and Well BV5 in Donner und Blitzen River Basin is allowable under the Malheur Lake Basin Program (OAR 690-512).
4. The Department has determined, based upon OAR 690-009, that the proposed groundwater use will not have the potential for substantial interference with any surface water source.
5. Groundwater is over-appropriated will **not** likely be available within the capacity of the resource and/or without injury to existing groundwater rights.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- a. Associate each measurement with an owner's well name or number and a Department well log ID; and
- b. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- c. Specify the method of measurement; and
- d. Certify the accuracy of all measurements and calculations reported to the Department.

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

- a. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- b. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- c. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- d. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or 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 causing substantial interference with senior water rights. The water user shall not 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.

### 3. Dedicated Measuring Tube Condition

Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

# APPLICATION FACT SHEET

Application File Number: G-18129

Applicant: OTLEY BROTHERS INC

County: Harney

Watermaster: 10

Priority Date: August 11, 2015

Source: WELL BV1; WELL BV2 (HARN 51892/L109045); WELL BV3 (HARN 51895/L109043); WELL BV4 (HARN 51894/L109042); AND WELL BV5 IN DONNER UND BLITZEN RIVER BASIN

Use: IRRIGATION OF 426.0 ACRES

Quantity: 5.33 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 1A DONNER & BLITZEN R & MISC

## Well Locations:

WELL BV1: SENW SECTION 9, T29S, R31E, W.M.; 1828 FEET SOUTH AND 1429 FEET EAST FROM NW CORNER, SECTION 9

WELL BV2 (HARN 51892/L109045): SENW SECTION 9, T29S, R31E, W.M.; 1657 FEET SOUTH AND 1608 FEET EAST FROM NW CORNER, SECTION 9

WELL BV3 (HARN 51895/L109043): NWNW SECTION 9, T29S, R31E, W.M.; 805 FEET SOUTH AND 891 FEET EAST FROM NW CORNER, SECTION 9

WELL BV4 (HARN 51894/L109042): SENW SECTION 9, T29S, R31E, W.M.; 2271 FEET SOUTH AND 2184 FEET EAST FROM NW CORNER, SECTION 9

WELL BV5: NESE SECTION 9, T29S, R31E, W.M.; 3920 FEET SOUTH AND 4937 FEET EAST FROM NW CORNER, SECTION 9

## Place of Use:

NE ¼ NE ¼ 26.0 ACRES

SE ¼ NE ¼ 37.0 ACRES

NE ¼ SE ¼ 16.0 ACRES

NW ¼ SE ¼ 9.0 ACRES

SECTION 8

TOWNSHIP 29 SOUTH, RANGE 31 EAST, W.M.

# WATER RIGHT APPLICATION MAP FOR OTLEY BROS. INC.

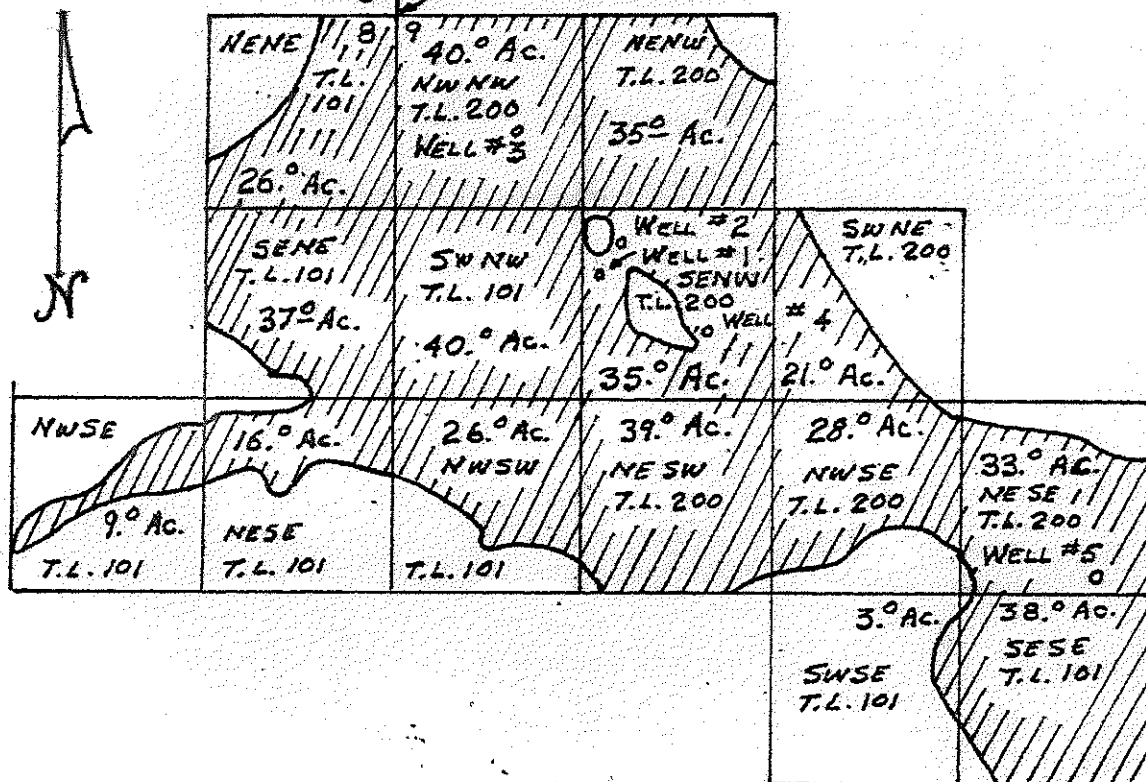
T. 29 S., R. 31 E., W.M.

**RECEIVED**

AUG 11 2015

WATER RESOURCES DEPT  
SALEM, OREGON

5 4 MARKED  
STONE N.W. CORNER SECTION 9



WELL LOCATIONS FROM THE  
N.W. CORNER OF SECTION 9

- WELL #1 1828'S. 1429'E.
- WELL #2 1657'S. 1608'E.
- WELL #3 805'S. 891'E.
- WELL #4 2271'S. 2184'E.
- WELL #5 3920'S 4937'E

IRRIGATION OF 426° ACRES

SCALE 4" = 1 MILE

G-1012

B.R.S.

# Mailing List for IR Copies

Application #G-18129

IR Date: December 25, 2015

**Original and map mailed to applicant:**

OTLEY BROTHERS INC, 40926 S DIAMOND LANE, DIAMOND, OR 97722

**SENT VIA EMAIL:**

1. WRD - Watermaster # 10
2. Agent - [ASUSSMAN@GSIWS.COM](mailto:ASUSSMAN@GSIWS.COM)

**IR, Map, and Fact Sheet Copies sent to:**

1. WRD - File # G-18129
2. Department of Agriculture

Copies Mailed
By: <u>KF</u>
(SUPPORT STAFF)
on: <u>12/25/15</u>
(DATE)

Caseworker: Barbara Park

VCOPYSHT.IR

# Application for a Permit to Use Ground Water



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

**RECEIVED**

AUG 11 2015

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

WATER RESOURCES DEPT  
SALEM, OREGON

### Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

### Organization Information

NAME OTLEY BROS. INC.		PHONE 541-493-2702	FAX 541-493-2813
ADDRESS 40926 S DIAMOND LN		CELL 541-589-2143	
CITY DIAMOND	STATE OR	ZIP 97722	E-MAIL* FREDOTLEY@HOTMAIL.COM

### Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

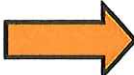
AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC.		PHONE 541-257-9001	FAX 541-754-4211
ADDRESS 1600 SW WESTERN BLVD., SUITE 240		CELL	
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL* ASUSSMAN@GSIWS.COM

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

### By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate.

Fred I. Otley  
Applicant Signature

**Fred I. Otley, President**  
Print Name and title if applicable

08/06/2015  
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>G-18179</u>	Permit No. _____	Date _____



RECEIVED

AUG 11 2015

WATER RESOURCES DEPT  
SALEM, OREGON

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

N/A

**You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map. (See Attachment B.)**

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	Donner Und Blitzen	More than 1 mile	N/A
2	Donner Und Blitzen	More than 1 mile	N/A
3	Donner Und Blitzen	More than 1 mile	N/A
4	Donner Und Blitzen	More than 1 mile	N/A
5	Donner Und Blitzen	More than 1 mile	N/A

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

The existing and planned irrigation supply wells are located within a small east-facing valley west of the Donner und Blitzen River drainage. Four wells are completed within water-bearing zones hosted by alluvial, volcanoclastic and lacustrine sediments. All of the wells and future well locations are greater than 1 mile from the river, and more than 6 miles from the nearest other agricultural land irrigated from groundwater. Several exempt use domestic and stock wells are present within 1 to 3 miles of the proposed development. OWRD recently established a groundwater observation point at one of the nearer domestic wells, owned by the Malheur National Wildlife Refuge. This well (HARN 51382) is located in the SE1/4-NW1/4 of Section 10, approximately 4,500' from the proposed development and wells. OWRD well reports for the existing wells are attached.

**SECTION 3: WELL DEVELOPMENT, CONTINUED**

**RECEIVED**

AUG 11 2015

WATER RESOURCES DEPT  
SALEM, OREGON

Total maximum rate requested: 5.33 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

**The table below must be completed for each source to be evaluated or the application will be returned.** If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information. **See well logs in Attachment D**

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
BV 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	10 in	40 ft	none	none	32 ft 2012	Claystone			
BV 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	109045	<input type="checkbox"/>	14 in	40 ft	none	none	27 ft 2012	Claystone			
BV 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	109043	<input type="checkbox"/>	14 in	60 ft	none	none	35 ft 2012	Claystone			
BV 4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	109042	<input type="checkbox"/>	14 in	40 ft	none	none	29 ft 2012	Claystone			
BV 5	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	14 in	60 ft	none	none		Claystone			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

\*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

\*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.



**SECTION 4: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 through September 30	1278 acre-feet

**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 426 Acres                      Supplemental:        Acres

List the Permit or Certificate number of the underlying primary water right(s): N/A

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1278 acre-feet

- If the use is **municipal or quasi-municipal**, attach **Form M**
  - If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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WATER RESOURCES DEPT  
SALEM, OREGON

**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

What equipment will you use to pump water from your well(s)?

Pump (give horsepower and type): 100 hp, 60 hp, 60 hp, and 30 hp turbine pumps and 7.5 hp submersible

Other means (describe):       

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Groundwater will be appropriated from up to five wells. Water will be conveyed in mainlines from the wells to center of five pivots and to other movable small water application systems.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Five low pressure center pivots with some other small drip, wheel line, and sprinkler pods.

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

The amount of water requested is the amount needed to grow alfalfa during a dry summer to feed livestock during the winter months. Totalizing flow meters will be installed at each well to measure annual water withdrawals from each well. Soil water depth and water use will be monitored to prevent runoff and infiltration below the root zone to minimize waste. No riparian, wetland or aquatic systems exist on the property. The area to be irrigated is over a mile from the nearest aquatic and riparian habitats

and natural flows from the cultivated area do not occur even during extreme precipitation events. Consequently, adverse impacts to water quality are not anticipated.

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**SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR**

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*). **N/A – the Applicant does not propose to store groundwater in a reservoir.**

Reservoir name: \_\_\_\_\_ Acreage inundated by reservoir: \_\_\_\_\_

Use(s): \_\_\_\_\_

Volume of Reservoir (acre-feet): \_\_\_\_\_ Dam height (feet, if excavated, write “zero”): \_\_\_\_\_

*Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.*

**SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR**

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*). **N/A – the Applicant does not propose to store groundwater or use stored groundwater.**

Annual volume (acre-feet): \_\_\_\_\_

USE OF STORED GROUND WATER	PERIOD OF USE

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: Construction has been initiated

Date construction will be completed: Within five years from the date of permit issuance

Date beneficial water use will begin: Within five years from the date of permit issuance

**SECTION 9: WITHIN A DISTRICT**

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district. N/A

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

The proposed development and wells are located approximately 13 miles south of Malheur Lake within a sub-basin generally defined by the Donner und Blitzen River watershed. The few limited areas of groundwater irrigation within this region between Malheur Lake and the west flank of the Steens Mountains are clustered mostly at the downgradient end of the sub-basin, near Malheur Lake. The proposed development is approximately 6 miles south and upgradient of the nearest land irrigated under a groundwater permit. Only about 10 groundwater permits of more than 600 issued within the greater Harney Valley are located within this sub-basin. The total annual duty of the permits in the sub-basin is less than 10,000 acre-feet, or approximately 10% of the estimated recharge for the sub-basin (Robison, 1968). In contrast to the heavily-developed portions of the greater Harney Valley, no data or anecdotal accounts of groundwater level declines have been documented within the sub-basin. The southeast end of Malheur Lake is nearest area where groundwater level declines from irrigation pumping have been documented; this area is located outside of the sub-basin and over 17 miles cross-gradient from the proposed development.

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SALEM, OREGON

**Attachment A**  
**Land Use Information Form**  
Groundwater Permit Application – Otley Bros. Inc.

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G-18129



# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

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## NOTE TO APPLICANTS

WATER RESOURCES DEPT  
SALEM, OREGON

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.



# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

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Applicant: Otley Bros. Inc

First

Last

Mailing Address: 40926 S Diamond LN

Diamond

City

OR

State

97722

Zip

Daytime Phone: 541-589-2143

WATER RESOURCES DEPT  
SALEM, OREGON

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
29 S	31 E	8	NENE, SENE, NWSE, NESE	101	EFRU-1	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigated Agriculture
29 S	31 E	9	SWNW, NWSW, SWSE, SESE	101	EFRU-1	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigated Agriculture
29 S	31 E	9	NWNW, NENW, SENW, SWNE, NESE, NWSE, NESW	200	EFRU-1	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigated Agriculture

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Harney County, Oregon

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water     Water Right Transfer     Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License     Allocation of Conserved Water     Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1278     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

The Applicant is requesting a permit to use groundwater for irrigation purposes.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

# For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

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**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): EFRU-1, HCZO 3.010.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

WATER RESOURCES DEPT  
SALEM, OREGON

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Brandon McMullen Title: Planning Director

Signature:  Phone: 541-573-6655 Date: 6/29/2015

Government Entity: Harney County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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SALEM, OREGON

**Attachment B**  
**Legal Descriptions**

Groundwater Permit Application – Otley Bros. Inc.

---

G-18129



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WATER RESOURCES DEPT  
SALEM, OREGON

Prepared By: |  
Fred Otley |  
40926 S Diamond Ln |  
Diamond, Oregon 97722 |

After Recording Return To: |  
Fred Otley |  
40926 S Diamond Ln |  
Diamond, Oregon 97722 |

HARNEY COUNTY, OR 2015-0745  
DEEDQCD 06/23/2015 02:40 PM  
Total: \$46.00



00010304201500007450020022

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

*Derrin Robinson*

Derrin E. Robinson, Harney County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

**QUIT CLAIM DEED**

On June 2, 2015 THE GRANTOR(S),

- Mary G. Otley , Trustee for the Mary G. Otley Family Trust, residing at 40644 S Diamond Lane, Diamond, Harney County, Oregon 97722, and
- Mary G. Otley, Successor Trustee for the Harold Otley Family Trust, residing at 40644 S Diamond Land, Diamond, Harney County, Oregon 97722,

for and in consideration of: One Dollar (\$1.00) and other good and valuable consideration conveys, releases and quit claims to the GRANTEE(S):

Otley Bros, Inc, located at 40926 S Diamond Ln, Diamond, Harney County, OR 97722

the following described real estate, situated in an unincorporated area in the County of Harney, State of Oregon:

Legal Description: In Twp. 29 S., R. 31 E., W.M.: Sec. 9: N1/2NW1/4, SE1/4NW1/4, W1/2NE1/4, NE1/4SW1/4, and N1/2SE1/4.

Grantor (s) does hereby grants, bargain and sell all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee(s), and to the Grantee(s) heirs and assigns forever, so that neither Grantor(s) nor Grantor's heirs, legal representatives or assigns shall have, claim or demand any right or title to the property, premises, or appurtenances, or any part thereof.

EXCEPTING AND RESERVING unto Grantor(s), a 0 percent interest in all oil, gas, and other minerals, including gravel, clay, coal, sand and scoria presently owned by the estate.

Tax Parcel Number: 29s31e000000200

G-10129

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WATER RESOURCES DEPT  
SALEM, OREGON

Mail Tax Statements To:  
Fred I. Otley  
40926 S Diamond Ln  
Diamond, Oregon 97722

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. 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.

**Grantor Signatures:**

Mary G. Otley

Mary G. Otley, Trustee for the Mary G. Otley Family Trust  
40644 S Diamond Ln  
Diamond, Oregon 97722

Mary G. Otley

Mary G. Otley, Sussessor Trustee for the Harold Otley Family Trust  
40644 S Diamond Ln  
Diamond, Oregon 97722

STATE OF OREGON, COUNTY OF HARNEY, ss:

This instrument was acknowledged before me on this 23rd day of June, 2015 by Mary G. Otley.



[Signature]  
Notary Public

Harney County Clerk  
Title (and Rank)

My commission expires ORS 194.255 (c)

Signature and Notary for Quit Claim Deed regarding \_\_\_\_\_

G-18129





THIS SPACE RES

HARNEY COUNTY, OR 2015-0751  
DEEDBSD 06/24/2015 08:49 AM  
Total: \$46.00



00010311201500007510020021

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

*Derrin Robinson*

Derrin E. Robinson, Harney County Clerk



After recording return to:  
Otley Bros. Inc.  
40926 S. Diamond Lane  
Diamond, OR 97722

Until a change is requested all tax statements shall be sent to the following address:  
Otley Bros. Inc.  
40926 S. Diamond Lane  
Diamond, OR 97722

File No. 26530AM

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WATER RESOURCES DEPT  
SALEM, OREGON

**BARGAIN AND SALE DEED**

KNOW ALL MEN BY THESE PRESENTS, That

**William C. Otley Successor Trustee of the Maryanna Otley Family Trust, under trust agreement dated April 29, 1993, as to an undivided 1/6th interest and William C. Otley, as to an undivided 1/6th interest,**

hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto

**Otley Bros. Inc. , an Oregon Corporation, as to an undivided 1/3 interest,**

hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of **Harney**, State of Oregon, described as follows, to wit:

**Land in Harney County, Oregon, as follows:**

**In Twp. 29 S., R. 31 E., W.M.:**

**Sec. 9: W1/2NE1/4, E1/2NW1/4, NW1/4NW1/4, NE1/4SW1/4, N1/2SE1/4.**

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

29S 31E 200 46386

The true and actual consideration paid for this transfer, stated in terms of dollars, is *other property given or promised*. However, the actual consideration consists of or includes other property or value given or promised which is the whole / part of the consideration.

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

G-18129

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.

In Witness Whereof, the grantor has executed this instrument this 18 day of June, 2015; if a corporate grantor, it has caused its name to be signed and its seal if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Maryanna Otley Family Trust,

William C. Otley TRUSTEE  
William C. Otley, as Successor Trustee  
William C. Otley  
William C. Otley

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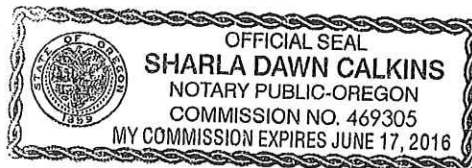
WATER RESOURCES DEPT  
SALEM, OREGON

State of Oregon} ss.  
County of Harney}

On this 18 day of June, 2015, before me, June, 2015 a Notary Public in and for said state, personally appeared William C. Otley, individually and William C. Otley known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Maryanna Otley Family Trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Sharla Dawn Calkins  
Notary Public for the State of Oregon»  
Residing at: Amis  
Commission Expires: June 17, 2016





**Harney County**  
**Real Legal Descriptions**

8/11/2015 2:37:16 PM

**Account #** 46386

**Map** 29S31E0000-00200

**Effective Date** 01-Aug-2010 12:00 AM

**Disclaimer** This information is maintained for assessment and taxation purposes only. The county is not responsible for possible errors, omissions, misuse, or misinterpretation. The legal description shown will not show any changes and/or modifications thereto subsequent to the EFFECTIVE DATE.

<b>Subdivision</b>	<b>Block</b>	<b>Lot</b>	<b>Direction</b>	<b>Part</b>	<b>Part Type</b>
--------------------	--------------	------------	------------------	-------------	------------------

**Metes and Bounds**

T 29 S., R 31 E., W.M. TL 200  
LAND IN HARNEY COUNTY, OREGON, AS FOLLOWS:  
IN TOWNSHIP 29 S., RANGE 31 E., W.M.  
SECTION 9: W1/2NE1/4; E1/2NW1/4; NW1/4NW1/4; NE1/4SW1/4; N1/2SE1/4

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WATER RESOURCES DEPT  
SALEM, OREGON

G-10128

20020685

Form 1860-9  
(January 1988)  
OR 56174 FD

**The United States of America**  
*To all to whom these presents shall come, Greeting:*

WHEREAS

**OTLEY BROS., INC., AN OREGON CORPORATION**

is entitled to a Land Patent pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000, Public Law 106-399, and Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), as amended, for the following described lands in Harney County, Oregon:

Willamette Meridian, Oregon

**T 27 S., R. 31 E.,**  
sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
sec. 25, all;  
sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$ .

**T. 29 S., R. 31 E.,**  
sec. 5, SE $\frac{1}{4}$ ;  
sec. 8, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ S $\frac{1}{2}$ .

**T. 27 S., R. 32 E.,**  
sec. 19, lot 1, and, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

**T. 29 S., R. 32 E.,**  
sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
sec. 32, N $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

**T. 30 S., R. 32 E.,**  
sec. 5, lot 1.

**T. 30 S., R. 33 E.,**  
sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
sec. 9, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ .

STATE OF OREGON }  
County of Harney } ss

I certify that the within instrument was received  
for record on the 5 day of April  
2002, at 2:57 o'clock P.M. and  
recorded Microfilm number 20020685

[Signature] Records of said County.  
[Signature] Matia Iturriaga, County Clerk  
[Signature] Deputy

Page 1 of 3

PATENT NUMBER: 36-2002-0014

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WATER RESOURCES DEPT  
SALEM, OREGON

G-18129

INSTRUMENT # 2002 0605

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WATER RESOURCES DEPT  
SALEM, OREGON

**T. 31 S., R. 33 E.,**

sec. 3, lots 2, 3, 4, 6, 7 and 8;  
sec. 10, E $\frac{1}{2}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
sec. 11, lots 2, 3, 6 and 7;  
sec. 14, lots 2 - 8, inclusive;  
sec. 15, E $\frac{1}{2}$ E $\frac{1}{2}$  and NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
sec. 23, lots 1 - 8, inclusive;  
sec. 26, lots 1 - 8, inclusive;  
sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 35, lots 1 - 6, inclusive.

**T. 32 S., R. 33 E.,**

sec. 11, lots 3 and 6;  
sec. 14, lot 2.

**T. 31 S., R. 34 E.,**

sec. 5, N $\frac{1}{2}$ SW $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
sec. 6, lots 2, 5, and 6, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 6,898.07 acres, according to the official plats of the survey of the said lands, on file in the Bureau of Land management.

NOW KNOW YE, that the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Acts of Congress, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said OTLEY BROS., INC., an Oregon corporation the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said OTLEY BROS., INC., an Oregon corporation, its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945); and
2. The right to itself, its permittees or licensees to enter upon, occupy, and use any part or all of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 25, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 26, T. 30 S., R. 33 E., W.M., Oregon, necessary in the judgment of the Federal Energy Regulatory Commission, for purposes of Part 1 of the Federal Power Act of August 26, 1935, as amended (16 U.S.C. 818); and no claim for right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of Part 1 of the Federal Power Act upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or

Page 2 of 3

PATENT NUMBER: 36-2002-0014

9-18129

INSTRUMENT # 2002-0065

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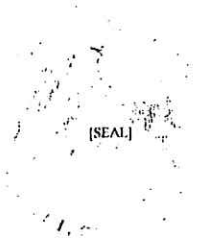
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upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the Federal Energy Regulatory Commission.

SUBJECT TO:

1. Those rights for electrical transmission line purposes granted to Harney Electric Cooperative, Inc., its successors or assigns, by right-of-way No. ORE 05183, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961), as to the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 29, T. 29 S., R. 32 E., W.M.; and, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ W $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ , sec. 22, T. 30 S., R. 33 E., W.M.;
2. Those rights for aerial telephone line purposes granted to CenturyTel of Oregon, Inc., its successors or assigns, by right-of-way No. ORE 018562, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961), as to the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 29, T. 29 S., R. 32 E., W.M.; and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ , sec. 22, T. 30 S., R. 33 E., W.M.;
3. Those rights for buried telephone line purposes granted to CenturyTel of Oregon, Inc., its successors or assigns, by right-of-way No. OR 45329, pursuant to the Act of October 21, 1976, (43 U.S.C. 1761), as to the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , sec. 29, T. 29 S., R. 32 E., W.M.; and
4. Those rights for public road and highway purposes granted to Harney County, its successors or assigns, by right-of-way No. OR 56285, pursuant to the Act of October 21, 1976, (43 U.S.C. 1761), as to the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , sec. 29, T. 29 S., R. 32 E., W.M.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Portland, Oregon  
the first day of April in the  
year of our Lord two thousand and two and of the Independence  
of the United States the two hundred and twenty-sixth.

By Robert S. DeWine  
Chief, Branch of Realty and Records Services

PATENT NUMBER: 36-2002-0014

G-18129



**Harney County  
Real Legal Descriptions**

8/11/2015 2:40:31 PM

**Account #** 92886

**Map** 29S31E0000-00101

**Effective Date** 01-Aug-2010 12:00 AM

**Disclaimer** This information is maintained for assessment and taxation purposes only. The county is not responsible for possible errors, omissions, misuse, or misinterpretation. The legal description shown will not show any changes and/or modifications thereto subsequent to the EFFECTIVE DATE.

<b>Subdivision</b>	<b>Block</b>	<b>Lot</b>	<b>Direction</b>	<b>Part</b>	<b>Part Type</b>
--------------------	--------------	------------	------------------	-------------	------------------

**Metes and Bounds**

---

T 29 S., R 31 E., W.M. TL 101  
LAND IN HARNEY COUNTY, OREGON, AS FOLLOWS:  
IN TOWNSHIP 29 S., RANGE 31 E., W.M.  
SECTION 5: SE1/4  
SECTION 8: E1/2; E1/2W1/2  
SECTION 9: SW1/4NW1/4; NW1/4SW1/4; S1/2S1/2

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SALEM, OREGON

G-18129

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES  
Office of County Assessor – Harney County

Reference # 92886

Code Area 4-2

Map # 29 31

Tax Lot # 101

Acres 880.00

---

Legal Description	Date	Deed Recorded	
Land in Harney County, Oregon, as follows:  Township 29 S., Range 31 E., W.M. Section 5: SE1/4 Section 8: E1/2, E1/2W1/2 Section 9: SW1/4NW1/4, NW1/4SW1/4, S1/2S1/2			
U S A	2/21/35	36	437-441
	5/7/84	120	709
Patent # 36-2002-0014 U S A to: Otley Bros., Inc.	4/5/02	20020685	

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SALEM, OREGON

G-10129



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**Attachment C  
Application Map**

Groundwater Permit Application – Otley Bros. Inc.

---

G-10/29

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SALEM, OREGON

**Attachment D**  
**Well logs**

Groundwater Permit Application – Otley Bros. Inc.

---

GH-0129

STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765 & OAR 690-205-0210)

HARN 51892

WELL I.D. LABEL# L 109045  
START CARD # 1018264  
ORIGINAL LOG #

11/1/2012

(1) LAND OWNER Owner Well I.D. \_\_\_\_\_  
First Name MARY Last Name OTLEY  
Company \_\_\_\_\_  
Address 40926 S DIAMOND LANE  
City DIAMOND State OR Zip 97722

(2) TYPE OF WORK  New Well  Deepening  Conversion  
 Alteration (complete 2a & 10)  Abandonment (complete 5a)

(2a) PRE-ALTERATION  
Dia + From To Gauge Stl Plstc Wld Thrd  
Casing:          
Seal: \_\_\_\_\_  
Material From To Amt sacks/lbs

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

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

(5) BORE HOLE CONSTRUCTION Special Standard  (Attach copy)  
Depth of Completed Well 200.00 ft.

BORE HOLE SEAL

Dia	From	To	Material	From	To	Amt	sacks/lbs
18	0	20	Bentonite Chips	0	20	24	S
14	20	40					
12	40	200					

How was seal placed: Method  A  B  C  D  E  
 Other POURED & TAMPED  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_  
Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

(5a) ABANDONMENT USING UNHYDRATED BENTONITE  
Proposed Amount \_\_\_\_\_ Actual Amount \_\_\_\_\_

(6) CASING/LINER  
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd  
  14  2 40 .250      
Shoe  Inside  Outside  Other Location of shoe(s) \_\_\_\_\_  
Temp casing  Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS  
Perforations Method \_\_\_\_\_  
Screens Type \_\_\_\_\_ Material \_\_\_\_\_  
Perf/ Casing/ Screen Screen Liner Dia From To Scrn/slot width Slot length # of slots Tele/ pipe size

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

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
600		190	1

Temperature 60 °F Lab analysis  Yes By \_\_\_\_\_  
Water quality concerns?  Yes (describe below) TDS amount  
From To Description Amount Units

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)  
County HARNEY Twp 29 00 S N/S Range 31 00 E E/W WM  
Sec 9 SE 1/4 of the NW 1/4 Tax Lot 200  
Tax Map Number \_\_\_\_\_  
Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address

BUENA VISTA  
HWY 205

(10) STATIC WATER LEVEL  
Date SWL(psi) + SWL(ft)  
Existing Well / Pre-Alteration \_\_\_\_\_  
Completed Well 11/1/2012 \_\_\_\_\_ 27  
Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found 27.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
11/1/2012	27	190	600		27

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

Material	From	To
Topsoil sandy loam	0	2
conglomerent cemented	2	35
rock grey green	35	85
pumice stone	85	92
claystone yellow	92	95
sandstone	95	100
pumice	100	108
claystone tan	108	132
clay yellow	132	137
clay green	137	140
claystone blue	140	163
clay blue	163	172
claystone blue	172	188
clay blue	188	200

Date Started 10/30/2012 Complete 11/1/2012

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

(bonded) Water Well Constructor Certification  
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
License Number 1424 Date 11/1/2012  
Signed TIMOTHY K RILEY (E-filed)  
Contact Info (optional) \_\_\_\_\_



STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

HARN 51895

WELL I.D. LABEL# L 109043
START CARD # 1018010
ORIGINAL LOG #

11/5/2012

(1) LAND OWNER
Owner Well I.D.
First Name MARY Last Name OTLEY
Company
Address 40926 S DIAMOND LANE
City DIAMOND State OR Zip 97722

(2) TYPE OF WORK
[X] New Well [ ] Deepening [ ] Conversion
[ ] Alteration (complete 2a & 10) [ ] Abandonment (complete 5a)

(2a) PRE-ALTERATION
Dia + From To Gauge Stl Plstc Wld Thrd
Casing:
Material From To Amt sacks/lbs
Seal:

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

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

(5) BORE HOLE CONSTRUCTION
Special Standard [ ] (Attach copy)
Depth of Completed Well 250.00 ft.
BORE HOLE SEAL sacks/lbs
Dia From To Material From To Amt lbs

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E
[X] Other POURED & TAMPED
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: [ ] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount Actual Amount

(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
Shoe [ ] Inside [ ] Outside [ ] Other Location of shoe(s)
Temp casing [ ] Yes Dia From To

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material
Perf/ Casing/ Screen Scrn/slot Slot # of Tele/
Screen Liner Dia From To width length slots pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
[ ] Pump [ ] Bailer [X] Air [ ] Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
Temperature 60 °F Lab analysis [ ] Yes By
Water quality concerns? [ ] Yes (describe below) TDS amount
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County HARNEY Twp 29.00 S N/S Range 31.00 E E/W WM
Sec 9 NW 1/4 of the NW 1/4 Tax Lot 200
Tax Map Number Lot
Lat " or DMS or DD
Long " or DMS or DD
[ ] Street address of well [ ] Nearest address

BUENA VISTA
HWY 205

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration
Completed Well 10/13/2012 35
Flowing Artesian? [ ] Dry Hole? [ ]

Table with columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft). Row 1: 10/13/2012, 35, 215, 300, 35.

(11) WELL LOG
Ground Elevation
Material From To
Topsoil sandy loam 0 3
sand medium 3 8
clay yellow 8 22
sand cemented 22 48
pumice 48 69
sand cemented 69 80
pumice and claystone 80 95
claystone brown 95 118
claystone yellow 118 127
claystone brown 127 136
claystone green blue 136 157
clay blue 157 210
claystone pumice conglomerent 210 215
clay blue 215 250

Date Started 10/8/2012 Complete 10/13/2012

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

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
License Number 1424 Date 11/5/2012
Signed TIMOTHY K RILEY (E-filed)
Contact Info (optional)

Handwritten number: 9-10129



STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765 & OAR 690-205-0210)

HARN 51894  
11/5/2012

WELL I.D. LABEL# L 109042  
START CARD # 1017944  
ORIGINAL LOG #

(1) LAND OWNER  
Owner Well I.D. \_\_\_\_\_  
First Name MARY Last Name OTLEY  
Company \_\_\_\_\_  
Address 40926 S DIAMOND LANE  
City DIAMOND State OR Zip 97722

(2) TYPE OF WORK  New Well  Deepening  Conversion  
 Alteration (complete 2a & 10)  Abandonment (complete 5a)

(2a) PRE-ALTERATION  
Dia + From To Gauge Stl Plstc Wld Thrld  
Casing: \_\_\_\_\_  
Material From To Amt sacks/lbs  
Seal: \_\_\_\_\_

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

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

(5) BORE HOLE CONSTRUCTION Special Standard  (Attach copy)  
Depth of Completed Well 210.00 ft.  
BORE HOLE SEAL sacks/lbs  
Dia From To Material From To Amt lbs  
18 0 40 Bentonite Chips 0 40 40 S  
12 40 210

How was seal placed: Method  A  B  C  D  E  
 Other POURED & TAMPED  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_  
Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

(5a) ABANDONMENT USING UNHYDRATED BENTONITE  
Proposed Amount \_\_\_\_\_ Actual Amount \_\_\_\_\_

(6) CASING/LINER  
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrld  
  14  2 40 .250      
Shoe  Inside  Outside  Other Location of shoe(s) \_\_\_\_\_  
Temp casing  Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS  
Perforations Method \_\_\_\_\_  
Screens Type \_\_\_\_\_ Material \_\_\_\_\_  
Perf/ Casing/ Screen Screen Liner Dia From To Scrn/slot width Slot length # of slots Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)  
600 \_\_\_\_\_ 200 \_\_\_\_\_  
Temperature 60 °F Lab analysis  Yes By \_\_\_\_\_  
Water quality concerns?  Yes (describe below) TDS amount  
From To Description Amount Units

(9) LOCATION OF WELL (legal description)  
County HARNEY Twp 29.00 S N/S Range 31.00 E E/W WM  
Sec 9 SE 1/4 of the NW 1/4 Tax Lot 200  
Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address  
BUENA VISTA  
HWY 205

(10) STATIC WATER LEVEL  
Date SWL(psi) + SWL(ft)  
Existing Well / Pre-Alteration \_\_\_\_\_  
Completed Well 10/8/2012 \_\_\_\_\_ 29  
Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found 29.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
10/8/2012	29	210	600		29

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

Material	From	To
topsoil sandy loam	0	3
sand medium	3	8
sand cemented	8	48
sandstone brown	48	54
rock grey green	54	63
rock grey	63	86
sandstone tan green grey	86	105
pumice grey	105	117
claystone yellow pumice grey	117	123
claystone brown	123	127
pumice claystone	127	141
claystone yellow	141	145
claystone brown	145	147
claystone yellow	147	153
pumice claystone	153	167
clay blue	167	172
claystone grey	172	208
claystone blue	208	210

Date Started 10/2/2012 Complete 10/8/2012

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

(bonded) Water Well Constructor Certification  
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
License Number 1424 Date 11/5/2012  
Signed TIMOTHY K RILEY (E-filed)  
Contact Info (optional) \_\_\_\_\_



**Water Solutions, Inc.**

August 10, 2015

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

RE: Application for a Permit to Use Groundwater

Dear Tim:

On behalf of the applicant, Otley Bros. Inc., please find enclosed an Application for a Permit to Use Groundwater. Please also find enclosed a check in the amount of \$4,600 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at (541) 257-9001.

Sincerely,  
GSI Water Solutions, Inc.

Adam Sussman *for*  
Principal Water Resources Consultant

Enclosures: Application for a Permit to Use Groundwater  
Check in the amount of \$4,600

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**AUG 11 2015**

**WATER RESOURCES DEPT  
SALEM, OREGON**



Date \_\_\_\_\_

(For staff use only)



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- SECTION 1: \_\_\_\_\_
- SECTION 2: \_\_\_\_\_
- SECTION 3: \_\_\_\_\_
- SECTION 4: \_\_\_\_\_
- SECTION 5: \_\_\_\_\_
- SECTION 6: \_\_\_\_\_
- SECTION 7: \_\_\_\_\_
- SECTION 8: \_\_\_\_\_
- SECTION 9: \_\_\_\_\_
- Land Use Information Form \_\_\_\_\_
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees \_\_\_\_\_

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SALEM, OREGON

**MAP**

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Application for a Permit to Use Ground Water



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

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## Water-Use Permit Application Processing

WATER RESOURCES DEPT  
SALEM, OREGON

### 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 ([www.oregon.gov/owrd/law](http://www.oregon.gov/owrd/law)). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

### 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

### 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

### 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

### 6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.



# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

## Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: within a district
- SECTION 10: remarks

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AUG 11 2015

WATER RESOURCES DEPT  
SALEM, OREGON

### Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt See Attachment A.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy. See Attachment B.
- Fees - Amount enclosed: \$4,600  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

### Provide a map and check that each of the following items is included: (See Attachment C.)

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- N/A Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other \_\_\_\_\_

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 # **116955**

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

RECEIVED FROM: Otley Brothers Inc.  
 BY: \_\_\_\_\_

APPLICATION	G-18129
PERMIT	
TRANSFER	

CASH:  CHECK:#  6357 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 4600.00

**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	<u>46111</u>	\$	
0410 RESEARCH FEES		\$	
0408 MISC REVENUE: (IDENTIFY)		\$	
TC162 DEPOSIT LIAB. (IDENTIFY)		\$	
0240 EXTENSION OF TIME		\$	
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER		\$	0202 \$
0203 GROUND WATER		\$ <u>450.00</u>	0204 \$ <u>450.00</u>
0205 TRANSFER		\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
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	\$

**RECEIVED  
 OVER THE COUNTER**

**TREASURY OTHER / RDX**

FUND _____	TITLE _____	
OBJ. CODE _____	VENDOR # _____	
DESCRIPTION _____		\$

RECEIPT: **116955** DATED: 8.11.15 BY: BW Wilson

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