

Name G-17138
By MIKE PEILA
Address PO BOX 537
HINES OR 97738
C-20

Priority Nov 4 2008
County HARNEY WM#

RELATED FILES
G 17137
G 17139

DEVELOPMENT Date
Completion 9-23-2015
Extended to 10-1-2020
Final Proof received
Proposed Cert. Mailed

Application No. G17138
Permit No. ~~G-16801~~ G-17045
Certificate No.

DENIED Date
MISFILED Volume Page
WITHDRAWN
CANCELLED

FEES PAID		
Date	Amount	Receipt No.
11/4/08	400.00	94796
11/4/08	1200.00	94797
9-2-10	400.00	101012
10/13/15	575.00	117706
	Cert. Fee	

FEES REFUNDED		
Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS T-11543 APOA V.91 V. 182-184

MAP LOCATION Rev. 04/03



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 1, 2019

MIKE PEILA
PO BOX 537
HINES, OR 97738

RE: Status of groundwater right permit(s)
Permit: G 17045 *, with a completion date of 10/1/2020
Permit: G 16573 *, with a completion date of 10/1/2020

Dear Groundwater Right Holder,

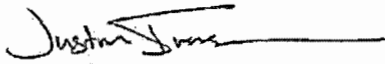
Our records indicate that you are the owner or agent of the water right permit(s) identified above. This letter includes important information to remind you about requirements related to developing water under your permit(s), and to help you anticipate how the Department may process future requests,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

Sincerely,



Justin Iverson
Groundwater Section Manager
justin.t.iverson@oregon.gov
503-986-0933

Attachment: Water Right Resources and Additional Information

CC: Water Right File(s):

G-17138
G -17139

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.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **117706**

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

INVOICE # _____

RECEIVED FROM: Triangle 11 Ranch
BY: _____

APPLICATION	6-17138
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 3465 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
_____	OTHER: (IDENTIFY) _____	\$
0243	I/S Lease _____	
0244	Muni Water Mgmt. Plan _____	
0245	Cons. Water _____	

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$ 575.00
WATER RIGHTS:		
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
_____	LANDOWNER'S PERMIT	\$
_____	OTHER (IDENTIFY) _____	\$

46111

EXAM FEE		RECORD FEE
\$	0202	\$
\$	0204	\$
\$		
EXAM FEE		LICENSE FEE
\$	0219	\$
	0220	\$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

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

RECEIPT: **117706**

DATED: 10/13/15 BY: Main And

Oregon Blue Book: Malheur County

[Home](#) > [Local](#) > [Counties](#) > Malheur County



Malheur County

[Map index](#) | [Next county](#)

Contact

County Seat: 251 B St. W, Vale 97918
Phone: 541-473-5183 (General); 541-473-5171 (Court Administrator)
Fax: 541-473-5523
Email: ddelong@malheurco.org
Web: www.malheurco.org

About

Population (2013): 31,440
Established: Feb. 17, 1887
Elev. at Vale: 2,243'
Area: 9,926 sq. mi.
Average Temp.: January 28.7° July 75.6°
Assessed Value: \$1,855,152,168
Real Market Value: \$3,142,866,230
Annual Precipitation: 9.64"
Economy: Agriculture, livestock, food processing and recreation

Related resources

History
Historical Records Inventory
Scenic Image
"County QuickFacts" (from U.S. Census Bureau)
County Seat Map (from Yahoo! Maps)
County Map (from ODOT)

Incorporated cities



Old aba
State A

Application # G-17138 Permit # G-16801

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**

Money Receipted on: 10/13/15

♦ **Extension Specialist ...**

☒ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

♦ **Kate Fitzgerald...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 10/20/15

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

☒ In the "Ext Filed" field... Enter the date the Extension Application was received.

☒ Yes or ☐ No: Return file to Extension Specialist after PN MIB

Extension PFO Checklist for Other than Muni or Quasi-Municipal Water Use Permits (OAR 690-315-0010 through OAR 690-315-0060)

AGENT

All points Eng + Sur
PO Box 707
Terrebonne, OR 97760

Application G-17138 Permit: G-16801 Permit Amendment? No ☐ Yes ☒ T- 11543 ☐ pending ☒ approved
superseding G-17045 Aug 28, 2013
Addition POA

Permit Holder's Name: Mike Peila PO Box 537

Permit Holder's Mailing Address: _____ email _____

Phone Number: _____

POD Location: Township _____ Range _____ Section _____ 1/4 _____

Drainage Basin: 12 County: Harney Watermaster District: 10 Watermaster: JR Johnson

Date Permit was issued: 10-8-2010 Priority Date: Nov 4, 2005 Date of PN: _____

Source: well 1 (HARN 51503) HARN 51680 and well 2 in Sage Hen Creek Basin

Use: IR of 201.0 A and Supplemental IR of 220.0 A

"Q": 5.26 cfs; Not to exceed 2.51 cfs for Primary IR and 2.75 cfs for supplemental IR

Orig "A" Date: _____

Orig "B" Date: 10/1/2015

Orig "C" Date: 10/1/2015

Extension request rec'd: 10-14-15

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): 15+ Proposed "B" Date: 10/1/2020

Proposed C Date: 10/1/2020

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☐	☐	Meters <u>9/2015</u> well #1 HARN 51503
☐	☐	water usage <u>2012-2014</u> HARN 51680 Deepened <u>11-04-09 → 12-04-2009</u>
☐	☐	SWL <u>2011-2015</u>
☐	☐	well #2
☐	☐	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

- Yes No
- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Financial investments were made toward developing the beneficial water use.
- Amount Invested to date: \$ 237,000 Estimated Remaining Cost: \$ 0
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
- Permit holder has beneficially used 5.50 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on _____ acres over

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

well 1 supplemental
220 ~~220~~
well 2
201 primary

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

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

Identify the closest surface water or localized water basin. _____
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

Yes No

- ☐ ☒ above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
☒ ☐ within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
☐ ☒ within a critical or limited Ground Water Area? Name of area _____
☐ ☒ within a Withdrawn Area? Name of area _____
☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
☒ ☐ within an area ranking ☒ low / ☐ moderate / ☐ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. ☒ Approval of Extension Request

No ... "Good Cause" cannot be found. ☐ Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes ☐ No ☐

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ **COBU Requirement - Surface Water - post July 9, 1987**

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

☐ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: MA B Date: 10-14-15



Oregon
Kate Brown, Governor

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

October 14, 2015

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-17138 (Permit G-17045)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Machel Bamberger at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



ALL POINTS
ENGINEERING & SURVEYING, INC.
P.O. Box 767 (CRR)
Terrebonne, Oregon 97760

TRANSMITTAL

To:
ATTN: Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301-1266

Date: 10/8/15
Attention: Extensions
RE: Application for Extension

☒ Prints ☐ Plans ☐ Plat ☐ Specifications ☐ Change order ☒ Other

Hello

Attached is a Application for Extension on Permit G-17045 for Mike Peila.

If you have any questions please call or email me.

Copies	No.	Description
1	1	Application for Extension (10 pages letter bond)
1	2	Check for 575.00
1	3	Permit & Transfer (6 pages letter bond)
1	4	Well Logs (2 pages letter bond)
1	5	Supporting documentation (14 pages letter bond)

Signed: Deise A. Montgomery

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR



Oregon Water Resources
Department
725 Summer Street NE,

Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, Mike Peila

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

the holder of: Application Number G-17138 Permit Number G-17045 [OAR 690-315-0020(3)(b)]

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

PO Box 537
MAILING ADDRESS

Hines, Or
97738
CITY, STATE, ZIP

RECEIVED BY OWRD

OCT 13 2015

541-589-0207

PHONE

E-MAIL ADDRESS

SALEM, OR

X do hereby request that the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on Month 10 Day 8 Year 2015, be extended through October 1, Year 2020.

Please Note. If the permit **does** specify a date when **construction** must be **completed**, you should request to extend both the time to apply water to full beneficial use **and** to complete construction. These dates are typically found on the permit above the signature of the Director.

and

☒ **do hereby request that** the time to complete construction of the water system, which now expires on Month 10 Day 8 Year 2015, be extended through October 1, Year 2020

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

Signature

Date

Printed Name/Title

Mike Peila owner

Sign after completing the entire application, questions 1-11.

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

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

Mike Peila
Signature

9-28-15
Date

Printed Name/Title Mike Peila owner

MAIL COMPLETED and SIGNED APPLICATION with the \$575 STATUTORY FEE TO:

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

RECEIVED BY OWRD

Submit the following items with your Application for Extension of Time:

OCT 13 2015

- **The signed and completed Application for Extension of Time.**
- **\$575 check to OWRD or Oregon Water Resources Department**
- **All supporting documentation and/or evidence referenced in the application.**

SALEM, OR

Reference materials needed to complete this Application:

- **Water right permit.** A copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (using the link to the Water Rights Information System (WRIS)). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (copy fees will apply).
- **Documentation** which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Helpful information for completing this Application:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form.** The form *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits* is at the following link: <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the permit terms & conditions.
- The attached *Instructions for Completing an Application for Extension of Time for a Water Right Permit* will help you answer each question on the application. If, after reading the instructions, you need assistance, please call the Extensions Specialist at 503-986-0900.
- Permit extensions are evaluated under OAR Chapter 690, Division 315, which may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>. Please note that OWRD may require additional information, if necessary, to evaluate the application per OAR 315-0020(3)(n).
- OWRD will review applications received for completeness and will return incomplete or deficient applications per OAR 690-315-0040(1)(a) to the applicant.

Questions to Complete this Application for Extension of Time

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

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

1. **Did the “actual construction” of the water system/well drilling begin within the time specified in the permit?** ☐ Yes ☐ No ☒ N/A, if not specified in this permit

Date “actual construction” began is: _____

Describe details of construction: _____

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

- 2-A. **Please Describe how you have complied with each standard and special condition in the original permit [and, if applicable, conditions contained in any order approving a permit amendment and/or order approving a prior extension of time].**

TIP: The instruction sheet explains which typical conditions must be addressed here.

Condition Number: *Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit.*

CHART-A

Condition Number	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	11/4/2008	Well 1 constructed
2	9/2015	Pivots, sprinklers constructed
3	9/2015	Flow Meters installed
4	2012 - 2014	Water Use Reported
5	2011 - 2015	Static Measurements
1	9/2015	Well 2 constructed

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

CHART-B

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
6	10/1/2020	Pump test
4	3/2018	Continue reporting static well levels
5	10/2020	Continue water use reporting

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

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

- 3-A. Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the original permitted time period.

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

CHART-C

DATE	LIST & DESCRIBE WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST*
11/4/2008	Well 1 constructed	\$25,000
12/8/2009	Well 1 deepened	\$10,000
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE FOR COMPLETE APPLICATION OF WATER	COST*
10/8/2010	Date the permit was signed - find date above signature on last page of permit.	
4/2011	Part of irrigation system constructed	\$40,000
4/2011 – 4/2015	Static well measuring reports	\$1,000
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
12/2011 – 12/2014	Water use reports	\$1,000
8/2013	Permit amendment to add well	\$5,000
9/2015	Construct well 2 & remaining irrigation system	\$175,000
10/8/15	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER DATE FOR COMPLETE APPLICATION OF WATER UP TO NOW Complete if this is your first request for extension of time.	COST*
*Total Cost for Chart-C		\$237,000

* If exact cost is not known, please provide your best estimate.

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

IF this is your first Application for an Extension of Time, write NA in Chart D below and proceed to question 4 at the bottom of this page.

3-B) Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the most recent extension period.

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

CHART-D

DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD	COST*
	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXPIRED EXTENSION PERIOD UP TO NOW	COST*
Total Cost of Chart-D		

*** If exact cost is not known, please provide your best estimate.**

- [OAR 690-315-0020(3)(f)]
4. Cost of project to date: \$237,000
(The total combined cost from CHART-C and CHART-D)

- [OAR 690-315-0020(3)(e)(B)]
5. Provide evidence of the maximum rate (or duty, if applicable) of water actually diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: *Report the rate used to date in the same units of measurement as specified in the permit. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.*

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

Maximum measured rate used to date = _____ cfs (cubic feet per second)

or

Maximum measured rate used to date = _____ gpm (gallons per minute)

or

Acre-feet stored to date = _____ AF

RECEIVED BY OWRD

OCT 13 2015

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

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

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum measured rate used from this well - - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
#1	#1	Yes ☒ No ☐	HARN 51503/516 80	101619	Yes ☐ No ☒	1000 gpm	Yes ☐ No ☒	- -
#2	#2	Yes ☒ No ☐	Unknown	Unknown	Yes ☐ No ☒	1500 gpm	Yes ☐ No ☒	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- - -
Total measured rate from all wells utilized under this permit						2500 gpm		

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

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

Well #1: Actual location: Same

Well #2: Actual location: Unknown

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

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

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

Surface Water Permits: I have applied water to _____ acres for irrigation to date.

Ground Water Permits: I have applied water to _____ acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well #1 Acres:220 Well # _____ Acres _____

Well #2 Acres:201 Well # _____ Acres _____

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
2015 to 2020	Permit amendment to change place of use & location of well 2	\$5,000
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
8.	Estimated remaining total cost to complete the water development: [OAR 690-315-0020(3)(g)]	\$5,000

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

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

9. **Describe the reasons why the water development was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).**

9-A) Is the project of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit? If yes, describe.

No 9-D The site is divided by a large ridge which made it impractical to irrigate from a single source. After the permit amendment was approved in 2013, it took two years to save the money and find a well driller to construct the well and have 2 center pivot sprinklers constructed & plumbed.

9-B) Did the financial resources needed to develop the project preclude completion of the project within authorized time frames? If yes, describe.

No

9-C) Did good faith attempts to comply with other agency permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delay completion of the project? If yes, describe.

No

9-D) Have other unforeseen events delayed full development of the water system and use of water within the authorized time frames? If yes, describe.

Yes (See explanation 9-A)

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

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

The applicant needs to apply for another permit amendment to change the place of use and location of well 2.

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

The applicant has done due diligence toward developing most of the water right. Topography of the site and the availability of well drillers to construct the 2nd well this year, has deterred effort to complete the east part of the water right.

RECEIVED BY OWRD

OCT 13 2015

Thank you for submitting a complete and accurate application. Remember to sign the front page. If you have questions or need assistance, please ask to speak with the Department's Extension Specialist by calling 503-986-0900 during business hours.

THIS PAGE INTENTIONALLY LEFT BLANK

INSTRUCTIONS FOLLOW ON NEXT PAG

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MIKE PEILA
PO BOX 537
HINES, OR 97738

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11543 and approved by Special Order Vol. 91, Page 182, entered Aug 28, 2013. This permit supersedes Permit G-16801.

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

APPLICATION FILE NUMBER: G-17138

SOURCES OF WATER: WELL 1 (HARN 51503/HARN 51680) AND WELL 2 IN SAGE HEN CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 201.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 220.0 ACRES

MAXIMUM RATE: 5.26 CUBIC FEET PER SECOND (CFS), NOT TO EXCEED 2.51 CFS FOR PRIMARY IRRIGATION AND 2.75 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: PRIMARY IRRIGATION - MARCH 1 THROUGH OCTOBER 31
SUPPLEMENTAL IRRIGATION - MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: NOVEMBER 4, 2008

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	30 E	WM	9	SE SE	WELL 1 - 726 FEET NORTH AND 1188 FEET WEST FROM THE SE CORNER OF SECTION 9
24 S	30 E	WM	10	NE SE	WELL 2 - 1320 FEET SOUTH AND 1320 FEET WEST FROM THE E 1/4 CORNER OF SECTION 10

RECEIVED BY OWRI

OCT 13 2015

SALEM, OR

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	30 E	WM	10	NW NE	5.0
24 S	30 E	WM	10	SW NE	40.0
24 S	30 E	WM	10	SE NE	6.0
24 S	30 E	WM	10	SE NW	6.0
24 S	30 E	WM	10	NE SE	34.0
24 S	30 E	WM	10	NW SE	40.0
24 S	30 E	WM	10	SW SE	30.0
24 S	30 E	WM	10	SE SE	40.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	30 E	WM	9	NE SE	20.0
24 S	30 E	WM	9	NW SE	20.0
24 S	30 E	WM	9	SW SE	26.0
24 S	30 E	WM	9	SE SE	32.0
24 S	30 E	WM	10	NE SW	3.0
24 S	30 E	WM	10	NW SW	15.0
24 S	30 E	WM	10	SW SW	40.0
24 S	30 E	WM	10	SE SW	21.0
24 S	30 E	WM	16	NE NE	31.0
24 S	30 E	WM	16	NW NE	12.0

Permit Amendment T-11543 Conditions:

The combined quantity of water diverted at the new point of appropriation, Well 2, together with that diverted at the old point of appropriation, Well 1, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

Water shall be acquired by from the same aquifer as the original point of appropriation, Well 1.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report ⁽⁵⁾ annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The 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 water user shall discontinue use of, 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.

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

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.

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.

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

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 existing 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. (6)

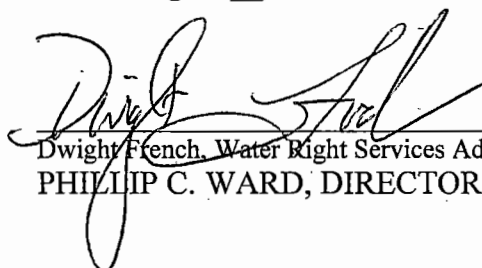
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Completion of construction and 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. (1)

Issued August 28, 2013


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

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

Permit Amendment Review Criteria

4. The change would not result in injury to other water rights.
5. The change does not enlarge the permit.
6. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-11543 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-11543 is approved.
2. ~~Permit G-17045, in the name of MIKE PEILA, is issued to replace Permit G-16801, and incorporates the amendments approved by this order. Permit G-16801, in the name of MIKE PEILA, is no longer of any force or effect.~~
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Prior to water use from the proposed point of appropriation, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.

The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

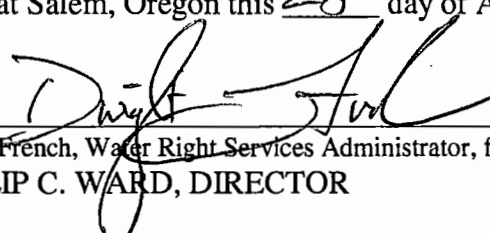
The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

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

6. All other terms and conditions of Permit G-17045 remain the same.

Dated at Salem, Oregon this 28 day of August, 2013.


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

Mailing Date: AUG 30 2013

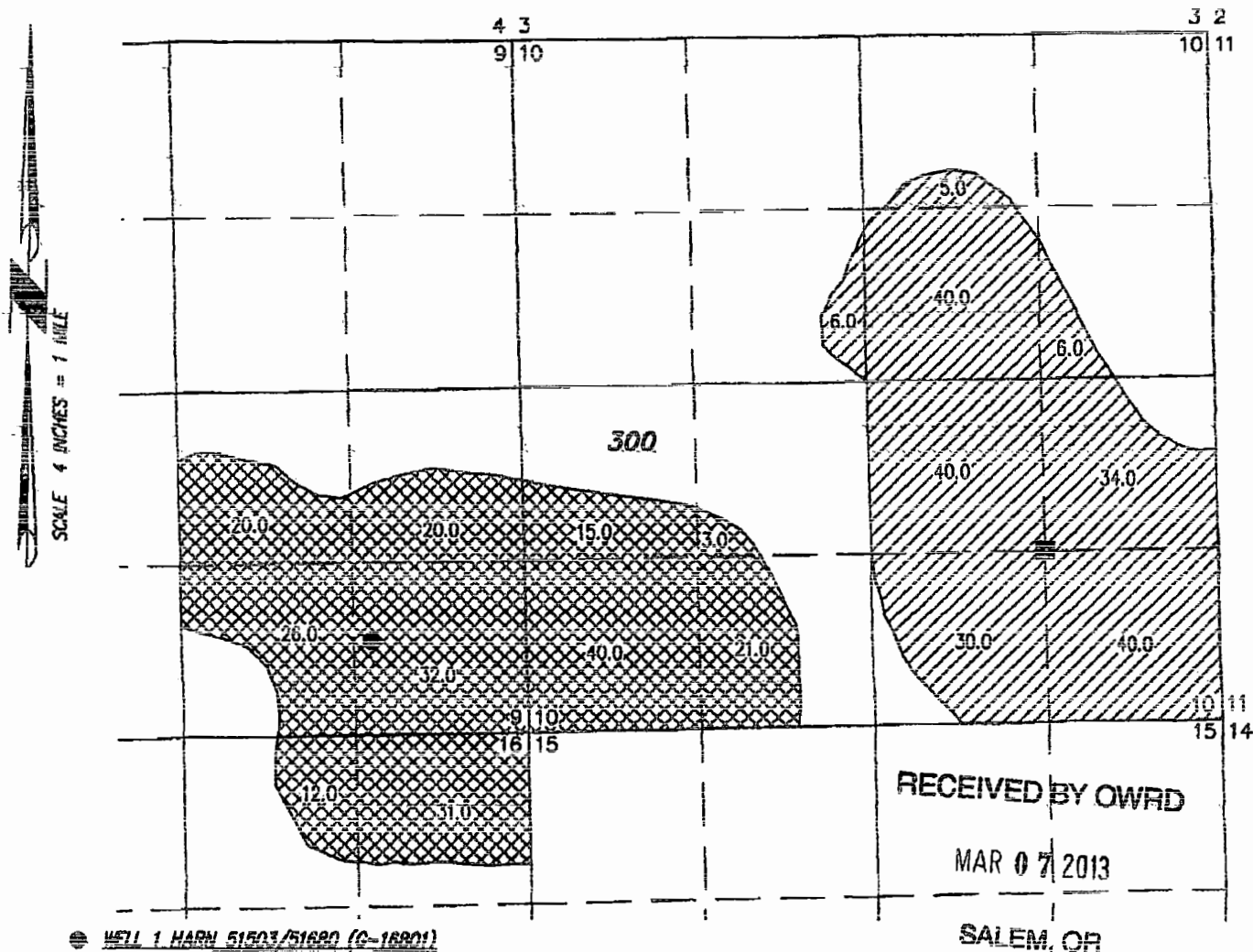
RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

TRANSFER MAP TO ACCOMPANY APPLICATION TO ADD A POINT OF APPROPRIATION FOR MIKE PEILA

SECTIONS 9, 10, & 16, TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.
TAX LOT: 300



● WELL 1 HARN 51503/51680 (G-16801)

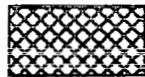
LOCATED IN THE SE 1/4 SE 1/4 SECTION 9, T24S
R30E, W.M. AND 726 FEET SOUTH AND 1183 FEET WEST
FROM THE SE CORNER OF SECTION 9.

■ WELL 2 PROPOSED

LOCATED IN THE NE 1/4 SE 1/4 SECTION 10, T24S
R30E, W.M. AND 1320 FEET SOUTH AND 1320 FEET
WEST FROM THE E 1/4 CORNER OF SECTION 10.



201.0 ACRES PRIMARY WATER RIGHTS FROM
(G-16801), AS SHOWN.



220.0 ACRES SUPPLEMENTAL WATER RIGHTS
FROM (G-16801), AS SHOWN.

PROJECT No. 13-015

PREPARED AT THE REQUEST OF:

MIKE PEILA
P.O. BOX 537
HINES, OR 97738

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



P.O. BOX 767 (CRR)
TERREBONNE, OREGON 97760
(541) 548-5833 PH
(541) 585-4602 FX
www.APEandS.com

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

HARN 51503

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

WELL LABEL # L PREDATE

START CARD # PREDATE

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

(1) LAND OWNER Owner Well I.D. _____
First Name MIKE & SALLIE Last Name DEILA
Company TRIANGLE ELEVEN CORP.
Address P.O. BOX 537
City HINES State OR Zip 97738

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard: ☐ Yes (attach copy)
Depth of Completed Well 425 ft.

BORE HOLE			SEAL			Amount	Scks/lbs
Dia	From	To	Material	From	To		
20	0	18	CEMENT	0	18	17	SACKS
16	18	450					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other CEMENT GROUT POURED THROUGH TREMIE PIPE
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
✓		16	+	2	150	250	X		X	

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Casing	Linr	Screen Dia	From	To	Screen/ 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 50 Drawdown 0 Drill stem/Pump depth _____ Duration (hr) 1

Temperature 58 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)
County HARNEY Twp 24S N or S Range 30E E or W W.M.
Sec 9 SW 1/4 of the SE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
Street Address of Well (or nearest address) 28186 HWY 20 W
MP 125 WEST OF HINES

(10) STATIC WATER LEVEL
Date _____ SWL (psi) _____ + SWL (ft) _____
Existing Well/Predeepening _____
Completed Well AUG 10, 84 -12 FT
Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>5-84</u>	<u>230</u>	<u>430</u>	<u>100+</u>			<u>12</u>

(11) WELL LOG Ground Elevation _____

Material	From	To
<u>TOP SOIL</u>	<u>0</u>	<u>3</u>
<u>SILT</u>	<u>3</u>	<u>14</u>
<u>BROWN CLAY</u>	<u>14</u>	<u>21</u>
<u>BROWN SANDSTONE</u>	<u>21</u>	<u>90</u>
<u>WHITE CLAYSTONE</u>	<u>90</u>	<u>137</u>
<u>BROWN SANDSTONE</u>	<u>137</u>	<u>145</u>
<u>BLACK BASALT</u>	<u>145</u>	<u>190</u>
<u>GREEN CLAYSTONE</u>	<u>190</u>	<u>230</u>
<u>BROWN CLAY/RED CLAY</u>	<u>230</u>	<u>450</u>

Date Started MAR 4 15, 84 Completed AUG 10, 84 SALEM, OR

(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 NOV 04 2008

(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 883 Date 10-25-08

Signed John Dutton
Contact Info. (optional) _____

DRAFT

HARN 51680

WELL LABEL # L 101619
START CARD # 202964
ORIGINAL LOG # HARN S1503

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

(1) LANDOWNER Owner Well I.D.
First Name MIKE & SALLIE Last Name PEILA
Company _____
Address PO BOX 537
City HINES State OR Zip 97738

(2) TYPE OF WORK ☐ New ☐ Conversion ☒ Deepening
☒ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth 450 ft.
Seal Material PORTLAND CEMENT NONE
Casing Type: ☒ Steel ☐ Plastic ☐ Other
Casing Gauge .375 Casing Diameter 16"

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

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

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 460 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE			SEAL			Amount	Scks/lbs
Dia	From	To	Material	From	To		
22"	0	31	PORTLAND CEMENT	0	31	71	SCKS
16"	31	430					
10"	430	460					

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

Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:

Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Casing/Liner	Dia	From	To	Gauge	Steel	Plastic	Welded	Thrd
SEE ORIGINAL WELL LOG								
DRILLED 22" WITH OVERSHOT TO 31'								
PUMPED ANNULAR SPACE TO GROUND LEVEL WITH NEAT CEMENT								

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Casing/Liner	Screen Dia	From	To	Screen/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 1100 Drawdown 450' Drill stem/Pump depth 1 Duration (hr) _____
Temperature 58 °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm
From _____ To _____ Description _____ Amount _____ Units _____

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 24 N of S Range 30 E of W W.M.
Sec 09 SW 1/4 of the SE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD

Street Address of Well (or nearest address) 28186 Hwy 20 W.
BURNS/HINES, OR MP. 125

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Pre-Alteration	12-01-09		-	10
Completed Well	12-06-09		-	10

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)

(11) WELL LOG

Ground Elevation _____

Material	From	To
SEE ORIGINAL WELL LOG	0	450
BROKEN RED & GRAY ROCK	450	460

RECEIVED BY OWRD

RECEIVED

OCT 13 2015

DEC 11 2009

WATER RESOURCES DEPT
SALEM, OREGON

Date Started 11-04-09 Completed 12-04-09

(unbonded) Water Well Constructor Certification

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

License Number 1739 Date 12-08-09

Signed Cherry Vign

(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 1355 Date 12-08-09

Signed Arthur L. Jay

Contact Info. (optional)

well drilled	39194.60
test well	2625.00
Pivot # 1	50,056.70
Pivot # 2	68,505.75
pump & Install	48,377.75
	<u>173479.80</u>

Scott here's some
materials for filing
extension. If need
anything else let me
know -

RECEIVED BY OWRD Mike

OCT 13 2015

SALEM, OR

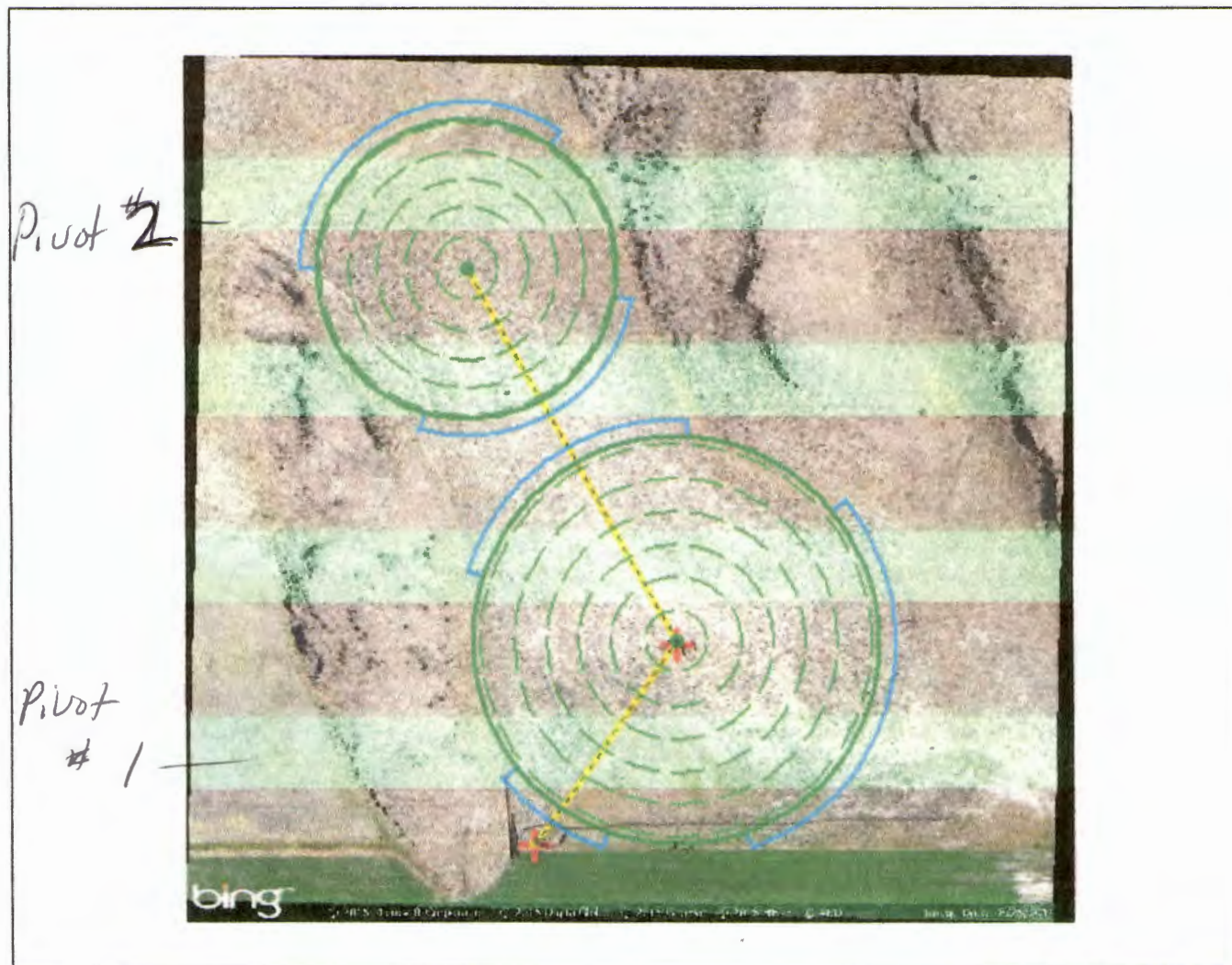
Farm: East Field

Grower: Mike Peila

9/10/2015

Systems:	Length	Spans	Total area including endgun
● Pivot 1	1113.75 ft	6 spans + 33 ft o.h.	99.55 acres
● Pivot 2	825.50 ft	5 spans + 11 ft o.h.	56.87 acres

Pipe and Wire:	Length / Size	Description
● Wire 1	2320.75 ft / ??	
● Wire 2	1366.10 ft / ??	



RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

Pivot Area: **89.46** acres
 Endgun Area: **10.09** acres
 Total Area: **99.55** acres

System Length: **1113.75** ft
 # of Spans: **6 + overhang**
 Deg. of Sweep: **360.0°**
 Endgun Throw: **100.0** ft

Color on map:



Spans

# of Spans: 6	Span 1 (180.2)	Span 2 (359.1)	Span 3 (538.0)	Span 4 (716.9)	Span 5 (895.8)	Span 6 (1074.8)	Overhang (1113.8)
Length:	179	179	179	179	179	179	33 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas

Endgun 1: (Throw = 100.0 ft)

# of Areas: 3	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	48.9° / 158.7°	- NA - / - NA -	43° 30' 12.183" -119° 6' 4.690"	43° 29' 54.704" -119° 6' 10.596"	5.12
Area 2	198.4° / 230.8°	- NA - / - NA -	43° 29' 54.515" -119° 6' 20.846"	43° 29' 57.997" -119° 6' 27.785"	1.51
Area 3	287.4° / 1.6°	- NA - / - NA -	43° 30' 8.236" -119° 6' 30.504"	43° 30' 15.950" -119° 6' 15.650"	3.46

ZIMMATIC THE **HANDDE** WAY TO IRRIGATE

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

Pivot Area: **49.15** acres
 Endgun Area: **7.72** acres
 Total Area: **56.87** acres

System Length: **825.50** ft
 # of Spans: **5 + overhang**
 Deg. of Sweep: **360.0°**
 Endgun Throw: **100.0** ft

Color on map:



Spans

# of Spans: 5	Span 1 (180.2)	Span 2 (337.3)	Span 3 (494.3)	Span 4 (651.4)	Span 5 (808.5)	Overhang (825.5)
Length:	179	157	157	157	157	11 ft
Pipe Size:	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	6 - 5/8"	5 - 9/16"

Endgun Areas

Endgun 1: (Throw = 100.0 ft)

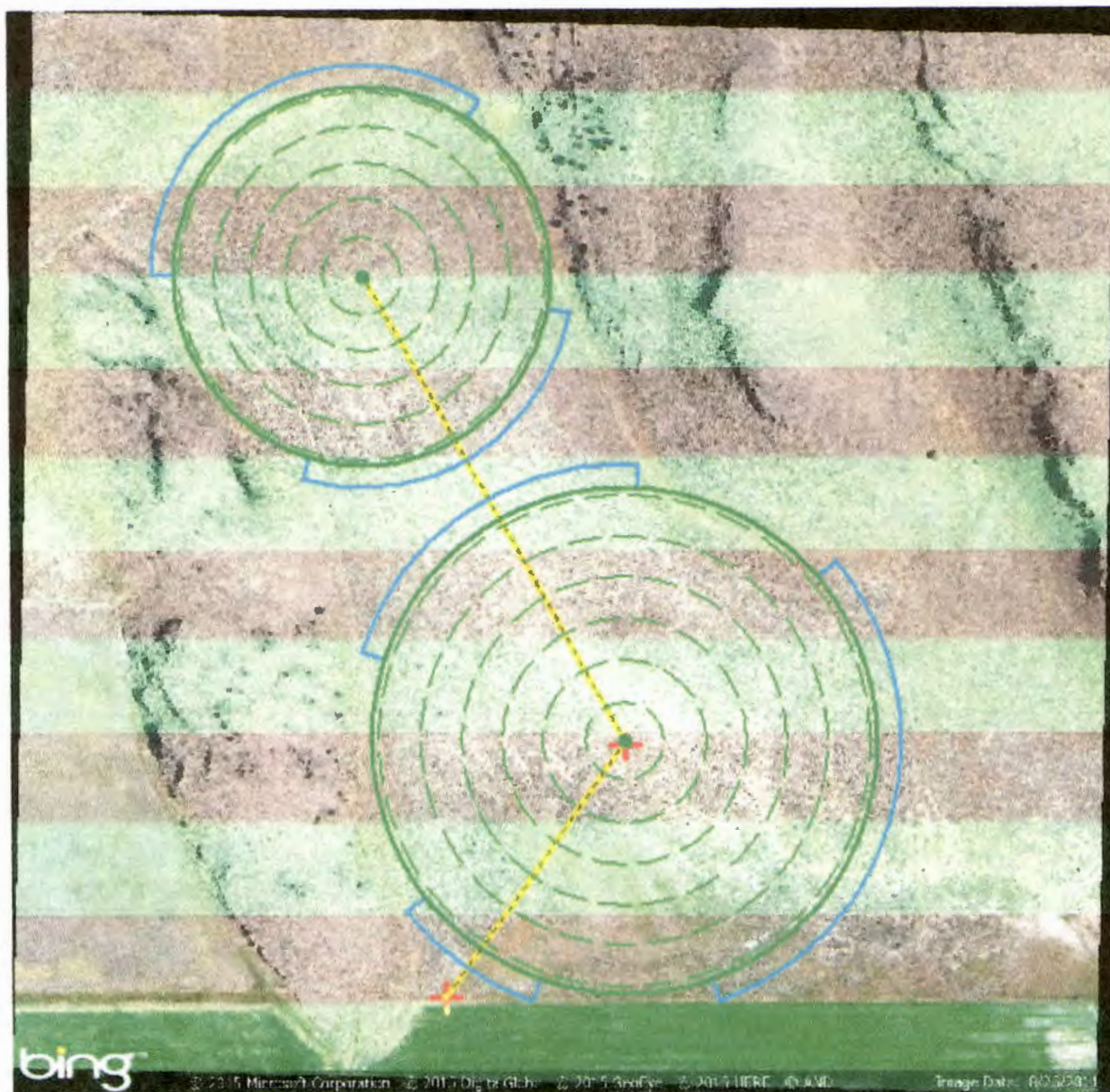
# of Areas: 2	Start / Stop Angle (Deg. from North)	Start / Stop Angle (Deg. from Pivot Start)	Start / Stop Location (Lat/Long)		Area (acres)
Area 1	98.3° / 195.4°	- NA - / - NA -	43° 30' 23.484" -119° 6' 21.087"	43° 30' 16.795" -119° 6' 35.138"	3.41
Area 2	269.1° / 32.3°	- NA - / - NA -	43° 30' 24.533" -119° 6' 43.372"	43° 30' 31.552" -119° 6' 26.194"	4.32

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

ZIMMATIC THE **HANDDE** WAY TO IRRIGATE



ZIMMATIC THE **HANDDE** WAY TO IRRIGATE

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

Search Drilling H20 limited
po box 395 christmas valley or 9761

Date	08/26/15
Invoice No.	1019
P.O. Number	
Terms	Due on receipt
Project	

Invoice

Bill To
Mike Peila

Item	Description	Quantity	Rate	Amount
20" hole to put casing in	20" hole to put casing in	80	50.00	4,000.00
3/8 bent cement	3/8 bent cement	96	10.00	960.00
16" casing	16" casing.250	29	16.00	464.00
12" Hole to put casing in	14 " Hole	82	29.55	2,423.10
8"hole	8"hole in rock	220	50.00	11,000.00T
Start card fee	Start card fee	360	48.00	17,280.00
Advance	Advance	1	225.00	225.00
Foam	foam for drilling	-1	8,000.00	-8,000.00
		1.5	1,895.00	2,842.50
			0.00	0.00

pd. check # 3446
9-2-15

RECEIVED BY OWRD
OCT 13 2015
SALEM, OR

	Total	\$31,194.60
--	--------------	--------------------

Advance 8,000 -
total cost - 39194.60

Order No.:
Date: 9/10/2015
Sales Rep: Duane Hand
System: MIKE PEILA
Field Name: EAST NORTH
System Type: 9500P w/ 8500 Series Spans
System Length: 822.50
Outlet Count: 110

Sold To: MIKE PEILA
HWY 20
BURNS, OR 97720
541-589-0207

Ship To:
HWY20
BURNS, OR 97720

System Information			
Qty	Part Number	Description	Price

System Parts:

1	0120105	6-5/8" Heavy Duty
1	0160150	Non-Tow, 8-5/8", 8", 6-5/8", 5-9/16", Long Bolt Package
1	0150350	BASIC, 480V, 11 wire CR, High Pressure, for Std Riser and 9503MP
3	1183460	Fuse, 20 Amp, 600 Volt, Class CC
1	0125542	Auto-Restart, BASIC
1	0125559	Low Temp Shutdown, BASIC
1	0156040	6-5/8", 179' (54.57m) Solid, 90" spacing, 8500P
4	0156030	6-5/8", 157' (47.87m) Solid, 90" spacing, 8500P
1	0165760	5-9/16" x 11' (3.35m) Overhang, 90" Spacing, 8500P
1	0181120	SR100, 130 GPM, BP, Nelson Valve, 11'-22' (3.35m-6.71m) Overhang, Tower Mount
3	0121673	Tower Control, Standard, 8-5/8", 8", 6-5/8" & 5-9/16"
1	0121681	Tower Control, Next-To-Last, 8-5/8", 8", 6-5/8" & 5-9/16"
1	0121699	Tower Control, Last
1	0118646	12 AWG, 179' (54.57m), 10 wire, Span Cable
4	0118638	12 AWG, 157' (47.87m), 10 wire, Span Cable
4	0165570	6-5/8" Joint, 8500P
1	0137745	6-5/8" Last Tower Joint
5	0165560	Non-Tow Tower Structure, 8500P
5	0162450	Non-Tow, AT Gearbox
5	0113498	Lindsay 43 RPM
5	0128710	11.2' x 24, New, w/ Tube, 8" Rim
5	0137026	Plug, Quick Drain, 20-75 PSI, Multi Pressure (Red)
56	0147460	Gooseneck, 6" Galvanized 3/4" M x Barb
56	0144100	Clamp, hose 3/4", Oetiker
56	0144070	Weight, 2lb, Poly Slip Over
56	0166070	1 Male x Barb Fitting, Longest 132" - Senninger Black Hose
56	0135319	R3000 Rotator w/ST Reg.

Ancillary Parts:

System Sub Total: \$46,891.70

Dealer Supplied Items:			
Qty	Part Number	Description	

1	PAD	12'6" X 12'6" PIVOT PAD	
---	-----	-------------------------	--

Dealer Supplied Items Sub Total: \$2,000.00

Dealer Items Freight:	\$0.00
Installation:	\$3,290.00
Sub Total:	\$54,281.70
Trade-In [Dollars]	\$0.00
Total Cash Allowance:	(\$8,125.00)
Total Quote Price Before Tax	\$46,156.70
Tax [%]	\$0.00
Grand Total:	\$46,156.70

ad 3-3 tier
towers + 3900-

Pivot #2 Total Cost - \$50056.70

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

Order No.:
Date: 9/10/2015
Sales Rep: Duane Hand
System: MIKE PEILA
Field Name: EAST FIELD
System Type: 9500P w/ 8500 Series Spans
System Length: 1110.75
Outlet Count: 149

Sold To: **MIKE PEILA**
HWY 20
BURNS, OR 97720
541-589-0207

Ship To:
HWY20
BURNS, OR 97720

System Information			
Qty	Part Number	Description	Price

System Parts:

1	0120105	6-5/8" Heavy Duty
1	0160150	Non-Tow, 8-5/8", 8", 6-5/8", 5-9/16", Long Bolt Package
1	0150350	BASIC, 480V, 11 wire CR, High Pressure, for Std Riser and 9503MP
3	1183460	Fuse, 20 Amp, 600 Volt, Class CC
1	0125542	Auto-Restart, BASIC
1	0125559	Low Temp Shutdown, BASIC
6	0156040	6-5/8", 179' (54.57m) Solid, 90" spacing, 8500P
1	0165780	5-9/16" x 33' (10.06m) Overhang, 90" Spacing, 8500P
1	0181150	SR100, 130 GPM, BP Aquamatic, 33'-44' (10.06m-13.41m) Overhang, Tower Mount
4	0121673	Tower Control, Standard, 8-5/8", 8", 6-5/8" & 5-9/16"
1	0121681	Tower Control, Next-To-Last, 8-5/8", 8", 6-5/8" & 5-9/16"
1	0121699	Tower Control, Last
1	0118653	12 AWG, 201' (61.28m), 10 wire, Span Cable
5	0118646	12 AWG, 179' (54.57m), 10 wire, Span Cable
5	0165570	6-5/8" Joint, 8500P
1	0137745	6-5/8" Last Tower Joint
6	0165560	Non-Tow Tower Structure, 8500P
6	0162450	Non-Tow, AT Gearbox
6	0113498	Lindsay 43 RPM
6	0128710	11.2 x 24, New, w/ Tube, 8" Rim
6	0137026	Plug, Quick Drain, 20-75 PSI, Multi Pressure (Red)
90	0147460	Gooseneck, 6" Galvanized 3/4" M x Barb
90	0144100	Clamp, hose 3/4", Oetiker
90	0144070	Weight, 2lb, Poly Slip Over
90	0166070	1 Male x Barb Fitting, Longest 132" - Senninger Black Hose
90	0135319	R3000 Rotator w/ST Reg.

Ancillary Parts:

System Sub Total: \$58,012.75

Dealer Supplied Items:			
Qty	Part Number	Description	

1	PAD	12'6" X 12'6" PIVOT PAD
---	-----	-------------------------

Dealer Supplied Items Sub Total: \$2,000.00

Freight:	\$2,100.00
Dealer Items Freight:	\$0.00
Installation:	\$4,443.00
Sub Total:	\$66,555.75

Trade-In [Dollars]	\$0.00
Total Cash Allowance:	(\$9,750.00)
Total Quote Price Before Tax	\$56,805.75

Tax [%]	\$0.00
Grand Total:	\$56,805.75

add 3 tier
towers + \$200-

	56,805.75
3 AXles -	7,800.00
950-upgrade -	3,900.00

Pivot #1

Total Cost 68,505.75

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

Name / Address

PEILA, MIKE
PO BOX 537
HINES, OR 97738

Project

Description	Qty	Cost	Total
6" CL100 PIP GASK PVC PIPE	2,300	2.05	4,715.00
LABOR INSTALL MAINLINE	2,300	0.75	1,725.00
CABLECON 4 #4 WIRE WITH 2 #12 CONTROL WIRE	2,300	2.00	4,600.00
CABLECON 3/#4o & 1/#2	1,500	3.90	5,850.00
CONNECT BOTH ENDS OF PIVOT FEEDER	2	400.00	800.00
MOTOR 60 HP VHS W/NONREVERSE RATCHET	1	4,897.00	4,897.00
16-1/2X8 DISCHARGE HEAD W/1-1/2" Tension Nut, Head shaft manual oiler, 8" x 24" Col Nip Tube & Shaft	1	3,137.00	3,137.00
COLUMN 8" x 20' x .277 WALL	6	568.10	3,408.60
1 3/16" X 2" X 20' OIL TUBE & SHAFT	6	477.90	2,867.40
12 CHC-3 STG-OL-8 VERTICAL TURBINE	1	4,513.00	4,513.00
8" CONE STRAINER, SS WIRE WRAP	1	366.00	366.00
SHIPPING CHARGES	1	1,200.00	1,200.00
LABOR SET PUMP	1	1,200.00	1,200.00
CH PUMP PANEL SIZE 3 480V COIL	1	1,192.50	1,192.50
MODEL #ECN5532CAGR61/H			
SIZE 3 MOTOR STARTER	1	679.00	679.00
C-H D80NE1C PNEUMATIC TIMER CAD32T7 & LADT2	1	222.75	222.75
SLA 440-ALE DIVERSIFIED ELECT	1	265.62	265.62
Power Factor Capacitor	1	650.00	650.00
METER BASE 127TB-200A 7T RT S/S	1	532.02	532.02
C-H DH364FRK 200A 600V 3P SW	1	563.00	563.00
FUSE, 200 AMP, 600 VOLT DETD	3	25.39	76.17
GRADE #2 RAILROAD TIE	1	17.25	17.25
MISCELLANEOUS ELECTRICAL	1	500.00	500.00
LABOR, ONE MAN ELECTRICIAN	1	1,300.00	1,300.00
8" x 8" CHEMIGATION VALVE W/PT G ASM W/DRAIN	1	501.30	501.30
ENDIVE 8" 45 DEGREE	2	500.00	1,000.00
6" Z PIPE	1	598.50	598.50
VALVE-LEVER OP 8" ARCHER BUTTERFLY	2	250.32	500.64
		Total	

200

Customer Signature _____

OCT 13 2015

SALEM, OR

Handde Pump & Electric Inc.

P. O. Box 707

86908 Christmas Valley Hwy.

OR 97641

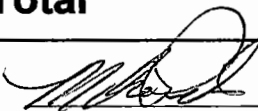
Estimate

Date	Estimate #
9/3/2015	14118

Name / Address
PEILA, MIKE PO BOX 537 HINES, OR 97738

			Project
Description	Qty	Cost	Total
MISCELLANEOUS IRRIGATION PARTS	1	500.00	500.00
		RECEIVED BY OWRD OCT 13 2015 SALEM, OR	
		Total	\$48,377.75

Customer Signature



Bill To
PEILA, MIKE PO BOX 537 HINES, OR 97738

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 30		9/2/2015			

Quantity	Item Code	Description	Price Each	Amount
200	S&P TEST PUMP	SET & PULL TEST PUMP, CHARGE PER FOOT	10.00	2,000.00
5	RUN TEST PUMP	RUN TEST PUMP, CHARGE PER HOUR	125.00	625.00
		SWL 17.5'		

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

Phone #	Total
541-576-2206	\$2,625.00

DOWN ON 2 PIVOTS
check # 3449 PD. \$52,625.00
- 50,000.00

Pump Test Results

Customer: _____

Time	Gpm	Depth	Meter Totals
6:50		17.5'	
7:00	1100	64'	
7:10	1100	65'	
7:20	1050	67.5'	
7:35	1050	69'	
7:40	1050	69.5'	85222
7:50		70.5'	85341
8:10	1100	74'	
8:15	1100	75.5'	
8:30	1050	77'	
8:45	1050	77.5'	
9:00	1050	78'	86041
10:13		81'	86761
10:30	1050	81.5'	86920
10:30	1200	87'	
11:00	1150	91'	87274
12:00	1000	84'	

final results are	1000 gpm	84'
	500 gpm	60'
	300 gpm	50' est.

RECEIVED BY OWRD

OCT 13 2015

SALEM, OR

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MIKE PEILA
PO BOX 537
HINES, OR 97738

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

APPLICATION FILE NUMBER: G-17138

SOURCE OF WATER: WELL 1 (HARN 51503/HARN 51680) IN SAGE HEN CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 201.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 220.0 ACRES

MAXIMUM RATE: 5.26 CUBIC FEET PER SECOND (CFS), NOT TO EXCEED 2.51 CFS FOR PRIMARY IRRIGATION AND 2.75 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: PRIMARY IRRIGATION - MARCH 1 THROUGH OCTOBER 31
SUPPLEMENTAL IRRIGATION - MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: NOVEMBER 4, 2008

WELL LOCATION: SESE, SECTION 9, T24S, R30E, W.M.; 726 FEET NORTH AND 1188 FEET WEST FROM SE 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>QUARTER/QUARTER</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ SE ¼		20.0 ACRES
NW ¼ SE ¼		20.0 ACRES
SW ¼ SE ¼		26.0 ACRES
SE ¼ SE ¼		32.0 ACRES
	SECTION 9	

<u>QUARTER/QUARTER</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ NE ¼	5.0 ACRES	
SW ¼ NE ¼	40.0 ACRES	
SE ¼ NE ¼	6.0 ACRES	
SE ¼ NW ¼	6.0 ACRES	
NE ¼ SW ¼		3.0 ACRES
NW ¼ SW ¼		15.0 ACRES
SW ¼ SW ¼		40.0 ACRES
SE ¼ SW ¼		21.0 ACRES
NE ¼ SE ¼	34.0 ACRES	
NW ¼ SE ¼	40.0 ACRES	
SW ¼ SE ¼	30.0 ACRES	
SE ¼ SE ¼	40.0 ACRES	

SECTION 10

NE ¼ NE ¼	31.0 ACRES
NW ¼ NE ¼	12.0 ACRES

SECTION 16

TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.

Measurement, recording and reporting conditions:

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the

month of March. Reports shall be submitted to the Department within 30 days of measurement.

The 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 water user shall discontinue use of, 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.

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.

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

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 existing 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.

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

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

Completion of construction and 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.

This permit is issued to correctly describe the rate and identify the type of irrigation. Permit G-16796, dated September 23, 2010, is superseded by this instrument and is of no further force or effect.

Issued October 8 , 2010

E. Timothy Ward

for Phillip C. Ward, Director
Water Resources Department

DRAFT

HARN 51680

WELL LABEL # L 101619
START CARD # 202964
ORIGINAL LOG # HARN S1503

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

(1) LANDOWNER Owner Well I.D.
First Name MIKE & SALLIE Last Name PEILA
Company _____
Address PO BOX 537
City HINES State OR Zip 97738

(2) TYPE OF WORK ☐ New ☐ Conversion ☒ Deepening
☒ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth 450 ft.
Seal Material PORTLAND CEMENT NONE
Casing Type: ☒ Steel ☐ Plastic ☐ Other _____
Casing Gauge .375 Casing Diameter 16"

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

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

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 460 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE			SEAL				
Dia	From	To	Material	From	To	Amount	Scks/lbs
22"	0	31	PORTLAND CEMENT	0	31	71	SCKS
16"	31	430					
10"	430	460					

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

Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER
Casing Liner Dia + From To Gauge Steel Plastic Welded Thrd
- SEE ORIGINAL WELL LOG -
DRILLED 22" WITH OVERSHOT TO
31' PUMPED ANNULAR SPACE
TO GROUND LEVEL WITH NAT CEMENT

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

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

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian
Yield gal/min _____ Drawdown _____ Drill stem/Pump depth _____ Duration (hr) _____
Temperature 58 °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
County HARNEY Twp 24 N of S Range 30 E of W W.M.
Sec 09 SW 1/4 of the SE 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD

Street Address of Well (or nearest address) 28186 Hwy 20W.
BURNS/HINES, OR MP. 125

(10) STATIC WATER LEVEL
Date SWL (psi) + SWL (ft)
Existing Well/Pre-Alteration 12-01-09 - 10
Completed Well 12-06-09 - 10
Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found _____
SWL Date From To Est Flow SWL (psi) + SWL (ft)

(11) WELL LOG Ground Elevation _____
Material From To
SEE ORIGINAL
WELL LOG 0 450
BROKEN RED & GRAY ROCK 450 460

RECEIVED
DEC 11 2009
WATER RESOURCES DEPT
SALEM, OREGON

Date Started 11-04-09 Completed 12-04-09

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

License Number 1739 Date 12-03-09

Signed Cherry

(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 1355 Date 12-08-09

Signed Arthur L. Jay

Contact Info. (optional) _____

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-17045, Water Right Application G-17138,) PROPOSED FINAL ORDER
in the name of Mike Peila)

Permit Information

Application:	G-17138
Permit:	G-17045
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	November 4, 2008
Source of Water:	Well 1 (HARN 51503/HARN 51680) and Well 2 in Sage Hen Creek Basin
Purpose of Use:	Primary irrigation of 201.0 acres and supplemental irrigation of 220.0 acres
Maximum Rate:	5.26 cubic feet per second (cfs); not to exceed 2.51 cfs for primary irrigation and 2.75 cfs for supplemental irrigation

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

In Summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 8, 2015 to October 1, 2020.
- Grant an extension of time to apply water to full beneficial use from October 8, 2015 to October 1, 2020¹.
- Make the extension subject to certain conditions set forth below.

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

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

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

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

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

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

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

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-16796 was issued by the Department on September 23, 2010. The permit authorized the use of up to 5.263 cfs of water from Well 1 (HARN 51503/HARN 51680); being 1.638 cfs for primary irrigation on 131.0 acres and 3.625 cfs for supplemental irrigation on 290.0 acres. The permit specified construction of the water system was to be completed by September 23, 2015, and complete application of water was to be made on or before September 23, 2015.

2. A superseding Permit G-16801 was issued by the Department on October 8, 2010 correctly identifying the acreage as primary and modifying the rate. The permit authorized the use of up to 5.26 cfs; being 2.51 cfs for primary irrigation of 201.0 acres and 2.75 cfs for supplemental irrigation of 220.0 acres. The permit specified construction of the water system was to be completed by October 8, 2015, and complete application of water was to be made on or before October 8, 2015.
3. On August 28, 2013 the Department approved Permit Amendment T-11543 (Special Order Volume 91, Page 182) authorizing an additional point of appropriation under Permit G-16801. A superseding Permit G-17045 was issued by the Department on August 28, 2013 authorizing the additional point of appropriation, Well 2 under Permit G-17045.
4. The permit holder, Mike Peila, submitted an "Application for Extension of Time" to the Department on October 14, 2015, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-17045 be extended from October 8, 2015 to October 1, 2020. This is the first permit extension requested for Permit G-17045.
5. Notification of the Application for Extension of Time for Permit G-17045 was published in the Department's Public Notice dated October 20, 2015. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³, 537.630⁴ and/or 539.010(5)⁵.

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

6. On October 14, 2015, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

7. Construction of the well began within 5 years of permit issuance, as being October 8, 2015. The permit holder states, construction of Well 1 (HARN 51503) began March 15, 1984.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 537.630 applies to ground water permits only.

⁵ORS 539.010(5) applies to surface water and ground water permits.

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

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

8. As of October 14, 2015, the permit holder states the remaining work to be completed consists of gaining a permit amendment to change the place of use and location of Well 2; completing construction of the water system; meeting all permit conditions and applying water to full beneficial use.
9. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2020, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-17045 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

10. According to the permit holder, work was accomplished within the time allowed in the permit or previous extension as follows:
11.
 - a. Construction of Well 1 (HARN 51503) was completed prior to October 8, 2015. The permit holder states, construction of Well 1 (HARN 51503) began March 15, 1984 and was completed on April 10, 1984. Well 1 (HARN 51503/HARN 51680) was Deepened between November 4, 2009 and December 4, 2009.
 - b. Work was completed during the original development time frame under Permit G-17045. The permit holder completed the water delivery system, completed development of Well 2, and installed totalizing flow meters.

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

12. According to the water user a maximum rate of 5.50 cfs of water has been appropriated from the wells; being 2.23 cfs from Well 1 (HARN 51503/HARN 51680) for supplemental irrigation of 220.0 acres and 3.34 from Well 2 for primary irrigation of 201.0 acres. This

exceeds the amount of water authorized under this permit. The authorized amount of water is 5.26 cfs; not to exceed 2.51 cfs for primary irrigation and 2.75 cfs for supplemental irrigation

13. Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 8, 2015.

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

14. From March of 2010 to present, the permit holder has submitted the March static water level measurements for Well 1 (HARN 51503/HARN 51680) and annual water usage reports for 2012, 2013, and 2014 from Well 1 (HARN 51503/HARN 51680) under Permit G-17045.
15. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a totalizing flowmeter has been installed on Well 2, (2) the required March static water level measurements have not been received by the Department for Well 2, (3) annual reports of the amount of water used each month have not been received by the Department for Well 2, and (4) The record does not show that prior to water use from Well 2, the required Well Identification Number has been permanently attached to the well.

Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

16. As of October 14, 2015, the permit holder states they have invested approximately \$237,000, which is the total projected cost for complete development of this project.

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

17. The Department has found good faith of the appropriator under Permit G-17045.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

18. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance,

including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-17045; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The points of appropriation for Permit G-17045, are located within the Sage Hen Creek Basin, are not located within a limited or critical ground water area. Sage Hen Creek is not located within or above any state or federal scenic waterway, however, it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

19. None have been identified.

Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

20. None have been identified.

21. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

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

22. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

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

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

24. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-17045, in that the permit holders found it difficult to irrigate with one well as the site is divided by a large ridge. Also, after the permit

amendment that was approved in 2013, it took two years to save the money and find a well driller to construct the well; and have the water delivery system constructed and plumbed that restricted their ability to complete development of the project in a timely manner.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2020, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 21 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-17045.

Continued on the following page

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit G-17045 from October 8, 2015 to October 1, 2020.

Extend the time to apply water to beneficial use under Permit G-17045 from October 8, 2015 to October 1, 2020.

Subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020**. ***A form will be enclosed with your Final Order.***

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: November 24, 2015


Dwight French, Administrator,
Water Right Services Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **January 8, 2016**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

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

- If you have questions about statements contained in this document, please contact Machele A Bamberger at (503)986-0802.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901

- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.

- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

- Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901

Mailing List for Extension PFO Copies

PFO Date: November 24, 2015

Copies Mailed

Application: G-17138

Permit: G-17045

By: KF
On: 11/24/15

Original mailed to Applicant:

Mike Peila
PO Box 537
Hines, OR 97738

Copies sent to:

1. WRD - App. File G-17138/ Permit G-17045
2. All Points Engineering & Surveying, Inc.
P.O. Box 767
Terrebonne, OR 97760

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 10, JR Johnson

CASEWORKER: MAB

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-17045, Water Right Application G-17138,) FINAL ORDER
in the name of Mike Peila)

Permit Information

Application:	G-17138
Permit:	G-17045
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	November 4, 2008
Source of Water:	Well 1 (HARN 51503/HARN 51680) and Well 2 in Sage Hen Creek Basin
Purpose of Use:	Primary irrigation of 201.0 acres and supplemental irrigation of 220.0 acres
Maximum Rate:	5.26 cubic feet per second (cfs); not to exceed 2.51 cfs for primary irrigation and 2.75 cfs for supplemental irrigation

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

Appeal Rights

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

Application History

Permit G-16796 was issued by the Department on September 23, 2010, superseding Permit G-16801 was issued by the Department on October 8, 2010 correctly identifying the acreage as primary and modifying the rate. On August 28, 2013 the Department approved Permit Amendment T-11543 (Special Order Volume 91, Page 182) authorizing an additional point of appropriation under Permit G-16801. A superseding Permit G-17045 was issued by the Department on August 28, 2013, authorizing the additional point of appropriation, Well 2 under Permit G-17045. The permit specified for completion of construction by October 8, 2015 and complete application of water to beneficial use by October 8, 2015. On October 14, 2015, Mike Peila submitted to the Department an Application for Extension of Time for Permit G-17045. In

accordance with OAR 690-315-0050(2), on November 24, 2015, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2020, and the time to fully apply water to beneficial use to October 1, 2020. The protest period closed January 8, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated November 24, 2015.

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

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report-Form to the Department by **October 1, 2020** *A form is enclosed with this Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

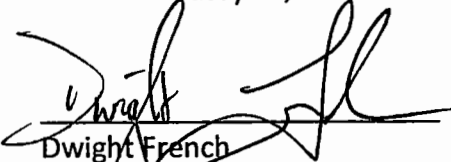
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-17138, Permit G-17045, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from October 8, 2015 to October 1, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 8, 2015 to October 1, 2020.

DATED: January 15, 2016



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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: January 15 2016

Copies Mailed

Application: G-17138

By: KF

Permit: G-17045

On: 1/15/16

Original mailed to permit holder

Mike Peila
PO Box 537
Hines, OR 97738

Copies sent to:

1. WRD - App. File G-17138/ Permit G-17045
2. All Points Engineering & Surveying, Inc.
P.O. Box 767
Terrebonne, OR 97760

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 10, JR Johnson

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by CP Date 1-14-16

CASEWORKER: MAB

MAR 29 2013

2011

Oregon Water Resources Department
October through September
Water Use Recording and Reporting Form

2012

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

SALEM OR
Mike Peila Water Right Holder's Name
peilafam@gmail Water Right Holder's Email
Mike Peila (owner) Water Right Holder's Business Name or Entity Name
Box 537 Hines, OR 97738 Water Right Holder's Complete Mailing Address
30420 USER ID#
541-573-7665 Phone Number

Facility Report ID	→ HARN 51503 ✓ Well 64568 Application: - G-17138 Permit: - G-16796 Other: 617138, G-16801	HARN 51332 ✓ Well 63859 Application: - G-17139 Permit: - G-16573 Other:	Well Application: - Permit: - Other:	Well Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2011				
November - 2011				
December - 2011				
January - 2012	0	0		
February - 2012	0	0		
March - 2012	0	0		
April - 2012	0	0		
May - 2012	18	11		
June - 2012	45	11		
July - 2012	25	11		
August - 2012	90	0		
September - 2012	0	0		
TOTAL *				
Unit of Measurement	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF

Describe the method of measurement used: Flow meterIf used for irrigation, total number of acres irrigated: 269

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

3-25-13
DateMike Peila
SignatureMike Peila owner
Name and Title (print)

Company

541-573-7665
Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A; Salem, OR 97301.

**Oregon Water Resources Department
Water Rights/Adjudications Division**

Water Rights Application
Number G-17138

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. 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.

Application History

On November 4, 2008, Mike Peila submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on May 4, 2010. The protest period closed June 18, 2010, and no protest was filed.

On July 30, 2010, a Final Order and draft permit were issued approving the application pending submission of outstanding fees in the amount of \$400.

On September 2, 2010, the Department received payment of \$400.

Subsequently, the Department discovered that the Final Order and draft permit erroneously described the rate. On September 23, 2010, the Department issued a Superseding Final Order and permit G-16796 correctly describing the rate as 5.263 cubic feet per second (CFS), being 1.638 CFS for primary irrigation of 131.0 acres and 3.625 CFS for supplemental irrigation of 290.0 acres.

The Department discovered an additional error was made in Permit G-16796 which erroneously described 30.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 as supplemental irrigation rather than primary irrigation. The Department confirmed with Mike Peila that an underlying primary water right does not exist for these lands. The attached permit, G-16801, correctly identifies the acreage as primary and modifies the rate

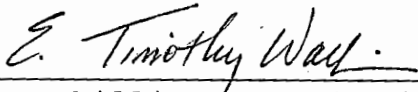
to be 5.26 CFS, being 2.51 CFS for primary irrigation of 201.0 acres and 2.75 CFS for supplemental irrigation of 220.0 acres.

Order

The September 23, 2010 Superseding Final Order issued for Application G-17138 is superseded by this instrument and is of no further force or effect.

Permit G-16801 is issued to supersede Permit G-16796. Permit G-16796 is of no further force or effect.

DATED October 8, 2010



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

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.



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

www.wrd.state.or.us

August 29, 2013

MIKE PEILA
PO BOX 537
HINES, OR 97738

REFERENCE: Permit Amendment Application T-11543

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

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

If you have any questions related to the approval of this permit amendment, you may contact your caseworker by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@ wrd.state.or.us

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: Tony D. Rutherford, Watermaster Dist. # 10 (via email)
Scott D. Montgomery, Agent

Enclosure



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

In the Matter of Permit Amendment	)	FINAL ORDER
T-11543, Harney County	)	APPROVING AN ADDITIONAL POINT
	)	OF APPROPRIATION

Authority

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

Applicant

MIKE PEILA
28819 HWY 20
HINES, OR 97738

Findings of Fact

Background

1. On March 7, 2013, MIKE PEILA filed an application for an additional point of appropriation under Permit G-16801. The Department assigned the application number T-11543.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on March 19, 2013, and in the Burns Times Herald newspaper on August 14 and 21, 2013, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
3. Permit Amendment Application T-11543 proposes an additional point of appropriation approximately 5165 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	30 E	WM	10	NE SE	WELL 2 - 1320 FEET SOUTH AND 1320 FEET WEST FROM THE E¼ CORNER OF SECTION 10

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 137-004-080 and OAR 690-01-005 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.

Permit Amendment Review Criteria

4. The change would not result in injury to other water rights.
5. The change does not enlarge the permit.
6. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-11543 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-11543 is approved.
2. Permit G-17045, in the name of MIKE PEILA, is issued to replace Permit G-16801, and incorporates the amendments approved by this order. Permit G-16801, in the name of MIKE PEILA, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Prior to water use from the proposed point of appropriation, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.

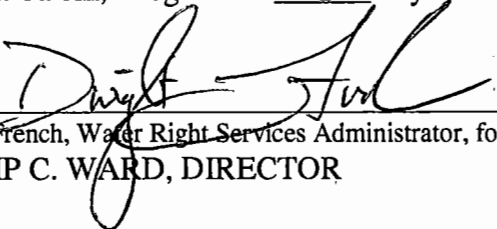
The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-17045 remain the same.

Dated at Salem, Oregon this 28 day of August, 2013.


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

Mailing Date: AUG 30 2013

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MIKE PEILA
PO BOX 537
HINES, OR 97738

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11543 and approved by Special Order Vol. 91, Page 182, entered Aug 28, 2013. This permit supersedes Permit G-16801.

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

APPLICATION FILE NUMBER: G-17138

SOURCES OF WATER: WELL 1 (HARN 51503/HARN 51680) AND WELL 2 IN SAGE HEN CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 201.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 220.0 ACRES

MAXIMUM RATE: 5.26 CUBIC FEET PER SECOND (CFS), NOT TO EXCEED 2.51 CFS FOR PRIMARY IRRIGATION AND 2.75 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: PRIMARY IRRIGATION - MARCH 1 THROUGH OCTOBER 31
SUPPLEMENTAL IRRIGATION - MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: NOVEMBER 4, 2008

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	30 E	WM	9	SE SE	WELL 1 - 726 FEET NORTH AND 1188 FEET WEST FROM THE SE CORNER OF SECTION 9
24 S	30 E	WM	10	NE SE	WELL 2 - 1320 FEET SOUTH AND 1320 FEET WEST FROM THE E 1/4 CORNER OF SECTION 10

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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	30 E	WM	10	NW NE	5.0
24 S	30 E	WM	10	SW NE	40.0
24 S	30 E	WM	10	SE NE	6.0
24 S	30 E	WM	10	SE NW	6.0
24 S	30 E	WM	10	NE SE	34.0
24 S	30 E	WM	10	NW SE	40.0
24 S	30 E	WM	10	SW SE	30.0
24 S	30 E	WM	10	SE SE	40.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	30 E	WM	9	NE SE	20.0
24 S	30 E	WM	9	NW SE	20.0
24 S	30 E	WM	9	SW SE	26.0
24 S	30 E	WM	9	SE SE	32.0
24 S	30 E	WM	10	NE SW	3.0
24 S	30 E	WM	10	NW SW	15.0
24 S	30 E	WM	10	SW SW	40.0
24 S	30 E	WM	10	SE SW	21.0
24 S	30 E	WM	16	NE NE	31.0
24 S	30 E	WM	16	NW NE	12.0

Permit Amendment T-11543 Conditions:

The combined quantity of water diverted at the new point of appropriation, Well 2, together with that diverted at the old point of appropriation, Well 1, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

Water shall be acquired by from the same aquifer as the original point of appropriation, Well 1.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The 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 water user shall discontinue use of, 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.

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.

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

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 existing 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.

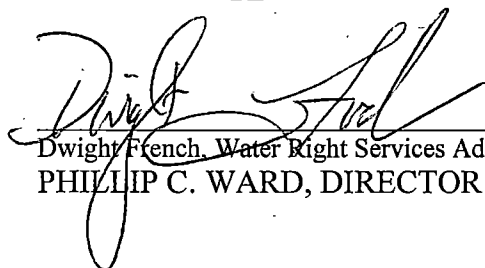
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Completion of construction and 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 August 28, 2013


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

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MIKE PEILA
PO BOX 537
HINES, OR 97738

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

APPLICATION FILE NUMBER: G-17138

SOURCE OF WATER: WELL 1 (HARN 51503/HARN 51680) IN SAGE HEN CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 201.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 220.0 ACRES

MAXIMUM RATE: 5.26 CUBIC FEET PER SECOND (CFS), NOT TO EXCEED 2.51 CFS FOR PRIMARY IRRIGATION AND 2.75 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: PRIMARY IRRIGATION - MARCH 1 THROUGH OCTOBER 31
SUPPLEMENTAL IRRIGATION - MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: NOVEMBER 4, 2008

WELL LOCATION: SESE, SECTION 9, T24S, R30E, W.M.; 726 FEET NORTH AND 1188 FEET WEST FROM SE 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>QUARTER/QUARTER</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ SE ¼		20.0 ACRES
NW ¼ SE ¼		20.0 ACRES
SW ¼ SE ¼		26.0 ACRES
SE ¼ SE ¼		32.0 ACRES

SECTION 9

<u>QUARTER/QUARTER</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ NE ¼	5.0 ACRES	
SW ¼ NE ¼	40.0 ACRES	
SE ¼ NE ¼	6.0 ACRES	
SE ¼ NW ¼	6.0 ACRES	
NE ¼ SW ¼		3.0 ACRES
NW ¼ SW ¼		15.0 ACRES
SW ¼ SW ¼		40.0 ACRES
SE ¼ SW ¼		21.0 ACRES
NE ¼ SE ¼	34.0 ACRES	
NW ¼ SE ¼	40.0 ACRES	
SW ¼ SE ¼	30.0 ACRES	
SE ¼ SE ¼	40.0 ACRES	
	SECTION 10	
NE ¼ NE ¼		31.0 ACRES
NW ¼ NE ¼		12.0 ACRES

SECTION 16

TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.

Measurement, recording and reporting conditions:

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the

month of March. Reports shall be submitted to the Department within 30 days of measurement.

The 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 water user shall discontinue use of, 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.

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.

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

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 existing 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.

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

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

Completion of construction and 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.

This permit is issued to correctly describe the rate and identify the type of irrigation. Permit G-16796, dated September 23, 2010, is superseded by this instrument and is of no further force or effect.

Issued October 8 , 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

Mailing List for Superseding FO Copies

Application #G-17138

Original mailed to applicant with claim of beneficial use form:

MIKE PEILA
PO BOX 537
HINES OR 97738

Copies sent to

WRD - File # G-17138
WRD - Ken Stahr

** data techs **

Copies Mailed	
By: <u>MS</u>	(SUPPORT STAFF)
on: <u>10/2/12</u>	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

WRD - Watermaster District #: 10
WRD - Regional Manager (not to SCR): E

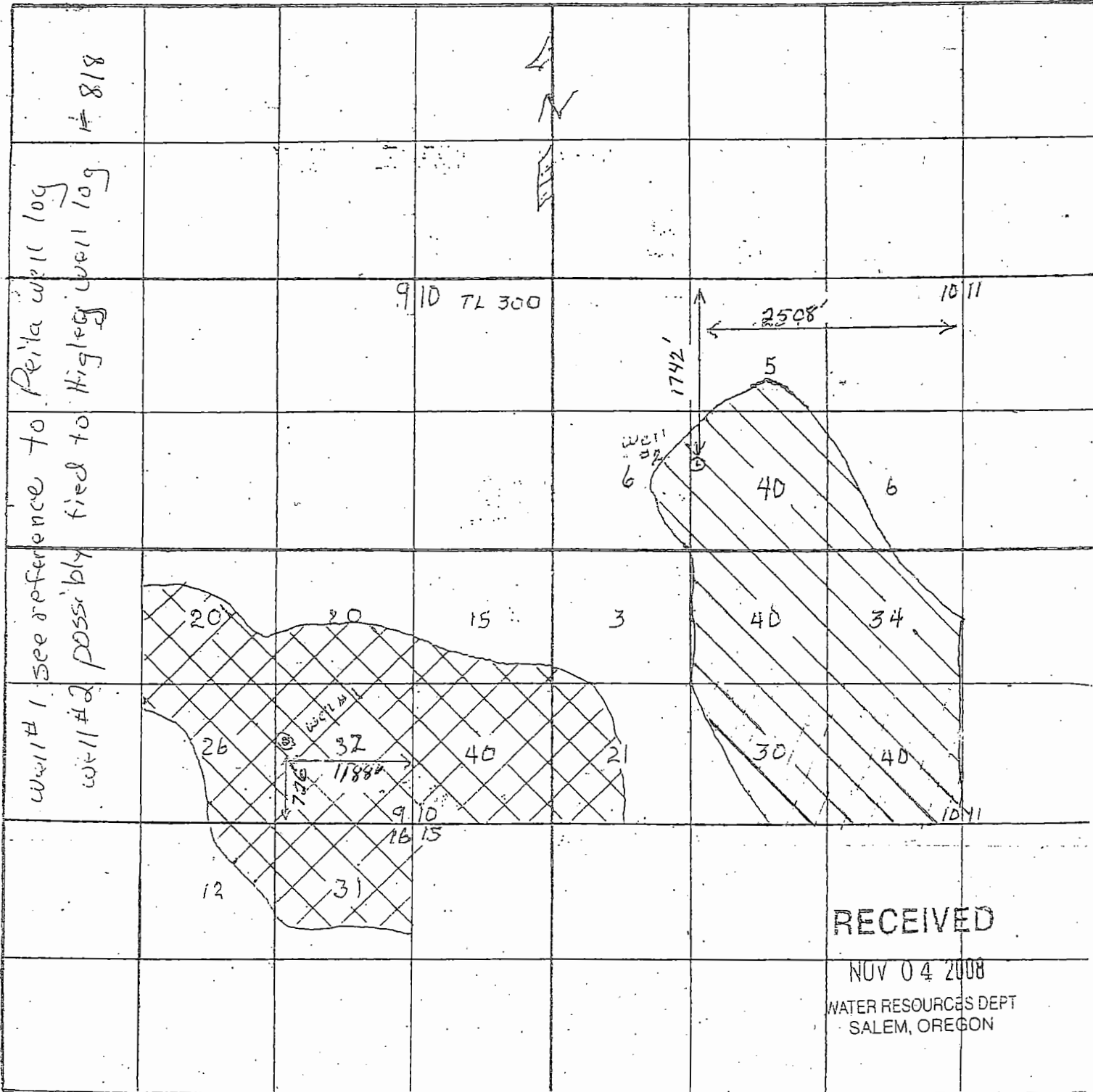
CASEWORKER : Jeana Eastman

Section 9 & 10 1/6 Township 24-S

Range 30-E

County of Harney State of OR

NORTH



Remarks scale - 4" = 1 mile

RECEIVED

OCT 26 2009

WATER RESOURCES DEPT
SALEM, OREGON

07-117138

111 pri
##

spec - **FO CHECKLIST**
(#2)

Application g-17138

- ☐ Name and/or address has **changed or been assigned** ☐ Yes ☐ No
- ☐ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☐ N/A
- ☐ **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 \$10 fee. ☐ N/A
- ☐ Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** ☐ N/A ☐ Yes ☐ No
- ☐ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☐ No
If so: no underlying primary for swse 30 ac, swse 40 ac, - issue there as primary & adjust rate per.
- ☐ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☐ N/A ☐ Yes
- ☐ **SWW** If GW and interference, copy form for Stahr. ☐ N/A

<u>Fees</u>	<u>Base Fee</u>	<u>Water Amount (Q)</u>
	\$300 / \$500	1 st CFS/AF
	\$700 / \$1000	
		_____ Addl @ _____
		_____ Addl @ _____
		Add'l ☐ POD/POA ☐ use + _____

iv - 201 ac - 2.51 cfs
is - 220 ac - 2.75 cfs

_____ + _____ = _____
(base) (Q) (total exam fee)

EXAM FEE REQUIRED	_____	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	_____	RECORDING FEE PAID	_____
STILL OWED	_____	STILL OWED	_____

- ☐ FO w/ draft permit; still needed: ☒ FO w/ permit # g-16801 ☐ FO to deny
☐ fees speculates refund \$ _____
☐ easement
☐ st water contract
☐ approved dam plans & specs
☐ land use approval
☐ well construction approval

PS-16796

Name: Jeana Eastman Date: 10/4/10 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.

IN THE CIRCUIT COURT OF THE STATE OF OREGON, IN AND FOR
THE COUNTY OF HARNEY

In the Matter of the Determination
of the Relative Rights of the Various
Claimants to the use of the Waters
of the Silvies River and its Tributaries.

NO.

DECREE ON MANDATE

This matter, having heretofore regularly been heard and considered by the Circuit Court of the State of Oregon, for Harney County, and the said Court having duly and regularly made its findings of fact and decree, and certain claimants being dissatisfied therewith having appealed from the same to the Supreme Court of the State of Oregon, the matter was thereupon heard and argued before said Court and submitted; after due consideration the said Court found that there was partial error as alleged in said appeal, and did thereupon

ORDER, ADJUDGE AND DECREE that the decree of the said Circuit Court be modified, and did thereupon issue its mandate directed to said Circuit Court which is on file herein, and it appearing that the claimants affected are entitled to judgement in accordance with said decree and mandate, which mandate is as follows:



decree map is from 1912 -
decree doc is from 1920's -

average in error - since & ~~see~~ see sec to
weren't included in doc
- no underlying primary rights for these lands
so need to correct that they were issued
as supplemental irrigation
79

continued/wake 12/4/20

ISSUE
Superior
Pr 70 ac
Arates

- See if
add items
need
Any

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Schmidt, Mrs. Wilhelmina (Continued) <i>Grant</i>	1898	.56	33.3 ✓	Irrigation	Summer	Little Scotty Creek	6 acres in NE 1/4 NW 1/4 5.2 acres in NW 1/4 NE 1/4 Section 25, 20 acres in SW 1/4 SE 1/4 2.1 acres in NW 1/4 SE 1/4 Section 24, T. 16 S.R. 30 E.W.M.
Scheckel, John Seneca, Oregon. <i>Grant</i>	1902	0.37	22 ✓	Irrigation	Scheckel	House Creek	7 acres in SE 1/4 NW 1/4 5 acres in NE 1/4 SW 1/4 5 acres in NW 1/4 SE 1/4 Section 15, 5 acres in SE 1/4 NW 1/4 Section 16, T. 18 S.R. 32 E.W.M.
Scheckel, Phillip Seneca, Oregon. <i>Grant</i>	1902	0.29	17 ✓	Irrigation	Scheckel	House Creek	2 acres in SE 1/4 SW 1/4 10 acres in SW 1/4 SE 1/4 5 acres in SE 1/4 SE 1/4 Section 17, T. 18 S.R. 32 E.W.M.
Shepard, Cora M. and Jesse J. Shepard <i>Warranty</i>	1883 (See paragraph 23)	0.92	55	Irrigation	J.L. Cross	Trout Creek	20 acres in NE 1/4 SW 1/4 35 acres in NW 1/4 SE 1/4 Section 7, T. 20 S.R. 32 E.W.M.
Simmons, H. B. Burns, Oregon. <i>Warranty</i>	1884	2.75	220	Irrigation	Simmons #1	Sage Hen Creek & Springs	3 acres in NE 1/4 SW 1/4 15 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 21 acres in SE 1/4 SW 1/4 Section 10, 20 acres in NE 1/4 SE 1/4 20 acres in NW 1/4 SE 1/4 26 acres in SW 1/4 SE 1/4 32 acres in SE 1/4 SE 1/4 Section 8, 31 acres in NE 1/4 NE 1/4 12 acres in NW 1/4 NE 1/4 Section 16, T. 24 S.R. 30 E.W.M.
Sitz, John L. (J.R. Hendricks, Successor in interest) Drewsey, Oregon.) <i>Warranty</i>	1887	1.47	117	Irrigation	Dams	E.Fork of Main	10 acres in NW 1/4 SW 1/4 30 acres in SW 1/4 SW 1/4 Section 5, 37 acres in NE 1/4 SE 1/4 40 acres in SE 1/4 SE 1/4 Section 6, T. 25 S.R. 32 1/2 E.W.M.
Sitz, Blanche Lawen, Oregon. <i>Warranty</i>	1903	.56	45	Irrigation	Brook-house	Main	10 acres in NW 1/4 SE 1/4 25 acres in SW 1/4 SE 1/4 10 acres in SE 1/4 SE 1/4 Section 4, T. 25 S.R. 32 1/2 E.W.M.
							SILVIES RIVER - 121.

Based upon the foregoing findings and mandate of the Supreme Court which are hereby made a part of this decree, it is

ORDERED, ADJUDGED AND DECREED that the various claimants are entitled to the use of water as contained in these findings and decree and are hereby enjoined and prohibited from the use of water in any other amounts, manner or priorities than herein found.

Done and dated at Burns, Oregon, this 23rd day of February, 1926.

(SIGNED)--- DALTON BIGGS,
Circuit Judge.

STATE OF OREGON)
) ss.
County of Marion)

I, RHEA LUPER, State Engineer of Oregon, do hereby certify that the foregoing copy of Decree in the matter of the determination of the relative rights to the use of the waters of Silvies River and its tributaries, has been by me compared with the original, and that it is a true and correct copy therefrom, and of the whole thereof, as the same appears of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of June, 1926.


RHEA LUPER
State Engineer.

BEFORE THE STATE WATER BOARD OF OREGON

WATER DIVISION NO. 2

HARNEY AND GRANT COUNTIES.

IN THE MATTER OF THE DETERMINATION	)	
OF THE RELATIVE RIGHTS OF THE VARIOUS	)	FINDINGS OF FACT
CLAIMANTS TO THE USE OF THE WATERS OF	)	AND
SILVIES RIVER AND ITS TRIBUTARIES, A	)	ORDER OF DETERMINATION
TRIBUTARY OF MALHEUR LAKE	)	
-----	)	

Now, on this 7th day of December, 1917, the above entitled matter coming on before the State Water Board of the State of Oregon, at a meeting of said Board commenced and held on said date, and it appearing to said Board that all the evidence and testimony taken in the above entitled proceeding has been duly filed in the office of said Board, and the said Board having carefully considered all of the said evidence, proofs and testimony taken, and the information and data gathered by the State Engineer, and being now fully advised in the premises, makes and orders to be entered of record in its office, the following

FINDINGS OF FACT AND ORDER OF DETERMINATION.

1.

That on the 18th day of November, 1911, there was filed in the office of the State Water Board of the State of Oregon, a petition signed by R. R. Sitz, Fred Otley and M. B. Hayes, water users upon said stream, requesting a determination of the relative rights of the various claimants to the waters of said stream, and that said petitioners are now users of the waters of said Silvies River and its tributaries, a tributary of Malheur Lake, as appears from the order of determination herein. That thereupon the said State Water Board, after a full investigation and due consideration of said petition, finding the facts and conditions such as to justify the making of a determination of the relative rights of the various claimants of the waters of said stream and its tributaries, made and entered an order in the records of said office, fixing a time and place for the beginning and making of such an examination of said stream by the State Engineer, as would enable the said Board to determine the rights of the said claimants, and also the time and place for the beginning and taking of testimony by the Superintendent of Water Division No. 2. That the said time and place when said State Engineer, or his assistants should begin the examination of said stream was set by said Board, for Thursday, the 22nd day of August, 1912, and the time when the Superintendent of Water Division No. 2, should attend and take the testimony of the various claimants was set by order of said Board on Monday, the 26th day of August, 1912, at Seneca, Harney County, Oregon, and on Wednesday and Thursday, the 28th and 29th days of August, 1912, at the Court House at Burns, Harney County, Oregon, and

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount cubic feet per second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Schmidt, Mrs. Wilhelmina. (Continued)	1898	0.56	33.3	Irrigation	Summer	Little Scotty Creek	6 ac in NW ¹ / ₄ Sec. 25 5.2 ac in NE ¹ / ₄ Sec. 25 20 ac in SE ¹ / ₄ Sec. 24 2.1 ac in NW ¹ / ₄ Sec. 24 Tp. 16 S.R. 30 E.W.M.
Scheckel, John Seneca, Ore.	1902	0.37	22	Irrigation	Scheckel	House Creek	7 ac in SW ¹ / ₄ Sec. 15 5 ac in NE ¹ / ₄ Sec. 15 5 ac in NW ¹ / ₄ Sec. 15 5 ac in SE ¹ / ₄ Sec. 16 Tp. 18 S.R. 32 E.W.M.
Scheckel, Phillip Seneca, Ore.	1902	0.29	17	Irrigation	Scheckel	House Creek	2 ac in SE ¹ / ₄ Sec. 17 10 ac in S ¹ / ₂ Sec. 17 5 ac in SE ¹ / ₄ Sec. 17 Tp. 18 S.R. 32 E.W.M.
Sells, F. C. Seneca, Ore. (Lena O. Putzien, successor in interest)	1901	1.34	80	Irrigation	Sels	Bear Creek	20 ac in NW ¹ / ₄ Sec. 26 20 ac in NE ¹ / ₄ Sec. 26 20 ac in NW ¹ / ₄ Sec. 27 20 ac in NE ¹ / ₄ Sec. 27 Tp. 16 S.R. 32 E.W.M.
Shephard, Cora M. and Jessie J., Burns, Ore.	1883	0.92	55	Irrigation	J.L. Cross	Trout Creek	20 ac in NE ¹ / ₄ Sec. 7 35 ac in NW ¹ / ₄ Sec. 7 Tp. 20 S.R. 32 E.W.M.
Simmons, H. B. Burns, Ore.	1884	2.75	220	Irrigation	Simmons #1	Sage Hen Creek and Springs	3 ac in NE ¹ / ₄ Sec. 10 15 ac in NW ¹ / ₄ Sec. 10 40 ac in SW ¹ / ₄ Sec. 10 21 ac in SE ¹ / ₄ Sec. 10 20 ac in NE ¹ / ₄ Sec. 9 20 ac in NW ¹ / ₄ Sec. 9 26 ac in SW ¹ / ₄ Sec. 9 32 ac in SE ¹ / ₄ Sec. 9 31 ac in NE ¹ / ₄ Sec. 16 12 ac in NW ¹ / ₄ Sec. 16 Tp. 24 S.R. 30 E.W.M.
Sitz, John L. (J.R. Handficks, successor in interest) Drewsey, Ore.	1887	1.81	145	Irrigation	Dams	E. Fork of Main	28 ac in NW ¹ / ₄ Sec. 5 40 ac in SW ¹ / ₄ Sec. 5 37 ac in NE ¹ / ₄ Sec. 6 40 ac in SE ¹ / ₄ Sec. 6 Tp. 25 S.R. 32 E.W.M.

BEFORE THE STATE WATER BOARD OF OREGON

WATER DIVISION NO. 2

HARNEY AND GRANT COUNTIES.

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS OF THE VARIOUS)
CLAIMANTS TO THE USE OF THE WATERS OF)
SILVIE RIVER AND ITS TRIBUTARIES, A)
TRIBUTARY OF MALHEUR LAKE, IN HARNEY)
AND GRANT COUNTIES, OREGON.)
-----)

C E R T I F I C A T E

STATE OF OREGON)
County of Marion.) ss.

I, R. W. POTTER, do hereby certify that I am the
duly appointed, qualified and acting Secretary of the State Water Board
of the State of Oregon; that as such I am the legal custodian of the
records of said State Water Board; that on the 7th day of December,
1917, said Board regularly made and entered of record in its office
Findings of Fact and an Order of Determination in the above entitled
matter; and that the attached and foregoing findings of fact and order
of determination is a complete, true and correct copy of the said
findings of fact and order of determination, and of all thereof, as the
same appears of record in the office of said Board and in my custody.

IN TESTIMONY WHEREOF I have hereunto set my hand and
affixed the seal of said State Water Board this _____ day of
_____ 191____.

Secretary, State Water Board of Oregon.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR HARNEY AND GRANT COUNTIES

* * * * *

IN THE MATTER OF THE DETERMINATION OF
THE RELATIVE RIGHTS OF THE VARIOUS CLAIM-
ANTS TO THE USE OF THE WATERS OF THE SIL-
VIES RIVER AND ITS TRIBUTARIES.

FINDINGS OF FACT AND DECREE.

Now, at this time this matter coming on before the Circuit Court for its find-
ing and decree herein, and it appearing that on the 7th day of December, 1907, the said
State Water Board of the State of Oregon, at a meeting of said Board commenced and held
on said date, after the evidence and testimony had been duly filed in the office of said
Board, made its Findings of Fact and Order of Determination herein, which was duly filed
in the office of the County Clerk of Harney County, Oregon, on February 23rd, 1918, and
exceptions having been taken by various parties, and the matter being duly before the
Circuit Court, the following FINDINGS OF FACT are hereby made:

1.

That on the 18th day of November, 1911, there was filed in the office of the
State Water Board of Oregon, a petition signed by R. R. Sitz, Fred Otley and M. B. Hayes,
water users on said stream, requesting a determination of the relative rights of the var-
ious claimants to the waters of said stream, and that said petitioners were users of the
waters of the said Silvies River and its tributaries, a tributary of Malheur Lake. That
thereupon the said State Water Board, after a full investigation and due consideration of
said petition, finding the facts and conditions such as to justify the making of a deter-
mination of the relative rights of the various claimants of said stream and its tributar-
ies, made and entered an order in the records of said office, fixing a time and place for
the beginning and making of such an examination of said stream by the State Engineer, as
would enable the said Board to determine the rights of the said claimants, and also the
time and place for the beginning and taking of testimony by the Superintendent of Water
Division No. 2. That the said time and place when said State Engineer, or his assistants
should begin the examination of said stream was set by said Board, for Thursday, the 22nd
day of August, 1912, and the time when the Superintendent of Water Division No. 2, should
attend and take the testimony of the various claimants was set by order of said Board on
Monday, the 25th day of August, 1912, at Seneca, Harney County, Oregon, and on Wednesday,
and Thursday, the 28th and 29th days of August, 1912, at the Court House at Burns, Harney
County, Oregon, and on Saturday the 31st day of August, 1912, at Lawen, Harney County, Ore-
gon, and from Thursday the 5th day of September, to Thursday the 5th day of December, 1912,
at the office of the Superintendent of Water Division No. 2, at LaGrande, Union County, Oregon

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
Schmidt, Mrs. Wilhelmina 1898 (Con'td)		0.56	33.3	Irrigation	Summer	Little Scotty Creek	6 ac. in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.2 ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25 20 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.1 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 Tp. 16 S.R. 30 E.W.M.
Scheckel, John Seneca, Ore.	1902	0.37	22	Irrigation	Scheckel	House Creek	7 ac. in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15 5 ac. in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16 Tp. 18 S.R. 32 E.W.M.
Scheckel, Phillip Seneca, Ore.	1902	0.29	17	Irrigation	Scheckel	House Creek	2 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17 Tp. 18 S.R. 32 E.W.M.
Shepard, Cora M.	1883	0.92	55	Irrigation	J. L. Cross	Trout Creek	20 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7 Tp. 20 S.R. 32 E.W.M.
Simmons, H. B. Burns, Ore.	1884	2.75	220	Irrigation	Simmons #1	Sage Hen Creek & Springs	3 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 ac. in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10 20 ac. in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 26 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9 31 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12 ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16 Tp. 24 S.R. 30 E.W.M.
Sitz, John L. (J.R.Hendricks, Successor in interest) Drewsey, Ore.	1887	1.47	117	Irrigation	Dams	E.Fork of main	10 ac. in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5 37 ac. in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6 Tp. 25 S.R. 32 $\frac{1}{2}$ E.W.M.
Sitz, Blanche Lawen, Ore.	1903	.56	45	Irrigation	Brook-house	Main	10 ac. in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 25 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4 Tp. 25 S.R. 32 $\frac{1}{2}$ E.W.M.
Sitz, R. R. Lawen, Ore.	1887	4.94	387	Irrigation	Dams, ditches sloughs	E.Fork Silvies	30 ac. in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5 20 ac. in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 ac. in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4 40 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 ac. in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8

Based upon the foregoing findings which are hereby made a part of this decree, it is ordered, adjudged and decreed that the various claimants are entitled to the use of water as contained in these findings and decree and are hereby enjoined and prohibited from the use of water in any other amounts, manner or priorities than herein found.

Done and dated at Burns, Oregon,
this twenty-first day of August, 1923.

(Signed)

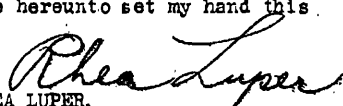
DALTON BIGGS

Circuit Judge.

STATE OF OREGON,)
) SS.
County of Marion.)

I, RHEA LUPER, STATE ENGINEER of the State of Oregon, do hereby certify that the above foregoing is a full, true and correct copy of decree of the Court in the matter of the determination of the relative rights to the various claimants to the use of the waters of the Silvies River and its tributaries has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand this
27th day of March, 1924.


RHEA LUPER,
STATE ENGINEER.

FO CHECKLIST

Application g-17138

- ☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No
- ☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A
- ☒ **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 \$10 fee. ☒ N/A
- ☒ Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** ☒ N/A ☐ Yes ☐ No
- ☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☒ No
If so: _____

- ☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☐ N/A ☒ Yes
- ☒ **SWW** If GW and interference, copy form for Stahr. ☒ N/A

<u>Fees</u>	<u>Base Fee</u>	<u>Water Amount (Q)</u>
	\$300 / \$500	1 st CFS/AF
	\$700 / \$1000	
		_____ Add'l @ _____
		_____ Add'l @ _____
		Add'l ☐ POD/POA ☐ use + _____

	_____ +	_____ =
	(base)	(Q) (total exam fee)

EXAM FEE REQUIRED	<u>1600</u>	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	<u>-1600</u>	RECORDING FEE PAID	<u>5400</u> <i>paid 9/2/10</i>
STILL OWED	<u>0</u>	STILL OWED	<u>400</u>

FO w/ draft permit; still needed:

- ☒ fees
☐ easement
☐ st water contract
☐ approved dam plans & specs
☐ land use approval
☐ well construction approval

FO w/ permit # g-16796

*8' super to to fix rate to
= max*

FO to deny
refund \$ _____

Name: Jeana Eastman

Date: 7/5/10 9/2/10

Peer Reviewer: Kerry

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-17138 Applicant: MIKE PEILA

☒ Was the application filed after 10/23/99? (Y) / N (If not, add A date requirement)

☒ POD characteristics identifies as DEQ 303d? Y / (N) NA If Y, was DEQ cc'd at IR? (If not, copy them on PFO)

☒ IR Date 4/3/09 Public Noticed on 4/7/09 Comments? Y / (N) Comment eval?

☒ IR requested add'l info (Y) / N

☒ Is second gw review necessary? Y / (N) NA Complete? Y / N Add'l fees ☐ necessary ☐ collected ☐ needed

☒ Has Water Availability changed from IR? — If source is Col R, use special w/a lang in RC

☒ Have conflicts been addressed? (Y) / N / NA

☒ POD/POU are correct per the map ☒

☒ Prior to permit, applicant must submit ☐ NA ☒ fees ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair

☒ Changes from IR determinations remove well 2, well 1 now complies, need evidence
suppl ir - 290

☒ Allowed Use/Rate/Season 1st + suppl / 5.29 - 1.04 for W + 3.63 for S Limit 3/1 10/31 Duty 3 - 9/1

☒ Conditions 7n

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 0.5 CFS, > 9.2 AF but < 100 AF ☒ Large ≥ 0.5 CFS, ≥ 100 AF

☒ SWW If GW and interference, copy form for Stahr.

☒ Copy to Reg Manager ER WM 10 CWRE — Agent —

☒ Fees	Base Fee	Water Amount (Q)
	\$300 / <u>(500)</u>	1 st CFS/AF <u>200</u>
	\$700 / \$1000	<u>5</u> Addl @ <u>100</u> <u>500</u>
		Add'l ☒ POD/POA ☒ use <u>400</u>
	<u>500</u> (base) +	<u>1100</u> (Q) = <u>1600</u> (total exam fee)

see file folder

EXAM FEE REQUIRED	1200 1600	RECORDING FEE REQUIRED	\$250 / \$300 / <u>(400)</u>
EXAM FEE PAID	1200 1600	RECORDING FEE PAID	<u>—</u>
STILL OWED	<u>—</u>	STILL OWED	<u>400</u>

Name: Brook Geffen Date: 1/25/2010

Peer Reviewer: [Signature]

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.

IR CHECKLIST

Application #: G-17138 Applicant: MIKE PEILA

Use(s): IRRIGATION USE ON 201.0 ACRES; SUPPLEMENTAL IRRIGATION USE ON 220.0 ACRES Priority Date: November 04, 2008

☒ MU or QM ☒ NA ☐ will complete construction within 20 years
☐ Fujii reviewed recommendations _____

☒ Is the application complete? ☐ No ☒ Yes

☒ ORS 538 prohibits use ☒ No ☐ Yes If so, do not do an IR; return the application & fees to the applicant.

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

☐ classify as surface water well 2 has PSI with Sage Hen Creek

(include basin map if true) well _____ is within ☐ 1N3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____

GW conditions 7N

☒ DIVISION 33 ☒ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30
☐ below Bonneville
☐ statewide

☒ SW Availability ☒ NA ☐ 80% live ☐ 50% storage

May - sept NO water for well 2
31200202
WID: _____

☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoe Creek (including Mission & Case Creeks)

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

☒ Yes SWSE, SESE, Section 10, 24S 30E

☒ Use is supplemental, checked for primary rights w/ diff source ☐ NA ☒ Yes limits Silvies River decree

L2 must meet decree season of 3/20 - 9/1

☒ Use is ☒ allowed ☐ not allowed ☐ limited ☐ OAR ☐ Compact

☒ Requested Use/Rate/Season 1/5.29 / March 1 - Oct 31

Allowed Use/Rate/Season 1/5.26, not to exceed 2.51 for 1 yr. + 2.75 Limit 5.26 Duty 3

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained

☒ Authorized agent specified ☒ NA ☐ needed ☐ Yes

☒ Conditions: _____

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF, ☐ Medium > 0.1 and < 0.5 CFS, > 9.2 and < 100 AF, ☒ Large ≥ 0.5 CFS, ≥ 100 AF

Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.

Use "Large" for temp control (including NU), HC exceptions, Tenmile Lake, or if applicant is a government entity

Use "Large-7g" or "Large-7i" if GW recommends 7g or 7i

Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

☒ Stream is withdrawn ☒ NA ☐ No ☐ Yes, allows use/season _____

☒ WW ☒ NA ☐ above ☐ within _____ (If GW and interference, copy form for Stahr.)

Application #: G-17138 Applicant: MIKE PEILA

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

☒ Letter format ☐ good ☒ limited ☐ bad ☐ bad w/ rate reduction opportunity ☐ bad w/ HC opportunity

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

☒ Forms ☒ NA ☐ DIV 33 ☐ basin map ☐ HC except ☐ spring description other _____

☒ Copy to ☐ NWR
☐ NCR
☒ ER
☐ SWR

☒ WM # 10
☐ agent
☐ CWRE

☐ ODFW ☐ CRIFC
☐ DEQ ☐ US Fish & Wildlife
☐ DOA ☐ NW Planning Council
☐ State Parks ☐ CTUIR

☐ DOA Food Safety Division
(bottled water)

☐ city _____
(w/in 5-mile muni wells)

☒ Prior to permit, applicant must submit ☐ NA ☐ storage contract ☐ easement ☐ plans/specs ☒ evidence of well repair

☒ App and map meet min. requirements ☐ Yes ☒ No Map needs: - updated coordinates
(If not, send IR certified) - conflict resolution
- legend identify in primary & supp'l land

☐ Scanned images exist for application form and map

☒ Fees 5.29 CFS
_____ AF

Base

Up to 1 CFS

5 Add'l CFS @ 100 ~~1000~~

Up to 20 AF

1 Add'l AF @ 200

Add'l ☐ POD/POA ☐ use +

Exam Fee Required = 1200

Exam Fee Paid 1200

Still Owed —

Add'l
Use for
Supp'l ?

Name: Brook Geffen Date: 3/27/2009

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.

Point of Diversion Characteristics

Right:	App:G 17138 *
Name:	MIKE PEILA

TRSOQ: 24.00S-30.00E-09-SESE Digital Map of TRSOQ

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: SAGE HEN CR > SILVIES R - AT MOUTH (31200202)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33:

Water Quality Limited:

TRSOQ: 24.00S-30.00E-10-SWNE Digital Map of TRSOQ

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB: SAGE HEN CR > SILVIES R - AT MOUTH (31200202)

Priority WAB:

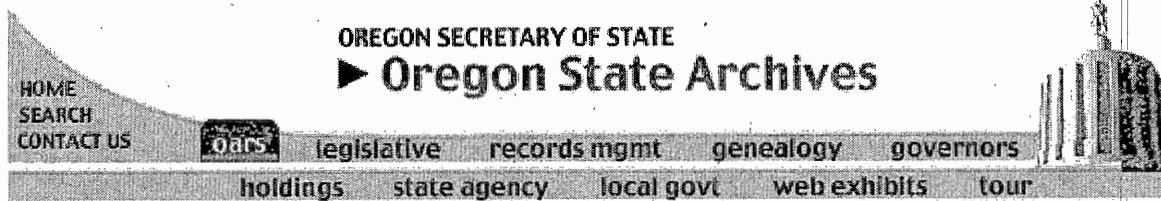
Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33:

Water Quality Limited:



The Oregon Administrative Rules contain OARs filed through February 13, 2009

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 if the application is not required to be referred to the Commission under OAR 690-011-0080(2)(a)(C); or

(c) Permits for use of water legally stored.

Stat. Auth.: ORS 536.300 & ORS 536.340

Stats. Implemented:

Hist.: WRD 3-1985, f. & cert. ef. 3-28-85; WRD 23-1990, f. & cert. ef. 12-14-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0120

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State. Terms and Conditions of Use

[Alphabetical](#) Index by Agency Name

[Numerical](#) Index by OAR Chapter Number

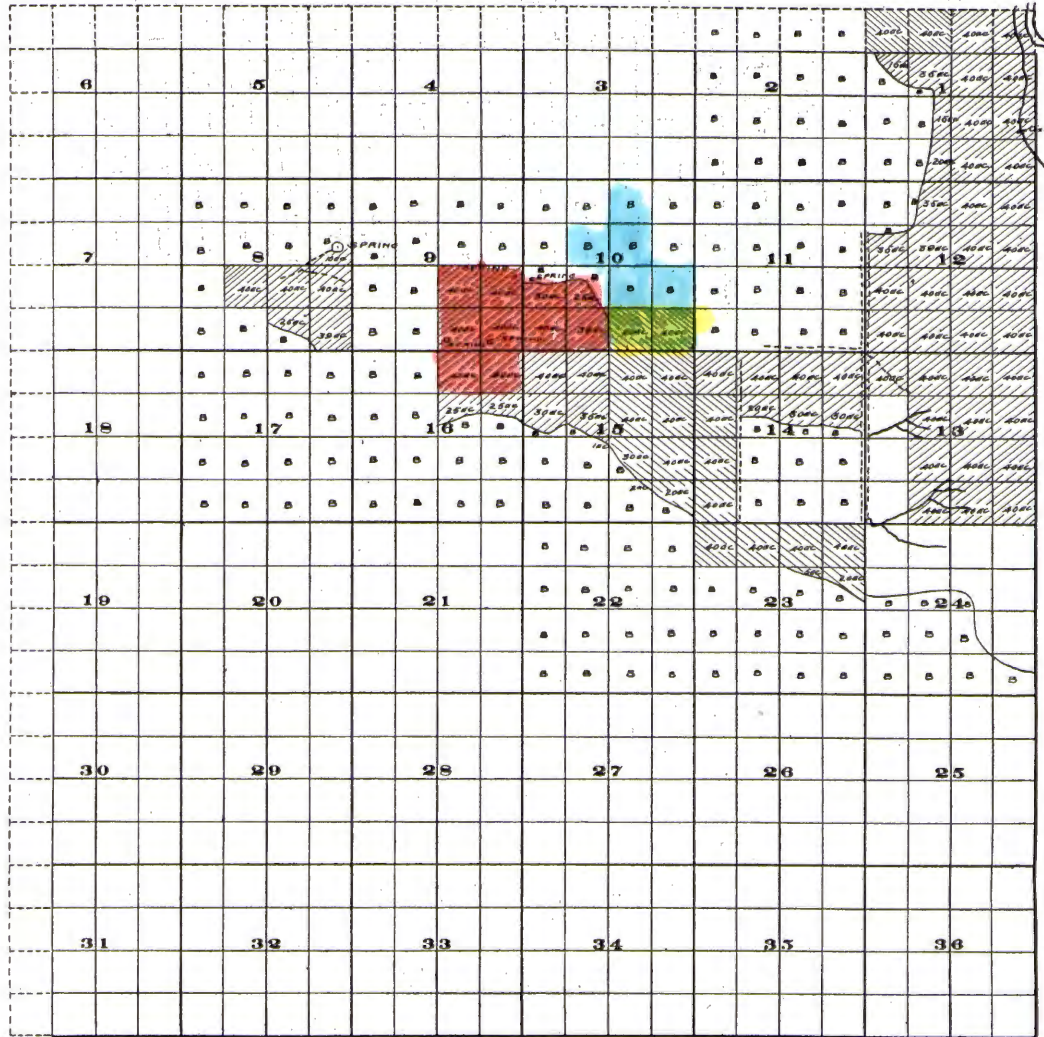
[Search](#) the Text of the OARs

[Questions](#) about Administrative Rules?

[Link](#) to the Oregon Revised Statutes (ORS)

[Return](#) to Oregon State Archives Home Page

Township 24S, Range 30E.



Scale of Feet.

- LEGEND**
- Meadow Land with Irrigated Area
 - Grain Land with Irrigated Area
 - Sage Brush Land

**ADJUDICATION
OF
SILVIES RIVER & TRIBUTARIES**

John H. Lewis State Engineer
Examined Aug 22, 1912

24S, 30E.

request for app'l under App: 17138

request for primary under App: 17138

S.26

The following rights have acreage in the same quarter-quarter as App:G 17138 *

CERT:1791 OR •

Meridian: WILLAMETTE Township: 24 South Range: 30 East Section: 9 Records per Page: 200 Search

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

Meridian: WILLAMETTE Township: 24 South Range: 30 East Section: 10 Records per Page: 200 Search

[illegible]

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

Water Availability Analysis

SAGE HEN CR > SILVIES R - AT MOUTH
MALHEUR LAKE BASIN
Water Availability as of 3/23/2009

Watershed ID #: 31200202
Date: 3/23/2009

Exceedance Level: 80%
Time: 8:57 AM

Limiting Watersheds

Complete Water Availability Analysis Text

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	31200201	W FK SILVIES R> MALHEUR L- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	Yes
Select	2	31200202	SAGE HEN CR> SILVIES R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	Yes

[Return to Search Page](#) | [Return to Main Menu](#) | Download Data ([Text - Formatted](#) , [Text - Tab Delimited](#) , [Excel](#))

Brook Geffen

From: Kris Byrd
Sent: Tuesday, March 17, 2009 8:49 AM
To: Brook Geffen
Subject: RE: Question Re: Review of App: G-17138, Mike Peila

Hi Brook,

I spoke to Mike Zwart about this and explained what kind of information we would be looking for. Basically what we need is some evidence of the well's construction. That means a boring report, well report, rough log or some other evidence that would describe what's there. We need to be able to verify that it meets standards. I hope this is helpful.

Have a good day;

Kris

Kristopher Byrd, Coordinator
Well Construction Program
Well Construction & Compliance Section
Oregon Water Resources Department
(503) 986-0851 Direct Line
(503) 986-0902 Fax

From: Brook Geffen
Sent: Monday, March 16, 2009 4:02 PM
To: Kris Byrd
Cc: Mike Zwart
Subject: Question Re: Review of App: G-17138, Mike Peila

Kris:

Your review states:

There is no well log associated with this well and therefore no way to determine if the well construction meets current minimum well construction standards...My recommendation is that the Department not issue a permit for these wells unless...**information is provided** showing that they are in compliance with current minimum well construction standards.

If there is no well log, is the applicant going to be able to access and provide us with any information that demonstrates compliance? What would that be or what parameters would it need to address?

Thanks,
Brook

Brook A. Geffen
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, Oregon 97301
(503)986-0808

Brook Geffen

From: Mike Zwart
Sent: Monday, March 16, 2009 4:55 PM
To: Brook Geffen
Subject: RE: Question Re: Review of App: G-17138, Mike Peila

Brook,

I know you addressed this to Kris, but from my perspective as the Ground Water reviewer, I need a well log or if there is none, at a minimum: total depth, diameter and, if known, perforated/screened interval.

Mike

Michael Zwart
Oregon Water Resources Department
503-986-0844

From: Brook Geffen
Sent: Monday, March 16, 2009 4:02 PM
To: Kris Byrd
Cc: Mike Zwart
Subject: Question Re: Review of App: G-17138, Mike Peila

Kris:
Your review states:

There is no well log associated with this well and therefore no way to determine if the well construction meets current minimum well construction standards...My recommendation is that the Department not issue a permit for these wells unless...**information is provided** showing that they are in compliance with current minimum well construction standards.

If there is no well log, is the applicant going to be able to access and provide us with any information that demonstrates compliance? What would that be or what parameters would it need to address?

Thanks,
Brook

Brook A. Geffen
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, Oregon 97301
(503)986-0808

MEMO

To: Juno Pandian, Well Construction and Compliance Section Manager
From: Kristopher Byrd, Well Construction Program Coordinator
Subject: Review of Water Right Application G-17138
Date: January 21, 2010

The attached application was forwarded to the Well Construction and Compliance Section by Water Rights. Mike Zwart originally reviewed the application. Please see Mike's review and the well logs for well 1.

Well 1: Based on a review of the original well report, the alteration well report and an examination of the groundwater review, Well 1 (Harn 51503 and Harn 51680) seems to protect the groundwater resource.

The construction of well 1 may not satisfy hydraulic connection issues.

1-21-10
J. Pandian


MEMO

To: Juno Pandian, Well Construction and Compliance Section Manager
From: Kristopher Byrd, Well Construction Program Coordinator *KB*
Subject: Review of Water Right Application G-17138
Date: March 13, 2009

The attached application was forwarded to the Well Construction and Compliance Section by Water Rights. Mike Zwart reviewed the application. Please see Mike's review and the well log for well 1.

Well 1: Based on a review of the Well Report and an examination of the groundwater review, Well 1 (Harn 51503) does not appear to comply with current minimum well construction standards (See OAR 690 Division 210).

Well 2: There is no well log associated with this well and therefore no way to determine if the well construction meets current minimum well construction standards.

My recommendation is that the Department **not issue** a permit for these wells unless they are brought into compliance with current minimum well construction standards or information is provided showing that they are in compliance with current minimum well construction standards.

Bringing these wells into compliance with minimum well construction standards may not satisfy hydraulic connection issues.

I concur
J. Pandian
3-16-09

HARN 51503

STATE OF OREGON

WATER SUPPLY WELL REPORT

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

WELL LABEL # PRE DATESTART CARD # PRE DATE

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

(1) LAND OWNER Owner Well I.D. _____
 First Name MIKE & SALLIE Last Name DEILA
 Company TRIANGLE ELEVEN CORP.
 Address P.O. BOX 537
 City HINES State OR Zip 97738

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard: ☐ Yes (attach copy)
 Depth of Completed Well 425 ft.

BORE HOLE			SEAL			Amount	Scks/lbs
Dia	From	To	Material	From	To		
20	0	18	CEMENT	0	18	17	SACKS
16	18	450					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other CEMENT GROUT POURED THROUGH TREMIE PIPE
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
✓		16	+	2	150	.250	X		X	

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) _____
 Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
 Screens Type _____ Material _____

Perf	Scrn	Casing	Linr	Screen Dia	From	To	Screen 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)
50	0		1

Temperature 58 °F Lab analysis ☐ Yes By _____
 Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 24S N or S Range 30E E or W W.M.
 Sec 9 SW 1/4 of the SE 1/4 Tax Lot 300

Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD

Street Address of Well (or nearest address) 28186 HWY 20 W
MP 125 WEST OF HINES

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening				
Completed Well	<u>AUG 10, 84</u>			<u>-12 FT</u>

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>5-84</u>	<u>230</u>	<u>450</u>	<u>100+</u>			<u>12</u>

(11) WELL LOG

Ground Elevation _____

Material	From	To
TOPSOIL	0	3
SILT	3	14
BROWN CLAY	14	21
BROWN SANDSTONE	21	90
WHITE CLAYSTONE	90	137
BROWN SANDSTONE	137	145
BLACK BASALT	145	190
GREEN CLAYSTONE	190	230
BROWN CLAY/RED CINDER	230	450

Date Started MAR 4 15, 84 Completed AUG 10, 84

(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 _____

WATER RESOURCES DEPT
 (bonded) Water Well Constructor Certification
 SALEM, OREGON

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 883 Date 10-25-08

Signed John Otter

Contact Info. (optional) _____

G-17138

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-17138

ROUTED TO: Water Rights - Brook
TOWNSHIP/

RANGE-SECTION: 24S/30E-9+10

CONDITIONS ATTACHED? ☐ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date March 20, 2009

FROM: Ground Water/Hydrology Section Mike Zwart
Reviewer's Name

SUBJECT: Application G- 17138 Supersedes review of _____
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 ground water 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: Mike Peila County: Harney

A1. Applicant(s) seek(s) 5.29 cfs from 2 well(s) in the Malheur Lake Basin,
Silvies River subbasin Quad Map: Burns, Dog Mountain

A2. Proposed use: Irrigation Seasonality: March 1-October 31

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	HARN 51503	1	Volcanic seds.	5.29	24S/30E-9 SE-SE	726' N, 1188' W fr SE cor S 9*
2	No log	2	Basin fill/volc seds	5.29	24S/30E-10 NE-NE	1742' S, 2508' W fr NE cor S 10*
3						
4						
5						

* 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	4155	230	12	8/10/84	450	0-18	0-150			50	0	B
2	4162	?	19	?	85	0-18	?			?		

Use data from application for proposed wells.

A4. Comments: *The problems with the map and with the construction of well #2 were discussed in a telephone conversation with the applicant on March 19th. The metes and bounds on the map should be doubled to reflect the actual well locations. I did this above and modified the locations in this review's map. Well #2 could not be tied to a well log, as was implied on the application map. Instead, the construction information on page three of the application is what the applicant is attesting to. Well #1 is also suspicious in that it was constructed in 1984 and not filed until 2008 at about the same time as this application. I referred this issue to Enforcement staff prior to this call and there is a response in the file from Kris Byrd.

A5. ☒ Provisions of the Malheur Lake Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☐ are, or ☒ are not, activated by this application. (Not all basin rules contain such provisions.)
Comments: _____

A6. ☐ Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
Name of administrative area: _____
Comments: _____

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**C1. 690-09-040 (1): Evaluation of aquifer confinement:**

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Volcanic, pyroclastic and sedimentary rocks (Tvs of GW Report #16)	☒	☐
2	Qal (sand, gravel and clay) and/or Tvs	☐	☒
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: Well #1 appears to develop the volcanic sedimentary rocks below a depth of 230 feet. The same may be the case with well #2, since the valley fill sediments are pinching out against the uplands nearby. However, it is possible that well #2 develops valley fill sediments and/or the underlying volcanic deposits. Several faults are mapped in the area, so it is problematic to determine the specific aquifer developed in the absence of a well log.

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 ¼ 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	Sage Hen Creek	4143	4135	400	☐	☒	☐	☐	☒
2	1	Sage Hen Creek	4143	4135	4300	☒	☐	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: Assuming that HARN 51503 (well #1) is accurate, the water-bearing zone is well below the nearby reach of Sage Hen Creek. It is also possible that shallow water-bearing zones were not reported. It must be assumed that the water-bearing zone developed by well #2 is immediately below the minimum seal depth, if there is a seal. Therefore, hydraulic connection with Sage Hen Creek is likely.

Water Availability Basin the well(s) are located within: 31200202 SAGE HEN CR> SILVIES R- 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?
2	1	☐	☒			☐	0.07	☒		☒
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

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?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: _____

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
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
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.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(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: _____

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: 2/1 Logid: No log/HARN 51503

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

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

D3. THE WELL construction deficiency:

- a. ☐ constitutes a health threat under Division 200 rules;
b. ☐ commingles water from more than one ground water reservoir;
c. ☐ permits the loss of artesian head;
d. ☐ permits the de-watering of one or more ground water reservoirs;
e. ☐ other: (specify) _____

D4. THE WELL construction deficiency is described as follows: There is no well log to evaluate for well #2. The log for well #1 was filed about the same time as this application – about 24 years after it was reportedly constructed. One might question the accuracy of the log on that basis. Well #1 is cased to 150 feet and sealed to 18 feet. Is the seal adequate?

D5. THE WELL a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.

b. ☒ I don't know if it met standards at the time of construction.

D6. ☐ Route to the Enforcement Section. I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNELD7. ☐ Well construction deficiency has been corrected by the following actions: _____

_____, 200____.
(Enforcement Section Signature)

D8. ☐ Route to Water Rights Section (attach well reconstruction logs to this page).

**SAGE HEN CR> SILVIES R- AT MOUTH
MALHEUR LAKE BASIN**

Water Availability as of 1/28/2009

Watershed ID #: 31200202

Exceedance Level: 80% ▼

Date: 1/28/2009

Time: 11:29 PM

Water Availability Calculation

Consumptive Uses and Storages

Instream Requirements

Reservations

Water Rights

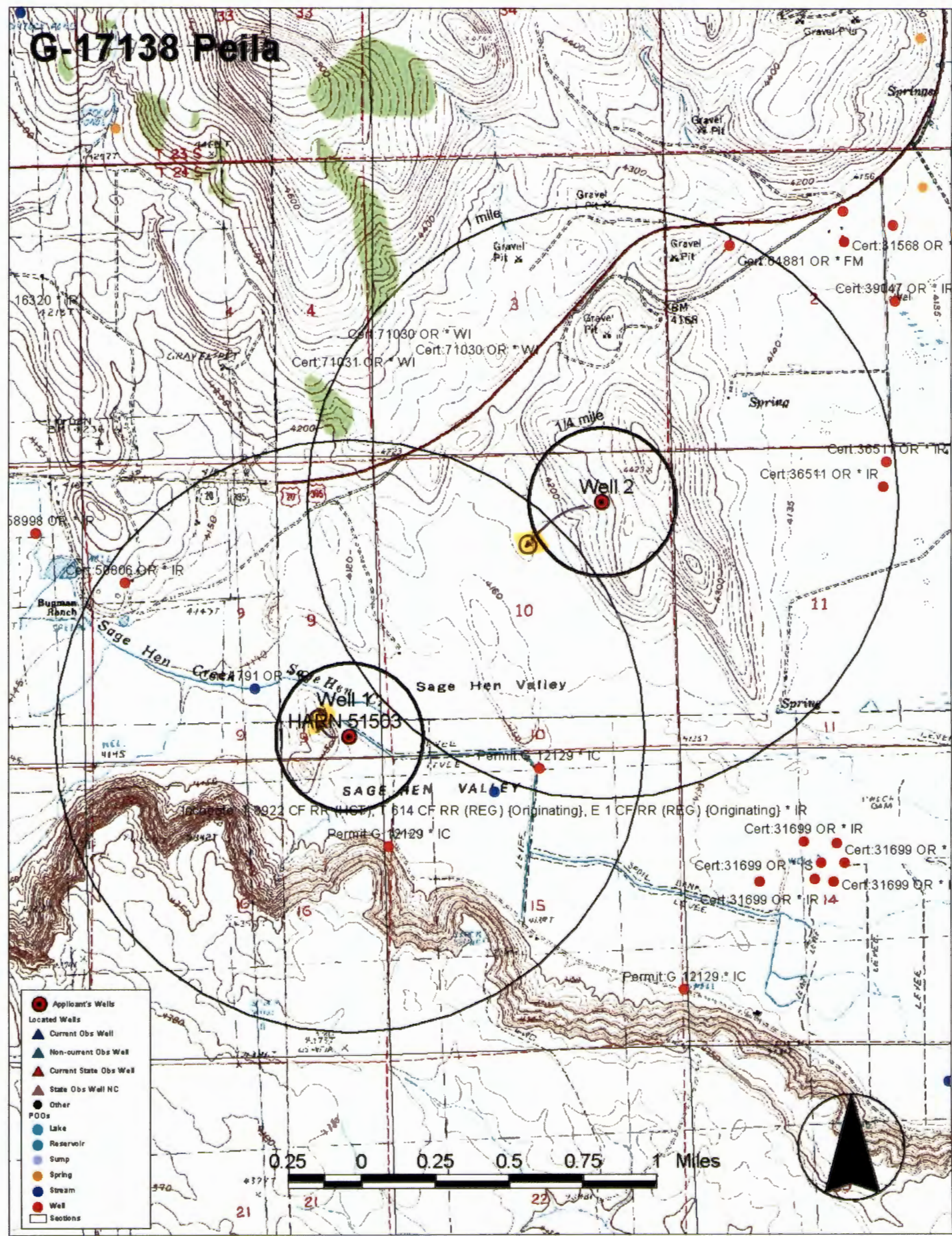
Watershed Characteristics

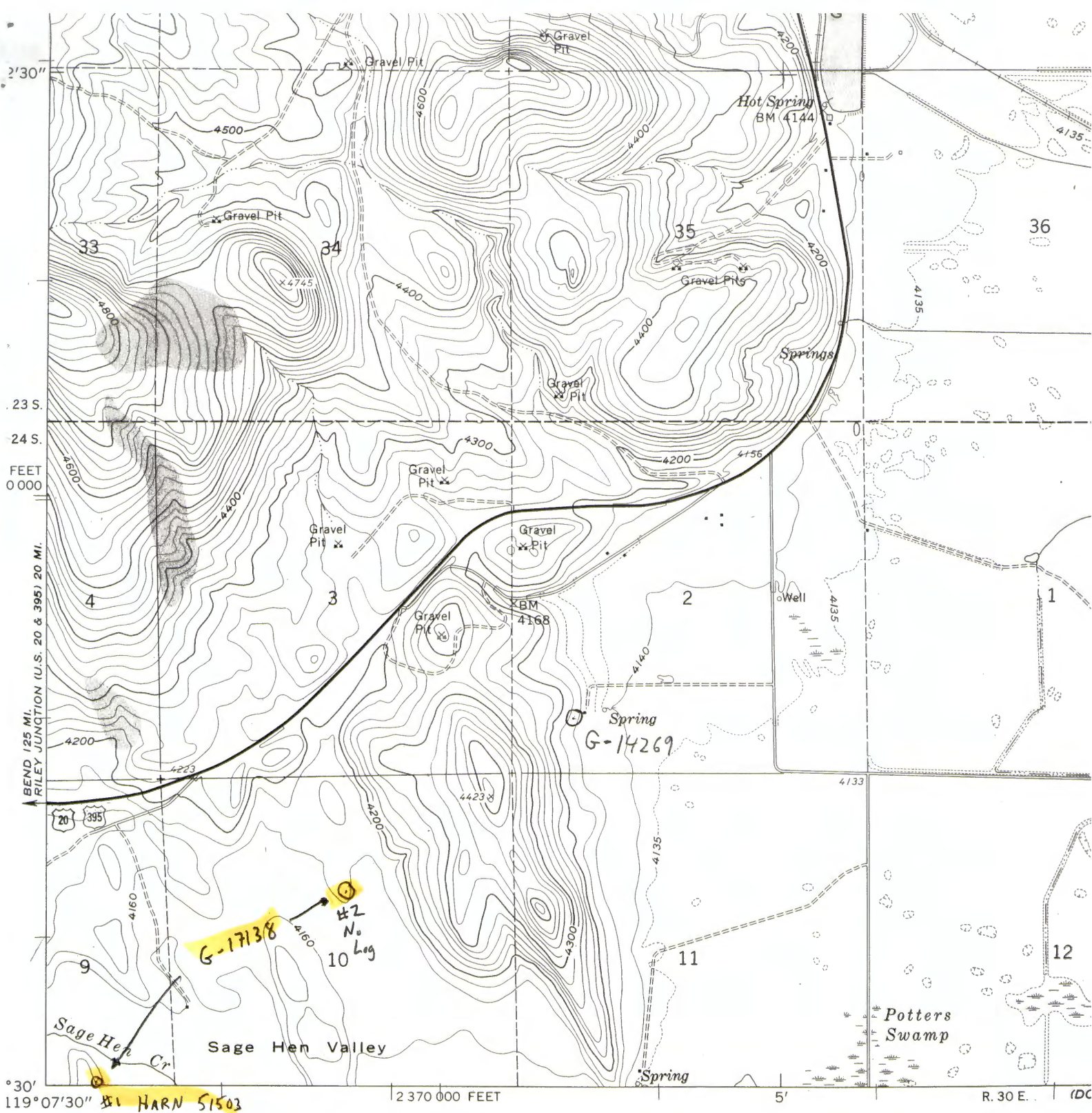
Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirement	Net Water Available
Jan	0.62	0.02	0.60	0.00	0.00	0.60
Feb	2.21	0.04	2.17	0.00	0.00	2.17
Mar	5.19	0.15	5.04	0.00	0.00	5.04
Apr	8.78	0.30	8.48	0.00	0.00	8.48
May	4.33	0.52	3.81	0.00	0.00	3.81
Jun	2.56	0.44	2.12	0.00	0.00	2.12
Jul	0.51	0.20	0.31	0.00	0.00	0.31
Aug	0.17	0.11	0.06	0.00	0.00	0.06
Sep	0.11	0.08	0.04	0.00	0.00	0.04
Oct	0.07	0.02	0.05	0.00	0.00	0.05
Nov	0.20	0.01	0.19	0.00	0.00	0.19
Dec	0.42	0.02	0.40	0.00	0.00	0.40
Storage Acre-Feet at 50%	4,150.00	115.00	4,030.00	0.00	0.00	4,030.00





Mapped, edited, and published by the Geological Survey

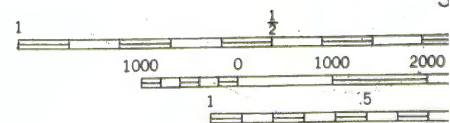
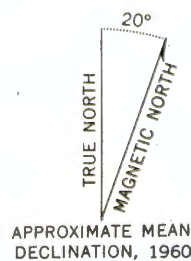
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1957 and planetable surveys 1960

Polyconic projection. 1927 North American datum
10,000-foot grid based on Oregon coordinate system, south zone
1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

Red tint indicates area in which only landmark buildings are shown

Dashed land lines indicate approximate locations



CONTOUR
DOTTED LINES
DATUM

THIS MAP COMPLIES WITH
FOR SALE BY U.S. GEOLOGICAL SURVEY
A FOLDER DESCRIBING TOPOGRAPHY

MEMO

March 20, 2009

YES

✓ NO

The source of appropriation is within or above a Scenic Waterway

YES

✓ NO

Use the Scenic Waterway condition (Condition 7J)

Per ORS 390.835, the Ground Water Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below.

Per ORS 390.835, the Ground Water Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway.**

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

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

[illegible]

G-17138

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING ☒

POST CARD SENT ☐

DATA CENTER ☐

GEOLOGY REVIEW YES ☒ NO ☐

ENFORCEMENT YES ☐ NO ☐

WATER RIGHTS SUPPORT ☒

<u>Caseworker:</u>		
Brook Geffen	503-986-0808	☒
Jeana Eastman	503-986-0859	☐
Joel Plahn	503-986-0815	☐
Kerry Kavanagh	503-986-0816	☐



**GW
Files**

**ATTN: WATER RIGHTS
SUPPORT....>>>> Mark contents of file with
application number;
Update the WRIS Database with caseworkers name.
Route file to Caseworker.**



**S & R
Files**

Standard Application Completeness Checklist

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

This is the checklist used by WRD staff

OVER
THE
COUNTER

3

Related

GW(S)

Application G 17138 Township 24 S
Priority Date Nov 4, 2008 Range 30 E
Use(s) 201 A 222 A Section 9 10 16
Rate 5.29 CFS POA Loc (2) SEE MAP
County HARNEY POU Loc SEE MAP
W.M. 423 Acres Caseworker BRAK G
TOTAL

☒ Applicant/Organization Name, Mailing Address and Telephone Number.

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) *NOTE: A surface water application cannot be filled 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 (E2).*

☒ The proposed source is or is not (circle one) GW withdrawn from further appropriation, or Division 538. If it is, return application and fees.

☒ Property ownership indicated.

☐ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

☐ If applicant does not own all the land, a 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.

☒ Groundwater development section (Page 3 and 4, Section B) or a well log report.

☒ Proposed use of water. If supplemental, list primary water right acreage if applicable.

☒ Enclosed Supplemental Form for each proposed use.

☒ Form I (Irrigation)

☐ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

☒ Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

☒ Period of use

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

☒ Project schedule (If system is already completed, indicate "existing").

☐ For reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.

☐ If the above statement is checked, the map must be prepared by a CWRE.

☒ All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature.*

☒ You must include a Legal description of the property involved that includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Date of signature must be within the past 12 months. Signature must be an original "wet" signature.*

☒ The map must meet all the minimum requirements of OAR 690-310-0050.

☐ Township, Range, Section

☐ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)

☐ Place of use, 1/4, 1/4's and tax lot clearly identified

☐ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)

☐ Location of each diversion point well or dam by reference to a recognized public land survey corner

☐ North Directional Symbol

☐ Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture

☐ Other _____

☐ Reference corner on map

☐ Each point of diversion coordinate

TOTAL 4 CFS
3 AFS

☐ Fees: Amount of water requested 5.29 CFS

Base Fee \$ 500

☒ Additional Use @ 200 = 200

1st CFS/AF 200

Total Exam Fees \$ 1600

5 Addtn'l CFS/ AF @ 100 = 500

Total Paid \$ 1600

1 Addtn' POA @ 200 = 200

Amount Due \$ Rec Fee Due

700
700
200
1600
TOTAL

Reviewed by: HTM

Date: Nov 4 2008

**Oregon Water Resources Department
Water Rights/Adjudications Division**

Water Rights Application
Number G-17138

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. 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.

Application History

On November 4, 2008, Mike Peila submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on May 4, 2010. The protest period closed June 18, 2010, and no protest was filed.

On July 30, 2010, a Final Order and draft permit were issued approving the application pending submission of outstanding fees in the amount of \$400.

On September 2, 2010, the Department received payment of \$400.

Subsequently, the Department discovered that the Final Order and draft permit erroneously described the rate. The correct rate is 5.263 cubic feet per second (CFS), being 1.638 CFS for primary irrigation and 3.625 CFS for supplemental irrigation. The Department finds that the Final Order and draft permit require modification to correct the error.

Order

The July 30, 2010 Final Order issued for Application G-17138 is superseded by this instrument and is of no further force or effect.

Application G-17138 therefore is approved as modified above, and Permit G-16796 is issued as limited by the conditions contained therein.

DATED September 23 , 2010

E. Timothy Wall.

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

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.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MIKE PEILA
PO BOX 537
HINES, OR 97738

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

APPLICATION FILE NUMBER: G-17138

SOURCE OF WATER: WELL 1 (HARN 51503/HARN 51680) IN SAGE HEN CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 131.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 290.0 ACRES

MAXIMUM RATE: 5.263 CUBIC FEET PER SECOND (CFS), NOT TO EXCEED 1.638 CFS FOR PRIMARY IRRIGATION AND 3.625 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: PRIMARY IRRIGATION - MARCH 1 THROUGH OCTOBER 31
SUPPLEMENTAL IRRIGATION - MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: NOVEMBER 4, 2008

WELL LOCATION: SESE, SECTION 9, T24S, R30E, W.M.; 726 FEET NORTH AND 1188 FEET WEST FROM SE 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>QUARTER/QUARTER</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ SE ¼		20.0 ACRES
NW ¼ SE ¼		20.0 ACRES
SW ¼ SE ¼		26.0 ACRES
SE ¼ SE ¼		32.0 ACRES

SECTION 9

<u>QUARTER/QUARTER</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ NE ¼	5.0 ACRES	
SW ¼ NE ¼	40.0 ACRES	
SE ¼ NE ¼	6.0 ACRES	
SE ¼ NW ¼	6.0 ACRES	
NE ¼ SW ¼		3.0 ACRES
NW ¼ SW ¼		15.0 ACRES
SW ¼ SW ¼		40.0 ACRES
SE ¼ SW ¼		21.0 ACRES
NE ¼ SE ¼	34.0 ACRES	
NW ¼ SE ¼	40.0 ACRES	
SW ¼ SE ¼		30.0 ACRES
SE ¼ SE ¼		40.0 ACRES

SECTION 10

NE ¼ NE ¼	31.0 ACRES
NW ¼ NE ¼	12.0 ACRES

SECTION 16

TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.

Measurement, recording and reporting conditions:

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the

month of March. Reports shall be submitted to the Department within 30 days of measurement.

The 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 water user shall discontinue use of, 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.

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.

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 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 in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

~~The works shall be equipped with a usable access port, and may also~~
include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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 existing 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.

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

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

Completion of construction and 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 September 23 , 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

Mailing List for Superseding FO Copies

Application #G-17138

Original mailed to applicant with claim of beneficial use form:

MIKE PEILA
PO BOX 537
HINES OR 97738

Copies sent to

WRD - File # G-17138
WRD - Ken Stahr

Copies Mailed	
By:	<u>SPS</u>
	(SUPPORT STAFF)
on:	<u>9/24/11</u>
	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

WRD - Watermaster District #: 10
WRD - Regional Manager (not to SCR): E

CASEWORKER : Jeana Eastman

**Oregon Water Resources Department
Water Rights/Adjudications Division**

Water Rights Application
Number G-17138

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.

Application History

On November 4, 2008, Mike Peila submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on May 4, 2010. The protest period closed June 18, 2010, and no protest was filed.

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

Order

Application G-17138 is therefore approved as proposed by the Proposed Final Order. Upon payment of outstanding fees in the amount of \$400, a permit shall be issued authorizing the proposed water use.

Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.

DATED July 30, 2010

E. Timothy Ward

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

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.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MIKE PEILA
PO BOX 537
HINES, OR 97738

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

APPLICATION FILE NUMBER: G-17138

SOURCE OF WATER: WELL 1 (HARN 51503/HARN 51680) IN SAGE HEN CREEK BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 131.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 290.0 ACRES

MAXIMUM RATE: 5.26 CUBIC FEET PER SECOND (CFS), NOT TO EXCEED 1.64 CFS FOR PRIMARY IRRIGATION OR 3.63 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: PRIMARY IRRIGATION - MARCH 1 THROUGH OCTOBER 31
SUPPLEMENTAL IRRIGATION - MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: NOVEMBER 4, 2008

WELL LOCATION: SESE, SECTION 9, T24S, R30E, W.M.; 726 FEET NORTH AND 1188 FEET WEST FROM SE 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>QUARTER/QUARTER</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ SE ¼		20.0 ACRES
NW ¼ SE ¼		20.0 ACRES
SW ¼ SE ¼		26.0 ACRES
SE ¼ SE ¼		32.0 ACRES

SECTION 9

<u>QUARTER/QUARTER</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ NE ¼	5.0 ACRES	
SW ¼ NE ¼	40.0 ACRES	
SE ¼ NE ¼	6.0 ACRES	
SE ¼ NW ¼	6.0 ACRES	
NE ¼ SW ¼		3.0 ACRES
NW ¼ SW ¼		15.0 ACRES
SW ¼ SW ¼		40.0 ACRES
SE ¼ SW ¼		21.0 ACRES
NE ¼ SE ¼	34.0 ACRES	
NW ¼ SE ¼	40.0 ACRES	
SW ¼ SE ¼		30.0 ACRES
SE ¼ SE ¼		40.0 ACRES
SECTION 10		
NE ¼ NE ¼		31.0 ACRES
NW ¼ NE ¼		12.0 ACRES
SECTION 16		
TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.		

Measurement, recording and reporting conditions:

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the

month of March. Reports shall be submitted to the Department within 30 days of measurement.

The 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 water user shall discontinue use of, 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.

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.

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

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 existing 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.

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

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

Completion of construction and 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

for Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #G-17138

Original mailed to applicant with claim of beneficial use form:

MIKE PEILA
PO BOX 537
HINES OR 97738

Copies sent to

WRD - File # G-17138
WRD - Ken Stahr

Copies Mailed	
By:	<u>JS</u> (SUPPORT STAFF)
on:	<u>1/20/10</u> (DATE)

FO and Map Copies sent to (remember to reduce copy margins):

WRD - Watermaster District #: 10
WRD - Regional Manager (not to SCR): E

CASEWORKER : Jeana Eastman

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-17138

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$400.00. Please include your application number on your check made out to the Oregon Water Resources Department.

Proposed Final Order

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

Application History

On November 4, 2008, Mike Peila submitted an application to the Department for the following water use permit:

- Amount of Water: 5.29 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION USE ON 201.0 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 220.0 ACRES
- Source of Water: WELL 1 (HARN 51503) AND WELL 2 IN SAGE HEN CREEK BASIN
- Area of Proposed Use: HARNEY COUNTY WITHIN SECTION 9, SECTION 10, AND SECTION 16, TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.

On March 27, 2009, the Department mailed the applicant notice of its Initial Review, determining that "The use of 5.25 CFS from WELL 1 (HARN 51503) in Sage Hen Creek Basin for irrigation use on 201.0 acres is allowable March 1 through October 31 and for supplemental irrigation use March 20 through September 30, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 1 (HARN 51503)." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On April 7, 2009, 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 both obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

On May 1, 2009, the applicant placed the application on administrative hold, which expired October 28, 2009.

On October 26, 2009, the applicant submitted additional information as follows:

1. An updated map with an accurate scale and correct coordinates for Well 1;
2. Updated the use from 201.0 acres for primary irrigation to 131.0 acres for primary irrigation; and
3. Updated the use from 220.0 acres for supplemental irrigation to 290.0 acres for supplemental irrigation.

On December 11, 2009, the applicant submitted an alteration well log for Well 1 (HARN 51503/HARN 51680).

On February 11, 2010, the applicant removed Well 2 from the application.

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

- recommendations by other state agencies
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

On January 21, 2010, the Well Construction Program Coordinator submitted a memo to the file which stated that, based on a review of the original well report, the alteration well report, and an examination of the ground water review, Well 1 (HARN 51503/HARN 51680) IN SAGE HEN CREEK BASIN, seems to protect the groundwater resource.

The Initial Review erroneously limited the maximum allowable rate to 5.25 CFS. The correct maximum allowable rate is 5.26 CFS.

The Malheur Lake Basin Program allows IRRIGATION USE.

WELL 1 (HARN 51503/HARN 51680) IN SAGE HEN CREEK BASIN is not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that the amount of water requested, 5.26 CFS, not to exceed 1.64 CFS for irrigation use and 3.63 CFS for supplemental irrigation use, is an acceptable amount.

The proposed ground water use is not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program

established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Malheur Lake Basin Program, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

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

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

For these reasons, the required presumption has been established.

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

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

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

The Department therefore concludes that the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to

protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED May 4, 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **June 18, 2010**. 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 this Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;

- Any citation of legal authority to support your protest, if known;
- If you are the applicant, the protest fee of \$300 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$600 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.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.*

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **June 18, 2010**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$150. If a hearing is scheduled, an additional fee of \$350 must be submitted along with a request for intervention.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case

hearing will be scheduled only if a protest has been submitted and either:

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

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0808.

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.

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MIKE PEILA
PO BOX 537
HINES, OR 97738

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

APPLICATION FILE NUMBER: G-17138

SOURCE OF WATER: WELL 1 (HARN 51503/HARN 51680) IN SAGE HEN CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 131.0 ACRES AND SUPPLEMENTAL
IRRIGATION USE ON 290.0 ACRES

MAXIMUM RATE: 5.26 CUBIC FEET PER SECOND (CFS), NOT TO EXCEED 1.64 CFS
FOR IRRIGATION USE OR 3.63 CFS FOR SUPPLEMENTAL IRRIGATION USE

PERIOD OF USE:

IRRIGATION USE - MARCH 1 THROUGH OCTOBER 31

SUPPLEMENTAL IRRIGATION USE - MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: NOVEMBER 4, 2008

WELL LOCATION:

WELL 1 (HARN 51503/HARN 51680) - SESE, SECTION 9, T24S, R30E, W.M.;
726 FEET NORTH AND 1188 FEET WEST FROM SE 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>QUARTER/QUARTER</u>	<u>IRRIGATION</u>	<u>SUPPLEMENTAL IRRIGATION</u>
NE ¼ SE ¼		20.0 ACRES
NW ¼ SE ¼		20.0 ACRES
SW ¼ SE ¼		26.0 ACRES
SE ¼ SE ¼		32.0 ACRES

SECTION 9

<u>QUARTER/QUARTER</u>	<u>IRRIGATION</u>	<u>SUPPLEMENTAL IRRIGATION</u>
NW ¼ NE ¼	5.0 ACRES	
SW ¼ NE ¼	40.0 ACRES	
SE ¼ NE ¼	6.0 ACRES	
SE ¼ NW ¼	6.0 ACRES	
NE ¼ SW ¼		3.0 ACRES
NW ¼ SW ¼		15.0 ACRES
SW ¼ SW ¼		40.0 ACRES
SE ¼ SW ¼		21.0 ACRES
NE ¼ SE ¼	34.0 ACRES	
NW ¼ SE ¼	40.0 ACRES	
SW ¼ SE ¼		30.0 ACRES
SE ¼ SE ¼		40.0 ACRES

SECTION 10

<u>QUARTER/QUARTER</u>	<u>IRRIGATION</u>	<u>SUPPLEMENTAL IRRIGATION</u>
NE ¼ NE ¼		31.0 ACRES
NW ¼ NE ¼		12.0 ACRES

SECTION 16

TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.

Measurement, recording and reporting conditions:

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the

month of March. Reports shall be submitted to the Department within 30 days of measurement.

The 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 water user shall discontinue use of, 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.

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.

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

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 existing 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.

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

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

Completion of construction and 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

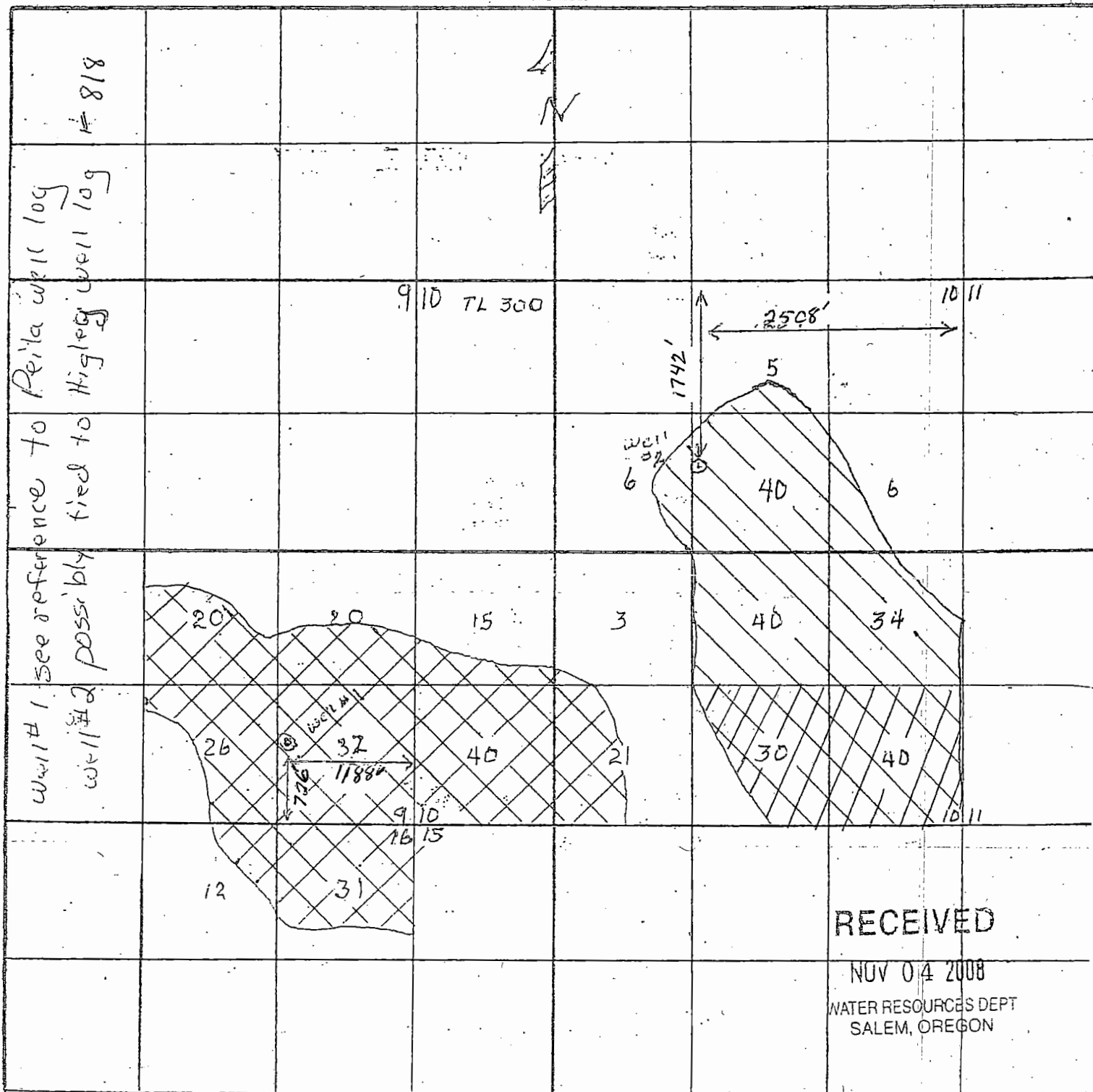
DRAFT - THIS IS NOT A PERMIT

For Phillip C. Ward, Director
Water Resources Department

Section 9 & 10 1/2 Township 24-S Range 30-E

County of Harney State of OR

NORTH



8

Remarks scale - 4" = 1 mile

RECEIVED

Revised map 10-19-09

OCT 26 2009

WATER RESOURCES DEPT
SALEM, OREGON

App No G-17138

Mailing List for PFO Copies

Application #G-17138

PFO Date May 4, 2010

Original mailed to applicant:

~~MIKE PEILA~~, PO BOX 537, HINES, OR 97738

Copies sent to:

- ~~1~~ WRD - File # G-17138
- ~~2~~ Water Availability: Ken Stahr

PFO and Map Copies sent to:

- ~~3~~ WRD - Watermaster # 10
- ~~4~~ Regional Manager: ER

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies

CASEWORKER : geffenba

Copies Mailed

By: JB
(SUPPORT STAFF)

on: 4/21/10
(DATE)

Protest/
Standing Dates
checked

4/26/10

Brook Geffen
OWR Dept.
725 Summer St. NE Ste. A
Salem, OR 97301-1266

Feb. 3, 2010

Reference: File G-17138:

Dear Brook:

I would like to drop well #2 from this application, and then proceed with file G-17138 using well #1 as the source. Thank you.

Sincerely,

Mike Peila
Box 537
Hines, OR 97738
541-573-7665

RECEIVED
FEB 11 2010
WATER RESOURCES DEPT
SALEM, OREGON

Mike Peila
PO Box 537
Hines, OR 97738
541-573-7665

October 22, 2009

Brook Geffen, OWRD
725 Summer St. NE Suite A
Salem, OR 97301-1266
File G-17138, G-17137

Dear Ms. Geffen:

I would like to proceed with file number G-1738, with the exception of removing well number 2 from the application.

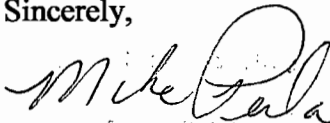
The following are corrections I have made to file G-17138:

1. Corrected map to show 70.0 acres located SWSE and SESE section 10 T245, R30E as supplemental.
2. Corrected map to show proper scale and distances.
3. The correct acres of supplemental was 220.0 acres not 222.0 as I had shown, which now becomes 290.0 acres supplemental with corrected 70.0 acres.
4. I have made arrangements with a licensed well driller, who has contacted both Kris Byrd and the state water inspector to bring well #1 to construction standards.

I would like to file a 180 day administrative hold on file G-17137. I have discussed issues concerning this well with the local watermaster, and realize it will take more time to determine the outcome of this well.

Feel free to contact me or call 541-573-7665 if you have any questions.

Sincerely,



Mike Peila

RECEIVED

OCT 26 2009

WATER RESOURCES DEPT
SALEM, OREGON

APPLICATION FACT SHEET

Application File Number: G-17138

Applicant: MIKE PEILA

County: HARNEY

Watermaster: 10

Priority Date: NOVEMBER 4, 2008

Source: WELL 1 (HARN 51503) AND WELL 2 IN SAGE HEN CREEK BASIN

Use: IRRIGATION USE ON ^{131.0}~~201.0~~ ACRES AND SUPPLEMENTAL IRRIGATION USE ON ~~220.0~~ ACRES

^{290.0}
Quantity: 5.29 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 2 SILVIES R MISC

Well Locations:

WELL 1 (HARN 51503) - SESE, SECTION 9, T24S, R30E, W.M. ⁷²⁶~~363~~ FEET NORTH AND ~~502~~ FEET WEST FROM SE CORNER, SECTION 9

¹¹⁸⁸ WELL 2 - SWNE, SECTION 10, T24S, R30E, W.M. ¹⁷⁴²~~871~~ FEET SOUTH AND ²⁵⁰⁸~~1254~~ FEET WEST FROM NE CORNER, SECTION 10

Place of Use:

QUARTER/QUARTER

IRRIGATION

SUPPLEMENTAL IRRIGATION

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

20.0 ACRES
20.0 ACRES
26.0 ACRES
32.0 ACRES

SECTION 9

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

5.0 ACRES
40.0 ACRES
6.0 ACRES
6.0 ACRES

3.0 ACRES
15.0 ACRES
40.0 ACRES
21.0 ACRES

34.0 ACRES
40.0 ACRES
~~30.0 ACRES~~
~~40.0 ACRES~~

SECTION 10

30.0 ACRES
40.0 ACRES

RECEIVED

OCT 26 2009

WATER RESOURCES DEPT
SALEM, OREGON

QUARTER/QUARTER

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

IRRIGATION

SUPPLEMENTAL IRRIGATION

31.0 ACRES
12.0 ACRES

SECTION 16
TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 17, 2009

PUBLIC NOTICE DATE: Tuesday, April 7, 2009

30 DAY COMMENT DEADLINE DATE: May 3, 2009

RECEIVED

OCT 26 2009

**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

MIKE PEILA
PO BOX 537
HINES, OR 97738

May 5, 2009

Reference: File G-17137 & 17138

Dear Mr. Peila:

On May 1, 2009, the Water Resources Department received your letter requesting an 180 day administrative hold on processing the above referenced application.

The Department will not take any action on this application until **October 28, 2009**, unless you request we proceed sooner. If you need to request additional time; you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please feel free to call me at 503-986-0808.

Sincerely,

Brook Geffen
Water Rights Caseworker

cc: WM #16

File

Triangle Eleven Corp.
Mike and Sallie Peila
PO Box 537
Hines, OR 97738

April 29, 2009

Brook Geffen, Water Rights Application Caseworker
Oregon Water Resource Dept.
725 Summer St. NE Ste A
Salem, OR 97301-1266

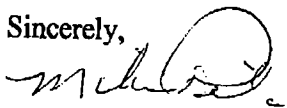
Reference File: G-17137, ~~G-17138~~ Well #2

Dear Brook:

I am applying for an administrative hold on G-17137 and G-17138 on Well #2. I would like to have an 180 day extension to gather information and material for these files. These wells are important to my current operation, so I am willing to make every effort possible to obtain water rights.

Thank you for your time.

Sincerely,



Mike Peila
541-573-7665

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

G-17138
MIKE PEILA
PO BOX 537
HINES OR 97738

2. Article Number

(Transfer from service label)

7006 0810 003 8797 4743 WR

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Sallio Peila ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

RECEIVED
APR 09 2009

WATER RESOURCES DEPT
SALEM, OREGON

UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1266



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

CERTIFIED MAIL RETURN RECEIPT REQUESTED

MIKE PEILA
PO BOX 537
HINES, OR 97738

April 3, 2009

Reference: File # 17138

Dear Mr. Peila:

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 your water use permit application and to describe your options. In determining whether a water use permit 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 you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed to appropriate 5.29 cubic feet per second (CFS) of water from Well 1 (HARN 51503) and Well 2 in Sage Hen Creek Basin, for irrigation use on 201.0 acres and supplemental irrigation use on 222.0 acres March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (HARN 51503) and Well 2 in Sage Hen Creek Basin, for irrigation use and supplemental irrigation use is allowable under the Malheur Lake Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

The Department has determined, based upon OAR 690-009, that the proposed ground water use from:

- Well 1 (HARN 51503) will not have the potential for substantial interference with any surface water source;
- Well 2 will have the potential for substantial interference with Sage Hen Creek. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered.

Surface water from Sage Hen Creek is not available May 1 through September 30.

5. The Department shall not issue a permit for any use of ground water which has the potential to substantially interfere with surface water in the Malheur Lake Basin (OAR 690-512-0040) 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 stream in hydraulic connection with the source; or
 - (b) An estimate of water availability from 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 stream flows.

If you are unable to submit the information listed above, you may request an administrative hold for up to 180 days. You must submit the request in writing, stating how much time you will need. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold the Department will likely proceed with a Proposed Final Order recommending denial of appropriation of water from Well 2.

6. A portion of the area proposed to be irrigated under this application is currently covered by an existing irrigation water right evidenced by Silvies River Decree, which conflicts with your application. Please see the **Conflict Resolution Information** section below for more information.
7. The proposed supplemental irrigation use shall be limited to match that of the primary water right. The Silvies River Decree allows the use of water for irrigation from March 20 through September 1. If the application is approved, the season allowed for supplemental irrigation will be limited to March 20 through September 1.
8. The Department has determined that Well 1 (HARN 51503) does not meet current minimum well construction standards. Prior to the issuance of a permit, evidence demonstrating compliance with well construction standards must be submitted to the Department, and the Department's Enforcement Section must approve the well construction. In repairing the well(s), you should work closely with the Department and/or a licensed well constructor to ensure that repairs are carried out in a manner that will not violate well construction or other rules. You are encouraged to contact Kris Byrd of the Department's Enforcement Section at 503-986-0851 to determine how to proceed.

Please also note that regardless of the outcome of this application, you will need to work with the Department to either repair or abandon the well(s) to comply with the minimum standards for the construction, conversion, alteration, maintenance, and abandonment of water supply wells in order to protect the state's ground water supply (OAR 690-200).

9. Since there is not a well log associated with Well 2, the Department is unable to determine if the well meets current minimum well construction standards.

10. The map submitted with your application shows 220.0 acres for supplemental irrigation use. However, your application materials indicate you intend to irrigate 222.0 acres for supplemental irrigation use. Please refer to the **Additional Information Required** section below for requisite materials to clarify this discrepancy. Until the Department receives clarification, the Department will rely on acreage shown on the map, being 220.0.
11. The standard allowable rate for irrigation use of ground water is 1/80 CFS per acre. Your application requested 5.29 CFS for irrigation use on 201.0 acres and supplemental irrigation use on 220.0 acres. If the application is approved, the rate allowed will be limited to 5.25 CFS, being 2.5 CFS for irrigation use on 201.0 acres and 2.75 CFS for supplemental irrigation use on 220.0 acres.
12. Please refer to the **Additional Information Required** section below for specific information regarding additional deficiencies with the application.

Summary of Initial Determinations

The use of 5.25 CFS from WELL 1 (HARN 51503) in Sage Hen Creek Basin for irrigation use on 201.0 acres is allowable March 1 through October 31 and for supplemental irrigation use March 20 through September 30, contingent upon the submittal of evidence demonstrating compliance with current minimum well construction standards for Well 1 (HARN 51503).

Due to determination #5, the use of 5.25 CFS from Well 2 in Sage Hen Creek Basin for irrigation use on 201.0 acres and supplemental irrigation use on 220.0 acres is not allowable at anytime.

Although it is unlikely a permit will be issued due to determination #5, if determination #5 is overcome, contingent upon providing well construction information and the Department's determination that the well is in compliance with minimum well construction standards, appropriation of water may be allowable for irrigation use March 1 through April 30 and October 1 through October 31 and for supplemental irrigation use March 20 through April 30.

Because of these favorable determinations for Well 1 (HARN 51503), the Department can now move your application to the next phase of the water-rights application review process, where public interest factors will be evaluated.

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval.

1. The map submitted does not meet the requirements of OAR 690-310-0050. Your map appears to be drawn to a scale of 4 inch = 1 mile, however your coordinates appear to be drawn to a scale of 4 inch = ½ mile. Please provide a map that shows the coordinates on the same scale as the map.
2. The map submitted with your application shows 220.0 acres for supplemental irrigation use. However, your application materials indicate you intend to irrigate 222.0 acres for

supplemental irrigation use. Please notify the Department if you intended to request 220.0 acres or 222.0 acres for supplemental irrigation use. If the application is in error, please submit updated application materials. If the map is in error, please submit an updated map.

3. In order for the Department to determine if the well construction for Well 2 meets current minimum well construction standards, the following information is required:
- boring report; or
 - well report; or
 - rough log; or
 - other evidence that would describe the well construction.

Please note that repair of the well(s) will not necessarily overcome the potential for substantial interference with surface water, and might not result in the issuance of a permit.

Conflict Resolution Information:

Of the proposed lands to be irrigated under this application 70.0 acres, being 30.0 acres within SWSE and 40.0 acres within SESE, Section 10, Township 24 South, Range 30 East, are currently covered by an existing irrigation water right evidenced by Silvies River Decree, which conflicts with your application. See attached map of Township 24 South, Range 30 E from the Silvies River Decree.

If you would like this application to be the primary right, the Department must receive:

- A completed form authorizing cancellation of the conflicting portions of the existing right, along with a map describing those portions; or
- A completed affidavit of diminution of the conflicting portions of the existing right to reduce them to supplemental use, along with a map describing those portions; or
- A transfer of the conflicting portions of the existing right; or
- ~~Another mean of dealing with the conflict between the existing right and the use proposed under this application.~~

If you would like this application to be supplemental to the existing certificate, the Department must receive a revised map showing the place of use of both the primary and supplemental lands. Please note the supplemental lands will be limited and/or jeopardized as follows:

- If the existing right is found to have been forfeited, the use which is supplemental to such certificate may also be canceled.
- You may only use the supplemental right after the primary right becomes unavailable. Water from the primary source must be exhausted first.
- The season of use for the supplemental irrigation will be limited to that of the primary right.

Please submit required information and conflict resolution information no later than Thursday, April 17, 2009. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed. If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, April 10, 2009**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.]
2. The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The 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 water user shall discontinue use of, 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. 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.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0808 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17138
WAB 12-31200202
POU 12-31200202
GW 12-31200202

APPLICATION FACT SHEET

Application File Number: G-17138

Applicant: MIKE PEILA

County: HARNEY

Watermaster: 10

Priority Date: NOVEMBER 4, 2008

Source: WELL 1 (HARN 51503) AND WELL 2 IN SAGE HEN CREEK BASIN

Use: IRRIGATION USE ON 201.0 ACRES AND SUPPLEMENTAL IRRIGATION USE ON 220.0 ACRES

Quantity: 5.29 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 2 SILVIES R MISC

Well Locations:

WELL 1 (HARN 51503) - SESE, SECTION 9, T24S, R30E, W.M.; 363 FEET NORTH AND 594 FEET WEST FROM SE CORNER, SECTION 9

WELL 2 - SWNE, SECTION 10, T24S, R30E, W.M.; 871 FEET SOUTH AND 1254 FEET WEST FROM NE CORNER, SECTION 10

Place of Use:

<u>QUARTER/QUARTER</u>	<u>IRRIGATION</u>	<u>SUPPLEMENTAL IRRIGATION</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$		20.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$		20.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$		26.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$		32.0 ACRES

----- SECTION 9 -----

NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.0 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$		3.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		15.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$		21.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34.0 ACRES	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	30.0 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES	

SECTION 10

QUARTER/QUARTER

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

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

IRRIGATION

SUPPLEMENTAL IRRIGATION

31.0 ACRES

12.0 ACRES

SECTION 16

TOWNSHIP 24 SOUTH, RANGE 30 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 17, 2009

PUBLIC NOTICE DATE: Tuesday, April 7, 2009

30 DAY COMMENT DEADLINE DATE: May 3, 2009

SECTION PLAT

Section 9 & 10

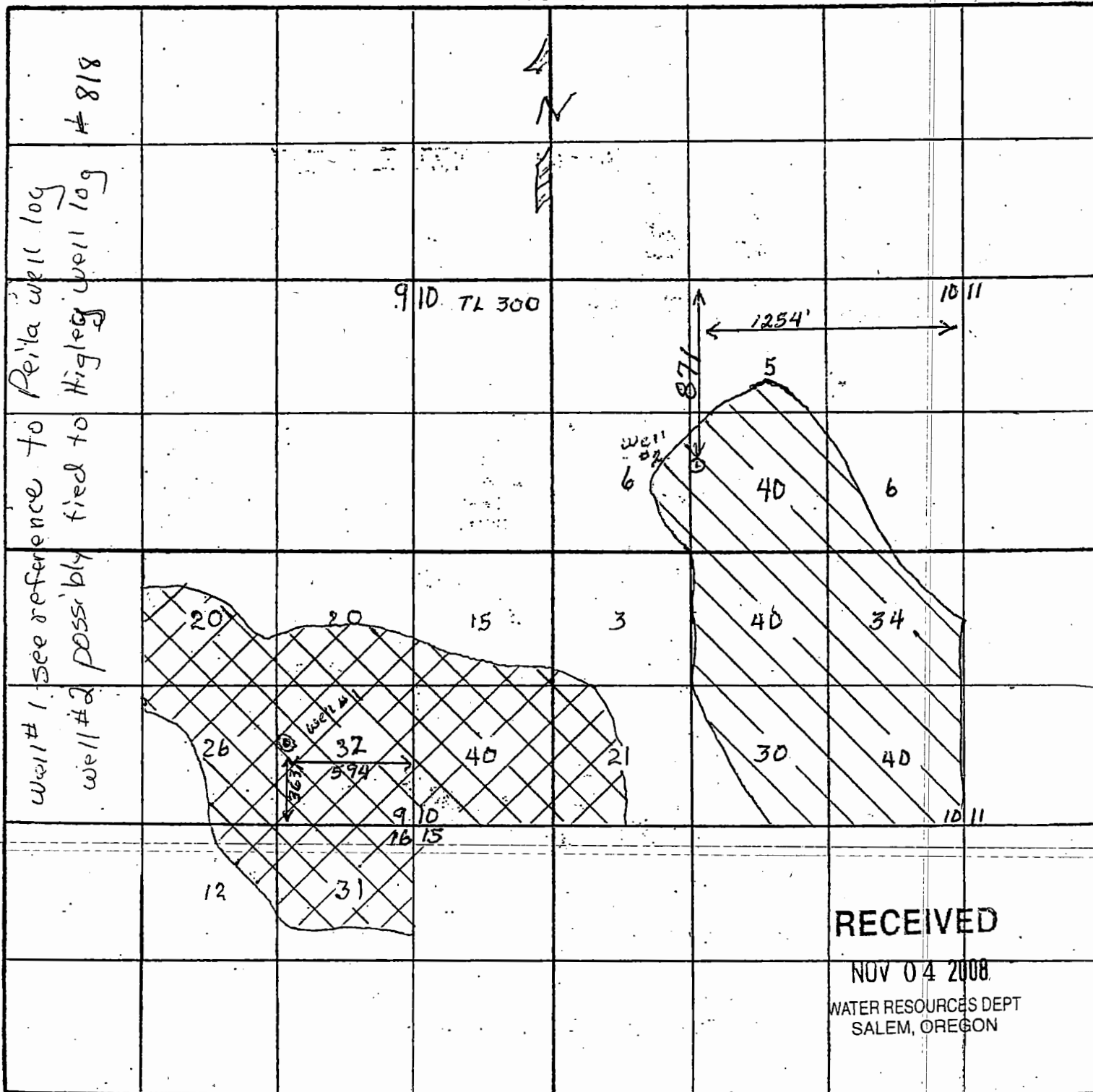
Township 24-S

Range 30-E

County of Harney

State of OR

NORTH



Remarks scale - 8" = 1 mile - 660' -

Annals G-17138

Mailing List for IR Copies

Application #G-17138

IR Date: March 27, 2009

Original mailed to applicant:

MIKE PEILA , PO BOX 537, HINES, OR 97738

Copies sent to:

WRD - File # G-17138

WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

WRD - Regional Manager: E

WRD - Watermaster # 10

Department of Agriculture

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

Caseworker: Brook Geffen

COPYSH.T.IR

REMINDER: Copy all IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)

Copies Mailed

By: JCB

(SUPPORT STAFF)

on: 4/2/09

(DATE)



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: Mike Reila
First Last
Mailing address: P.O. Box 537
Hines OR 97738
City State Zip
Phone: 541-573-7665
Home Work Other
*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: N/A
Name and title of person applying: _____
Mailing address of organization: _____
City State Zip
Phone: _____
Day Evening
*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use	
App. No. <u>G-17138</u>	Permit No. _____ Date _____

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Skip to section 3 "Ground water Development.")

☐ No (Please check the appropriate box below.)

☐ 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 irrigated and/or domestic use only (ORS 274.040).

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.

List the names and mailing addresses of all affected landowners.

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 2

Name of nearest surface water body: SAGE Hen Cr.

Distance from well(s) to nearest stream or lake: 1) 1/4 mile

2) 3/4 mile 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 10'

2) 40' 3) _____ 4) _____

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

License # 1331

Well(s) will be constructed by: (1) John Oetter (2) ?

Address: Crane OR

Completion date: MP Early 1980's No Log Submittal (2) mid 1960's No Log
Aug 10, 1984 Ground Water/2

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	16"	16" steel	150	—	18'	12'		2" P.P.	425'
2	10"	10" steel			18'	19'		2" P.P.	85'

These wells could possibly be used in a manifold condition.

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N/A

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1		IRR	1245		1260
2		IRR	1127		1000

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 5.29
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 - October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 423 acres
(This number should be consistent with your application map.)

5. WATER MANAGEMENT**RECEIVED****NOV 04 2008**WATER RESOURCES DEPT
SALEM, OREGON**A. Diversion**

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

☒ Pump (give horsepower and pump type): _____

☐ Other means (describe): _____

B. Transport

How will you transport water to your place of use?

☒ Ditch or canal (give average width and depth):

Width 5' Depth 2.5'

Is the ditch or canal to be lined? ☐ Yes ☒ No

☐ Pipe (give diameter and total length):

Diameter _____ Length _____

☒ Other (describe) Gated Pipe For well #1

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Pump To Open ditch

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| ☒ Flood | ☐ High-pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

Distribution method

- ☐ Direct pipe from source ☐ In-line storage (tank or pond) ☒ Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

only use wells when crop requires water

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Wells drilled in 1960's & 1980's

Proposed date construction will be completed: July 2008

Proposed date beneficial water use will begin: March 2009

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

3-A Well #1 was drilled before the Land was purchased
was the drilled by John Otter of Brea OR and the
neared applied a well log for it. We have registered and
signed it. MVP.

8. MAP REQUIREMENTS

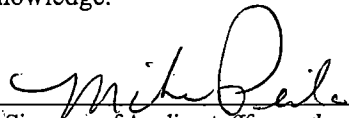
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign.)

10-16-08

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

RECEIVED

NOV 04 2008

**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon Water Resources Department

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☒ Primary ☒ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 261 Acres

Secondary: 222 Acres

List the permit or certificate number of the primary water right:

AP. 51615 Card 1791
No. Vol 9 P. 79 Silvies River
1926

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- | | | |
|------------------------|---|---|
| 1. <u>Meadow Grass</u> | ☒ Full season | ☐ Partial season (from: <u>3-1</u> to <u>10-31</u>) |
| 2. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |
| 3. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |
| 4. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |

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

1269 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- | | |
|---|---|
| ☐ Daily during daytime hours | ☐ Daily during nighttime hours |
| ☐ Two or three times weekly during daytime | ☐ Two or three times weekly during nighttime |
| ☐ Weekly, during daytime hours | ☐ Weekly, during nighttime hours |

☒ Other, explain: When the crop requires water



Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Mike Peila
Mailing Address: P.O. 537
City: Hines State: OR Zip: 97738 Day Phone: 541573-7665

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
24-S	30-E	9	SE	300		☒ Diverted ☒ Conveyed ☒ Used	IRR
24-S	30-E	10	SW	300		☐ Diverted ☒ Conveyed ☒ Used	IRR
24-S	30-E	16	NE	300		☐ Diverted ☒ Conveyed ☒ Used	IRR
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Harney

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 5.29 ☒ 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: Pump water from 2 wells for irrigation

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

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

G-17138

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.

Please check the appropriate box below and provide the requested information

✓ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): EEUV-2

!! Land uses to be served by 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".

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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ 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.

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

Name: Brandon McMullen Title: Planning Director
Signature: [Signature] Phone: 523-6655 Date: 4-8-08
Government Entity: Huamby County Planning

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: _____

900540

RECEIVED

NOV 04 2008

EXHIBIT "A"

WATER RESOURCES DEPT
SALEM, OREGON

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 30 E., W.M.:

Sec. 3: All that portion of the $S\frac{1}{2}$ and $S\frac{1}{2}NE\frac{1}{4}$ lying South of the old Central Oregon highway right of way, as said right of way was located October 1, 1947, which is more particularly described as follows:

Beginning at the Southeast corner of said Sec. 3; thence North, along the East line of said Sec. 3, 2584.1 feet, more or less, to the South line of the old Central Oregon highway right of way, as same was located October 1, 1947; thence following the South line of said highway on a 14 degree curve right, 187.9 feet; thence N. $52^{\circ} 50'$ W. 436 feet; thence on an 11 degree curve left 668.8 feet; thence S. $61^{\circ} 48'$ W. 496.2 feet; thence S. $42^{\circ} 32'$ W. 1843.0 feet; thence on a 10 degree curve right, 331.0 feet; thence S. $74^{\circ} 45'$ W. 352.4 feet; thence on an 8 degree curve left, 368.4 feet; thence S. $45^{\circ} 50'$ W. 1238 feet, more or less, to the point of intersection of the South line of said highway with the South line of said Sec. 3; thence Easterly, along the South line of said Sec. 3, 4590.6 feet, more or less, to the point of beginning, EXCEPTING THEREFROM the following 4 parcels:

Parcel No. 1: Highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded Oct. 29, 1954, in Book 59, Page 263, Deed Records.

Parcel No. 2: $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$.

Parcel No. 3: Beginning at the Northwest corner of the $NE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 3; thence S. $01^{\circ} 0'$ E., along the West line of said $NE\frac{1}{4}SE\frac{1}{4}$, 990 feet; thence N. $89^{\circ} 0'$ E. 660 feet; thence N. $01^{\circ} 0'$ W. 990 feet to the East and West center line of said Sec. 3; thence S. $89^{\circ} 0'$ W. 660 feet to the point of beginning.

Parcel No. 4: Beginning at the Northwest corner of the $NE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 3; thence S. $89^{\circ} 0'$ W., along the East and West center line of said Sec. 3, 158.6 feet, to the Easterly right of way line of the old Central Oregon highway right of way, as same was located July 23, 1945; thence S. $42^{\circ} 32'$ W., along the Easterly line of said highway, 55.2 feet; thence N. $89^{\circ} 0'$ E. 196.6 feet to the West line of the $NE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 3; thence N. $01^{\circ} 0'$ W. 40 feet, more or less, to the point of beginning.

900540

ALSO, that portion of the South one-half of the old highway right of way in the SW $\frac{1}{4}$ of said Sec. 3 abandoned by Oregon State Highway Commission Resolution recorded July 9, 1963, in Book 73, Page 432, Deed Records, which joins and is contiguous to the parcel in Sec. 3 first above described.

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

Sec. 9: E $\frac{1}{2}$, EXCEPTING THEREFROM the following 2 parcels:

Parcel No. 1: All that portion of the E $\frac{1}{2}$ of said Section 9 lying North of the highway right of way. Also, highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded Oct. 29, 1954, in Book 59, Page 263, Deed Records.

Parcel No. 2: Beginning at a point in the survey line for the Redmond-Burns No. 1 transmission line at survey station 8161+79.0, said point being S. 51° 06' 20" W. 1496.3 feet from the Northeast corner of said Sec. 9; thence N. 80° 14' 40" E. 240.5 feet; thence South 462.8 feet; thence West 370.0 feet; thence North 399.2 feet; thence N. 80° 14' 40" E. 134.9 feet to the point of beginning.

Sec. 10: All, EXCEPTING THEREFROM highway right of way over the NW $\frac{1}{4}$ NW $\frac{1}{4}$, as same is disclosed in Oregon State Highway Commission Abandonment and Retention Resolution, recorded July 9, 1963, in Book 73, Page 432, Deed Records.

Sec. 12: S $\frac{1}{2}$ SW $\frac{1}{4}$, and that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ which is described as follows;

Beginning at the Southeast corner of said Sec. 12; thence West, along the section line, to the Southwest corner of the SE $\frac{1}{4}$ of said Sec. 12; thence North, along the West line of said SE $\frac{1}{4}$, to the Southwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 12; thence Southeasterly, in a straight line, to the Southeast corner of said Sec. 12, and the point of beginning.

Sec. 13: NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 16: E $\frac{1}{2}$.

In Twp. 24 S., R. 31 E., W.M.:

Sec. 17: W $\frac{1}{2}$ SW $\frac{1}{4}$.

Sec. 18: Lots 2, 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and all that portion of Lot 1 which lies Southwesterly of the following described line:

Beginning at a point which is 1193 feet West and 642 feet North of the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 18; thence Northwesterly, in a straight line, to the Northwest corner of said Sec. 18, and the end of said described line.

OK

BARGAIN AND SALE DEED

900540

KNOW ALL MEN BY THESE PRESENTS, That TRIANGLE ELEVEN, INC., an Oregon corporation

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto MICHAEL PEILA, formerly known as John M. Peila, III, and SALLIE M. PEILA, husband & wife, joint tenants with the right of survivorship 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 anywise appertaining, situated in the County of Lake Harney, State of Oregon, described as follows, to-wit:

See Exhibit A attached hereto.

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$X EXCHANGE OF

~~However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which).~~ (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

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

In Witness Whereof, the grantor has executed this instrument this 17th day of April, 1990, if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL 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 APPROVED USES.

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

(ORS 194.570)

STATE OF OREGON,

County of _____

ss.

The foregoing instrument was acknowledged before me this _____, 19____, by _____

Notary Public for Oregon

(SEAL)

My commission expires: _____

STATE OF OREGON, County of Lake Harney) ss.

The foregoing instrument was acknowledged before me this April 17th, 1990, by Michael Peila, president, and by Sallie M. Peila, secretary of TRIANGLE ELEVEN, INC.

an Oregon corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires: 8-6-92

Triangle Eleven, Inc.

PO Box 537

Hines, OR 97738

GRANTOR'S NAME AND ADDRESS

Michael Peila & Sallie M. Peila

PO Box 537

Hines, OR 97738

GRANTEE'S NAME AND ADDRESS

After recording return to:

James C. Lynch, Attorney at Law

PO Box 351

Lakeview, OR 97630

NAME, ADDRESS, ZIP

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

Michael & Sallie M. Peila

PO Box 537

Hines, OR 97738

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of Harney) ss.

I certify that the within instrument was received for record on the 18 day of April, 1990, at 2:52 o'clock P.M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. 90540 Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Dolores Swisher Deputy
NAME TITLE

ADD NO G-17138

RECEIVED

MAR 2 1981

245/30E-9aa

WATER WELL REPORT

STATE OF OREGON

WATER RESOURCES DEPT
SALEM, OREGON

State Well No.

24/30/9 aa

State Permit No.

818
Harney

(1) OWNER:

Name Nolan O. Higley

Address St. Rt. 2, Box 1082 Hwy 78

City Burns

State OR

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Air ☐ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☒ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐
Thermal: ☐ Withdrawal ☐ Reinjection ☐

(5) CASING INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☒
12" Diam. from 0 ft. to 80 ft. Gauge 250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot Size Set from ft. to ft.

Diam. Slot Size Set from ft. to ft.

WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Owner

Yield: 700 gal./min. with 0 ft. drawdown after 24 hrs.

Air test gal./min. with drill stem at ft. hrs.

er test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used Cement Grout

Well sealed from land surface to 22 ft.

Diameter of well bore to bottom of seal 14 in.

Diameter of well bore below seal 12 in.

Number of sacks of cement used in well seal 14 sacks

How was cement grout placed? Poured through a pipe

Was pump installed? Type HP Depth ft.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel: ft.

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Harney

Driller's well number b

NE ¼ NE ¼ Section 9 T. 24S R. 30E W.M.

Tax Lot # Lot Blk Subdivision

Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found ft.

Static level 23 ft. below land surface. Date 4-79

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12

Depth drilled 160 ft. Depth of completed well 160 ft.

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

MATERIAL	From	To	SWL
Top Soil	0	3	
Sand	3	22	
Clay	22	24	23
Sand	24	32	
Clay	32	35	
Sand	35	45	
Clay	45	47	
Sand	47	67	
Grey Clay	67	77	
Blue Clay	77	90	
Yellow Clay	90	107	
Grey Clay	107	127	
Rock	127	160	

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

Work started April 19 80 Completed Sept. 1980

Date well drilling machine moved off of well Sept 1980

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Nolan O. Higley Date 2/8, 1981 XX

(Drilling Machine Operator)

Drilling Machine Operator's License No. Owner

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Nolan O. Higley (Type or print)

Address

[Signed] (Water Well Contractor)

Contractor's License No. Date, 19

NOTICE TO WATER WELL CONTRACTOR

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

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

SP*12658

G-17138

WATER WELL REPORT
STATE OF OREGON

HARN 818

RECEIVED

State Well No.

FEB 24 1981

State Permit No.

WATER RESOURCES DEPT
SALEM, OREGON

(1) OWNER:

Name NOLAN O. HIGLEY
Address ST. RT. 2 BOX 1082 HWY 78
City BURNS State ORE

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Air ☐ Driven ☐
Heavy Mud ☐ Dug ☐
Cable ☒ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐
Thermal ☐ Withdrawal ☐ ReInjection ☐

(5) CASING INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☒
" Diam. from 0 ft. to 80 ft. Gauge 1.375
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No
Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? SELF.
Yield: 700 gal/min. with 0 ft. drawdown after 24 hrs.
Air test gal/min. with drill stem at ft. hrs.
Per test gal/min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒
Well seal—Material used CEMENT GROUT
Well sealed from land surface to 23 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal 14 sacks
How was cement grout placed? POURED Through a p.p.c.
Was pump installed? Type HP Depth ft.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

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

(10) LOCATION OF WELL:

County HARNEY Driller's well number 6
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 T. 24 S. R. 30 E. W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found ft.
Static level 23 ft. below land surface. Date 4-79
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12 in.
Depth drilled 160 ft. Depth of completed well 160 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
TOP SOIL	0	3	
SAND	3	22	
Clay	22	24	23
SAND	24	32	
Clay	32	35	
SAND	35	45	
CLAY	45	47	
SAND	47	67	
GREY Clay	67	77	
Blue Clay	77	90	
YELLOW Clay	90	109	
GREY Clay	109	127	
Rock	127	160	

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

Work started April 19 80 Completed SEP 19 80
Date well drilling machine moved off of well SEP 19 80

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
(Signed) [Signature] Date 7-23, 1980
(Drilling Machine Operator)

Drilling Machine Operator's License No.

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name (Person, firm or corporation) (Type or print)

Address

(Signed) (Water Well Contractor)

Contractor's License No. Date , 19

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

SP-12858-890

G-17138

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

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

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED
JUN 19 1974
STATE ENGINEER
SALEM, OREGON

State Well No. 245/30E-14CC

State Permit No.

(1) OWNER: Slash C Ranch

Name Dougless Campbell

Address P. O. Box 736

Hines, Oregon 97738

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒

14 od Diam. from + 1 1/2 ft. to 98 1/2 ft. Gage 280

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations

RECEIVED

NOV 04 2008

WATER RESOURCES DEPT
SALEM, OREGON

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Harney County Farm Supply

Yield: 2100 gal./min. with 85 ft. drawdown after 5 hrs.

Bailer test 90 gal./min. with 5 ft. drawdown after 1 1/2 hrs.

Artesian flow g.p.m.

Temperature of water 72 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement grout

Well sealed from land surface to 98 1/2 ft.

Diameter of well bore to bottom of seal 18 in.

Diameter of well bore below seal 13 1/2 in.

Number of sacks of cement used in well seal 109 sacks

Number of sacks of bentonite used in well seal none sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons
of water lbs./100 gals.

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL: Well # 1

County Harney

Driller's well number

S.W. 1/4 S.W. 1/4 Section 14 T.24S R. 30E W.M.

Bearing and distance from section or subdivision corner 925 ft.

N. from S.W. corner 40 ft.

the East.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 250 ft.

Static level 2 ft. below land surface. Date 1-15-74

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 13 1/2

Depth drilled 700 ft. Depth of completed well 700 ft.

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

MATERIAL	From	To	SWL
Top soil	0	11	2'
Park silt	11	18	
Clay w/ aggregate	18	33	
Coarse brown sandstone	33	75	
Sand & gravel	75	87	
Green potters clay	87	120	
Coarse brown sandstone	120	152	
Black basalt	152	162	
Black tuff	162	202	
Green potters clay	202	259	
Brown clay stone	259	340	
Br. tuff w/ red cinders	340	579	
water bearing br. tuff	579	660	
Red sand	660	670	
Brown sandstone	670	700	

Work started 1-1 19 74 Completed 2-5- 19 74

Date well drilling machine moved off of well 2-9- 19 74

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] William D. Spier Date 2-14- 19 74

(Drilling Machine Operator)

Drilling Machine Operator's License No. 803

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Davidson Drilling Service

(Person, firm or corporation)

(Type or print)

Address 626 NW Parshall Way Redmond, Ore.

[Signed] David Davidson (Water Well Contractor)

Contractor's License No. 548 Date 6-16, 1974

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45656-119

G-17138

NOTICE TO WATER WELL CONTRACTOR

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

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

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED
JUN 19 1974
ENGINEER

State Well No.

State Permit No.

245/30E-15
2b

(1) OWNER: Slash C Ranch

Name Douglas Campbell

Address P.O. Box 736

Burns, Oregon 97720

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

14 od Diam. from + 14 ft. to 67 1/2 ft. Gage 250

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in by in.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Screens installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom?

Yield: 900 gal./min. with 105 ft. drawdown after 5 hrs.

" " " "

" " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 72 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement grout

Well sealed from land surface to 67 1/2 ft.

Diameter of well bore to bottom of seal 18 in.

Diameter of well bore below seal 13 1/2 in.

Number of sacks of cement used in well seal 45 sacks

Number of sacks of bentonite used in well seal none sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons

of water lbs./100 gals.

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL: Well # 2

County Harney

Driller's well number

N.W. 1/4 N.E. 1/4 Section 15 T. 245 R. 80E W.M.

Bearing and distance from section or subdivision corner 2370 FT.

West from N.E. corner, due S. 380 FT.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 75 ft.

Static level 3 ft. below land surface. Date 4-5-74

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 13 1/2

Depth drilled 630 ft. Depth of completed well 630 ft.

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

MATERIAL	From	To	SWL
Black clay	0	2	
Brown clay & aggregate	2	14	
Silt	14	25	
Black clay & aggregate	25	32	
Brown clay & aggregate	32	52	
Hard coarse red sandstone	52	73	
Tuff & brown sand water bearing	73	90	
Mild sandstone	90	110	
Red clay	110	135	
Mild sandstone	135	183	
Hard sandstone light tan	183	215	
Hard coarse red sandstone	215	630	

Work started 2/18/ 1974 Completed 4/5/ 1974

Date well drilling machine moved off of well 4/6/ 1974

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] William D. Davidson Date 6-16, 1974

(Drilling Machine Operator)

Drilling Machine Operator's License No. 803

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Davidson Drilling Service

(Person, firm or corporation)

(Type or print)

Address 626 NW Marshall Way Redmond, Ore.

[Signed] David Davidson

(Water Well Contractor)

Contractor's License No. 548 Date 6-16, 1974

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

C-17138

App No G-17138

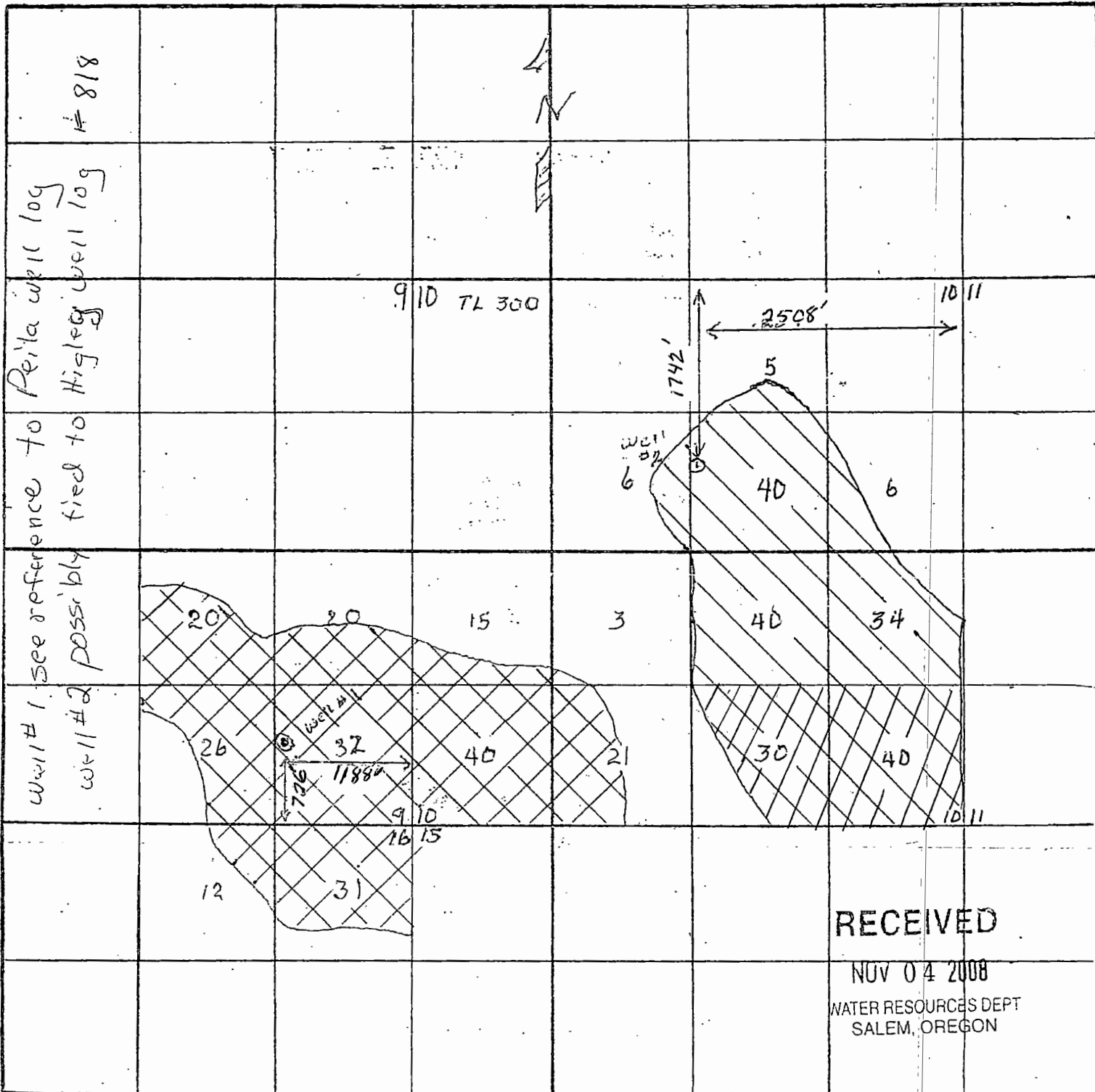
Section 9 & 10 1/6 Township 24-S

Range 30-E

County of Harney State of OR

Superseded

NORTH



Remarks scale - 4" = 1 mile

RECEIVED

Revised map 10-19-09

OCT 26 2009

WATER RESOURCES DEPT
SALEM, OREGON

App No G-17138

/// pri
sup

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **101012**

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

INVOICE # _____

RECEIVED FROM: Triangle TT Ranch
BY: _____

APPLICATION	<u>6/17/38</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 2000 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 4000

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	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC162 DEPOSIT LIAB. (IDENTIFY)	\$	
0240 EXTENSION OF TIME	\$	
WATER RIGHTS:		
0201 SURFACE WATER	\$	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT		0220
OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: **101012**

DATED: 9-2-10 BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **94797**

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

INVOICE # _____

RECEIVED FROM: Triangle II Ranch
BY: _____

APPLICATION	617138
PERMIT	
TRANSFER	

CASH: ☐ CHECK # Y 1415 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1200.00

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	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	\$	0202
0203	GROUND WATER	\$ <u>1200.00</u>	0204
0205	TRANSFER	\$	

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219
_____	LANDOWNER'S PERMIT	\$	0220

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **94797**

DATED: 11/4/02 BY: A. Bello