



WATER-RIGHT DOCKET

John Day Fossil Beds National Monument

Docket No: 1

MITCHELL RANCH RESERVOIR

State Water Rights Documentation

09-22-2006: Notice regarding proposed certificate of water rights and map



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

MAILED: SEPTEMBER 22, 2006

NOTICE

*Proposed
Certificate
for Permit
49553*

Reference: Permit S-49553 Application S-66013

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to the permittee.

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

Sincerely,

Dwight French
Administrator
Water Rights Division

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

U.S. DEPARTMENT OF INTERIOR; NATIONAL PARK SERVICE
HCR 82 BOX 126
KIMBERLY OR 97848

PROPOSED

confirms the right to use the waters of BRIDGE CREEK, TRIBUTARY OF THE JOHN DAY RIVER for IRRIGATION of 0.85 ACRES.

This right was perfected under Permit S-49553. The date of priority is AUGUST 12, 1985. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.02 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion (POD) are located as follows:

	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
POD #1	10 S	21 E	WM	31	SW SE	1310 FEET NORTH AND 1768 FEET WEST FROM SE CORNER, SECTION 31
POD #2	11 S	21 E	WM	6	NE NE	811 FEET SOUTH AND 372 FEET WEST FROM NE CORNER, SECTION 6

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

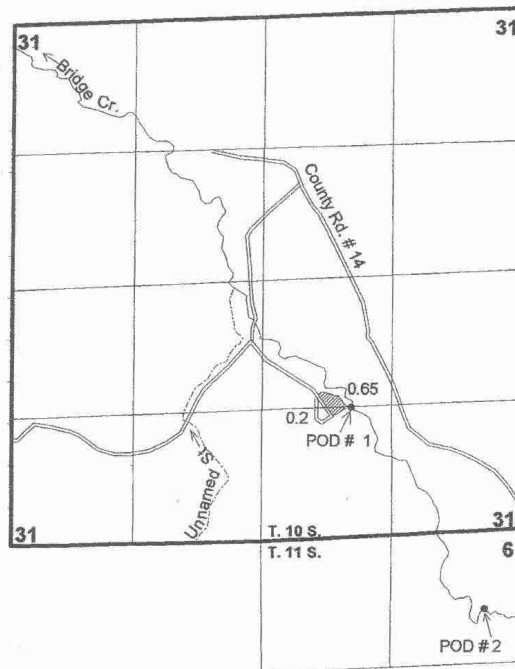
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	21 E	WM	31	NW SE	0.65
10 S	21 E	WM	31	SW SE	0.20

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights,

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

T. 10 S., R. 21 E., W.M.



1" = 1320'

POD # 1 - 1320' North and 1768' West from the SE Corner of Section 31.

POD # 2 - 811' South and 372' West from the Northeast Corner of Section 6.

FINAL PROOF SURVEY
UNDER

Application 66013 Permit 49553
IN THE NAME OF

U. S. D. I. NATIONAL PARK SERVICE

Surveyed 5-17-2000, by J. Miller

RECEIVED

FEB 04 2002

**WATER RESOURCES DEPT.,
SALEM, OREGON**

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES, INC.
15 SW COLORADO AVENUE
BEND, OREGON 97702

confirms the right to use the waters of MITCHELL RANCH RESERVOIR ENLARGEMENT (PAINTED HILLS RESERVOIR) CONSTRUCTED UNDER PERMIT R-9896, a tributary of THE JOHN DAY RIVER, for SUPPLEMENTAL IRRIGATION OF 407.9 ACRES.

This right was perfected under Permit 48540. The date of priority is OCTOBER 17, 1983. This right is limited to 407.9 ACRE-FEET OF STORED WATER ONLY.

The point of diversion is located as follows:

NE 1/4 SW 1/4, SECTION 25, T 10 S, R 20 E, W.M.; 1620 FEET NORTH AND 240 FEET WEST FROM THE S 1/4 CORNER OF SECTION 25.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to 4.0 acre-feet for each acre irrigated FROM STORAGE FROM RESERVOIR ENLARGEMENT CONSTRUCTED UNDER PERMIT R 9896.

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

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4	SW 1/4	9.0 ACRES
SE 1/4	SW 1/4	29.0 ACRES
SECTION 24		

NW 1/4	NE 1/4	5.1 ACRES
SW 1/4	NE 1/4	28.9 ACRES
SE 1/4	NE 1/4	8.6 ACRES
NE 1/4	NW 1/4	30.7 ACRES
NW 1/4	NW 1/4	26.3 ACRES
SW 1/4	NW 1/4	11.6 ACRES
SE 1/4	NW 1/4	21.2 ACRES
NE 1/4	SW 1/4	5.2 ACRES
NE 1/4	SE 1/4	35.4 ACRES
NW 1/4	SE 1/4	29.6 ACRES
SW 1/4	SE 1/4	3.8 ACRES
SE 1/4	SE 1/4	28.2 ACRES

SECTION 25

NE 1/4	NE 1/4	0.3 ACRE
SECTION 36		
TOWNSHIP 10 SOUTH, RANGE 20 EAST, W.M.		

NW 1/4	SW 1/4	4.4 ACRES
SW 1/4	SW 1/4	14.4 ACRES
SE 1/4	SW 1/4	0.3 ACRE
SECTION 30		
TOWNSHIP 10 SOUTH, RANGE 21 EAST, W.M.		

SEE NEXT PAGE

67961.DSM

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NW 1/4 NE 1/4	1.3 ACRES
SW 1/4 NE 1/4	17.1 ACRES
NE 1/4 NW 1/4	17.0 ACRES
NW 1/4 NW 1/4	16.6 ACRES
SE 1/4 NW 1/4	15.0 ACRES
NE 1/4 SW 1/4	0.4 ACRES
NW 1/4 SE 1/4	23.8 ACRES
SW 1/4 SE 1/4	0.9 ACRES
SE 1/4 SE 1/4	15.8 ACRES

SECTION 31

TOWNSHIP 10 SOUTH, RANGE 21 EAST, W.M.

NE 1/4 NE 1/4	8.0 ACRES
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SECTION 6

TOWNSHIP 11 SOUTH, RANGE 21 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed AUGUST 14, 1995.

Martha O. Pagel PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68554.

67961.DSM

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES, INC.
15 SW COLORADO AVENUE
BEND, OREGON 97702

confirms the right to store the waters of BEAR CREEK AND BRIDGE CREEK, tributaries of THE JOHN DAY RIVER, in MITCHELL RANCH RESERVOIR (PAINTED HILLS RESERVOIR) ENLARGEMENT, appropriated under Permit 48540, for IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-9896. The date of priority is OCTOBER 17, 1983. The amount of water entitled to be stored each year under this right is 490.0 ACRE-FEET, BEING 160.0 ACRE-FEET FROM BEAR CREEK AND 330.0 ACRE-FEET FROM BRIDGE CREEK.

The reservoir is located as follows:

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 25

SE 1/4 SE 1/4
SECTION 26

NW 1/4 NW 1/4
SECTION 36

TOWNSHIP 10 SOUTH, RANGE 20 EAST, W.M.

THE DAM AND RESERVOIR ARE TO BE OPERATED AND MAINTAINED IN STRICT ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS ON FILE WITH THE WATER RESOURCES DEPARTMENT.

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

WITNESS the signature of the Water Resources Director, affixed AUGUST 14, 1995.

MARtha O. PAGEl

Martha O. Page

Recorded in State Record of Water Right Certificates numbered 68553.

R-67960.DSM

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES, INC.
15 SW COLORADO AVENUE
BEND, OREGON 97702

confirms the right to use the waters of BEAR CREEK, a tributary of BRIDGE CREEK, AND MITCHELL RANCH RESERVOIR, CONSTRUCTED UNDER PERMIT R-7015, for IRRIGATION OF 251.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 293.1 ACRES.

This right was perfected under Permit 42833. The date of priority is MARCH 8, 1978. This right is limited to 13.61 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

BEAR CREEK - SW 1/4 NE 1/4, SECTION 35, T 10 S, R 20 E, W.M.; 2550 FEET SOUTH AND 2600 FEET WEST FROM THE NE CORNER OF SECTION 35.

DAM - NE 1/4 SW 1/4, SECTION 25, T 10 S, R 20 E, W.M., 1620 FEET NORTH AND 240 FEET WEST FROM THE S 1/4 CORNER OF SECTION 25.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 4.0 acre-feet for each acre irrigated during the irrigation season of each year FROM DIRECT FLOW AND STORAGE FROM RESERVOIR TO BE CONSTRUCTED UNDER APPLICATION NO. R-57142, PERMIT NO. R-7015, PROVIDED FURTHER THAT THE RIGHT ALLOWED HEREIN SHALL BE LIMITED TO ANY DEFICIENCY IN THE AVAILABLE SUPPLY OF ANY PRIOR RIGHT EXISTING FOR THE SAME LAND AND SHALL NOT EXCEED THE LIMITATION ALL.

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

A description of the place of use to which this right is appurtenant is as follows:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4	7.3 ACRES	1.7 ACRES
SE 1/4 SW 1/4	15.8 ACRES	13.3 ACRES
SECTION 24		
NW 1/4 NE 1/4	1.1 ACRES	4.0 ACRES
SW 1/4 NE 1/4	18.3 ACRES	13.6 ACRES
SE 1/4 NE 1/4	2.5 ACRES	4.1 ACRES
NE 1/4 NW 1/4	12.2 ACRES	13.5 ACRES
NW 1/4 NW 1/4	8.3 ACRES	13.0 ACRES
SW 1/4 NW 1/4	7.8 ACRES	4.8 ACRES
SE 1/4 NW 1/4	7.9 ACRES	14.3 ACRES
NE 1/4 SW 1/4	1.8 ACRES	3.4 ACRES
NE 1/4 SE 1/4	20.8 ACRES	11.6 ACRES
NW 1/4 SE 1/4	3.8 ACRES	25.8 ACRES
SW 1/4 SE 1/4	1.6 ACRES	3.8 ACRES
SE 1/4 SE 1/4	5.9 ACRES	22.3 ACRES
SECTION 25		
TOWNSHIP 10 SOUTH, RANGE 20 EAST, W.M.		

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57143.DSM

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	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	0.1 ACRE	0.2 ACRE
SECTION 36		
TOWNSHIP 10 SOUTH, RANGE 20 EAST, W.M.		
NW 1/4 SW 1/4	4.4 ACRES	
SW 1/4 SW 1/4	7.1 ACRES	7.3 ACRES
SE 1/4 SW 1/4		0.3 ACRE
SECTION 30		
TOWNSHIP 10 SOUTH, RANGE 21 EAST, W.M.		
NW 1/4 NE 1/4	1.3 ACRES	
SW 1/4 NE 1/4	6.1 ACRES	11.0 ACRES
NE 1/4 NW 1/4	13.6 ACRES	3.4 ACRES
NW 1/4 NW 1/4	7.1 ACRES	9.5 ACRES
SE 1/4 NW 1/4	15.0 ACRES	
NE 1/4 SW 1/4	0.4 ACRE	
NW 1/4 SE 1/4	1.0 ACRE	22.8 ACRES
SW 1/4 SE 1/4	0.8 ACRE	0.1 ACRE
SE 1/4 SE 1/4	6.4 ACRES	9.4 ACRES
SECTION 31		
TOWNSHIP 10 SOUTH, RANGE 21 EAST, W.M.		
NW 1/4 NW 1/4	8.4 ACRES	3.0 ACRES
SW 1/4 NW 1/4	5.7 ACRES	9.6 ACRES
SE 1/4 NW 1/4	6.2 ACRES	2.9 ACRES
NE 1/4 SW 1/4	9.7 ACRES	10.8 ACRES
NW 1/4 SW 1/4	0.3 ACRE	4.7 ACRES
SE 1/4 SW 1/4		0.2 ACRE
NW 1/4 SE 1/4	10.2 ACRES	0.2 ACRES
SW 1/4 SE 1/4	8.1 ACRES	12.9 ACRES
SE 1/4 SE 1/4	8.3 ACRES	4.4 ACRES
SECTION 5		
NE 1/4 NE 1/4	2.2 ACRES	5.8 ACRES
SECTION 6		
NE 1/4 NE 1/4	5.2 ACRES	5.5 ACRES
SECTION 8		
NW 1/4 NW 1/4	8.7 ACRES	
SECTION 9		
TOWNSHIP 11 SOUTH, RANGE 21 EAST, W.M.		

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed AUGUST 17, 1995.

 Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68552.

57143.DSM

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM SMITH PROPERTIES, INC.
15 SW COLORADO AVENUE
BEND, OREGON 97702

confirms the right to store the waters of BEAR CREEK, a tributary of BRIDGE CREEK, in MITCHELL CREEK RESERVOIR (PAINTED HILLS RESERVOIR), appropriated under Permit 42833, for IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-7015. The date of priority is MARCH 8, 1978. The amount of water entitled to be stored each year under this right is 310.0 acre-feet.

The reservoir is located as follows:

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 25

SE 1/4 SE 1/4
SECTION 26

NW 1/4 NW 1/4
SECTION 36

TOWNSHIP 10 SOUTH, RANGE 20 EAST, W.M.

THE DAM AND RESERVOIR ARE TO BE OPERATED AND MAINTAINED IN STRICT ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS ON FILE WITH THE WATER RESOURCES DEPARTMENT.

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

WITNESS the signature of the Water Resources Director, affixed AUGUST 17, 1995.

MATTHEW O. PAGEL
Matthew O. Pagel

Recorded in State Record of Water Right Certificates numbered 68551.

R-57142.DSM

690-10-PS1-v



STATE OF OREGON

County of WHEELER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 66013 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to USDI, National Park Service, John Day Fossil Beds National Monument, John Day, Oregon 97845, phone 575-0721, for the use of the waters of Bridge Creek, a tributary of the John Day River, for the PURPOSE of irrigation of 2.0 acres

that the PRIORITY OF THE RIGHT dates from August 12, 1985

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.05 cfs

The POINT OF DIVERSION is to be LOCATED: 1660 feet North and 3150 feet East from the Southwest Corner of Section 31, being within the NW 1/4 SE 1/4 of Section 31, Township 10 South, Range 21 East, WM.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 10 South, Range 21 East, WM Section 31 NW 1/4 SE 1/4 1.8 acres
SW 1/4 SE 1/4 0.2 acre

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/40 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before December 16, 1986 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1987

Complete application of the water to the proposed use shall be made on or before October 1, 1988

Witness my hand this 16th day of December, 1985

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 66013

PERMIT

49553

*N: certificated
Proof submitted 5-17-2000
Proposed certit rec'd 9/27/06.*

690-10-PS2-v



STATE OF OREGON

County of WHEELER
 ASSIGNED. See Misc. Rec., Vol. By Ordinance

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 67961 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Brooks Resources Investment Corporation of PO Box 6119, Bend, Oregon 97708, phone 382-1662, for the use of the waters from Mitchell Ranch Reservoir Enlargement, a tributary of John Day River, to be constructed under * for the PURPOSE of irrigation and supplemental irrigation of 441.0 acres

that the PRIORITY OF THE RIGHT dates from October 17, 1983

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 490.0 af stored water only

The POINT OF DIVERSION is to be LOCATED: 1790 feet North and 2710 feet East from the Southwest Corner of Section 25, being within the NW 1/4 SE 1/4 of Section 25, Township 10 South, Range 20 East, WM, in the County of Wheeler.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

* Application R-67960, Permit R-9896,

Township 10 South, Range 20 East, WM	Section 24	SW 1/4	SW 1/4	Primary	2.8 acres
		NE 1/4	NW 1/4		10.3 acres
	Section 25	NW 1/4	NW 1/4		12.2 acres
		SW 1/4	NW 1/4		7.6 acres
		SE 1/4	NW 1/4		6.7 acres
		NE 1/4	SE 1/4		4.0 acres
		NW 1/4	SE 1/4		2.3 acres
		SE 1/4	SE 1/4		2.6 acres
Township 10 South, Range 21 East, WM	Section 30	NW 1/4	SW 1/4		3.3 acres
		NW 1/4	NE 1/4		1.1 acres
	Section 31	SW 1/4	NE 1/4		0.1 acres
		NE 1/4	NW 1/4		6.2 acres

SEE NEXT PAGE

"CERTIFICATE NO. 68554"

APPLICATION 67961

PERMIT

48540

890-10-P52-v

page two

		NW 1/4	NW 1/4	3.6 acres
		SE 1/4	NW 1/4	4.6 acres
		NE 1/4	SW 1/4	1.4 acres
		NW 1/4	SE 1/4	0.4 acre
		SE 1/4	SE 1/4	2.8 acres
Township 11 South, Range 21 East, WM	Section 6	NE 1/4	NE 1/4	5.8 acres
				<u>Supplemental</u>
Township 10 South, Range 20 East, WM	Section 24	SW 1/4	SW 1/4	6.1 acres
		SE 1/4	SW 1/4	34.2 acres
	Section 25	NW 1/4	NE 1/4	6.8 acres
		SW 1/4	NE 1/4	33.9 acres
		SE 1/4	NE 1/4	8.8 acres
		NE 1/4	NW 1/4	28.5 acres
		NW 1/4	NW 1/4	19.6 acres
		SW 1/4	NW 1/4	3.8 acres
		SE 1/4	NW 1/4	15.3 acres
		NE 1/4	SW 1/4	3.4 acres
		NE 1/4	SE 1/4	34.4 acres
		NW 1/4	SE 1/4	28.0 acres
		SW 1/4	SE 1/4	3.8 acres
		SE 1/4	SE 1/4	22.6 acres
Township 10 South, Range 21 East, WM	Section 30	NW 1/4	SW 1/4	3.6 acres
		SW 1/4	SW 1/4	14.1 acres
	Section 31	NW 1/4	NE 1/4	0.2 acre
		SW 1/4	NE 1/4	13.4 acres
		NE 1/4	NW 1/4	21.4 acres
		NW 1/4	NW 1/4	13.5 acres
		SE 1/4	NW 1/4	5.1 acres
		NW 1/4	SE 1/4	22.8 acres
		SE 1/4	SE 1/4	9.4 acres
	Section 32	SW 1/4	SW 1/4	0.2 acre
Township 11 South, Range 21 East, WM	Section 6	NE 1/4	NE 1/4	5.8 acres

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 4.0 acre-feet per acre from storage from reservoir enlargement constructed under Permit R-9896.

Actual construction work shall begin on or before July 19, 1985, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1986.

Complete application of the water to the proposed use shall be made on or before October 1, 1987.

Witness my hand this 19th day of July, 1984.

/s/ WILLIAM H. YOUNG
WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 67961

PERMIT

43540

Application No. R-57142

Permit No. R 7015

P 5012

**Permit to Construct a Reservoir
and Store for Beneficial Use the Public Waters
of the State of Oregon**

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions. The right herein granted is limited to the construction of Mitchell Ranch Reservoir and storage of water from Bear Creek to be appropriated under application No. 57143, permit No. 42833.

The right hereunder shall be limited to the storage of 310.0 acre feet.

The priority date of this permit is March 8, 1978

Actual construction work shall begin on or before April 12, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980

WITNESS my hand this 12th day of April 1978


Water Resources Director

Ok
Gaug

Application No. 57143Permit No. 42833**Permit to Appropriate the Public Waters of the State of Oregon**

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 16.58 *cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from* Bear Creek and Mitchell Ranch Reservoir to be constructed under application No. R 57142, permit No. R 7015

The use to which this water is to be applied is irrigation and supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/40 *of one cubic foot per second or its equivalent for each acre irrigated* from direct flow and shall be further limited to a diversion of not to exceed 4 acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir to be constructed under application No. R 57142, permit No. R 7015; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

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

The priority date of this permit is March 8, 1978

Actual construction work shall begin on or before April 12, 1979 *and shall*

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 80

Complete application of the water to the proposed use shall be made on or before October 1, 19 81

WITNESS my hand this 12th *day of* April *, 19* 78

James E. Serson
Water Resources Director

Remarks: The applicant wishes to divert spring, fall and winter flow from Bear Creek into the reservoir to provide supplemental irrigation of lands listed in Certificate Nos. 13591, 13592 and 13593, and to provide primary irrigation for recently cleared fields as given on the application and accompanying map.

BROOKS RESOURCES CORPORATION

Signature of Applicant

By William L. Smith
William L. Smith, President

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

WITNESS my hand this day of, 19.....

Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 8 day of MARCH, 1978, at 10:30 o'clock A.M.

Application No. 57143

Permit No. 42833

ATTACHMENT C

DESCRIPTION OF WORKS

Diversion from Bear Creek is to be done by utilizing an existing point of diversion and canal owned by Mr. E.C. Norton, Jr. as located in Item 2. The canal is approximately 4,100 feet in length. The dimensions of the canal are as follows: 3 feet bottom width, 1:1 side slopes, 2.5 feet minimum depth. The water is to be diverted from Norton's canal by a concrete box and slide gate structure into approximately 60 feet of 24 inch corrugated metal pipe that carries the water under a road and into another ditch of dimensions as given above. This ditch carries the water approximately 400 feet directly into the storage reservoir. The reservoir lies behind two earthfill dams and has a capacity of approximately 528 acre-feet with a surface area of 48.5 acres when full. All pertinent dimensions and information concerning the dams and reservoir can be obtained from the accompanying plan sheets. Two vertical turbine pumps (150 and 250 horsepower) mounted in the sump columns of dam #1 will pump water through 12 and 8 inch mainlines along the county road to sprinkler irrigation systems in the fields. (See attached plan sheet 6 of 6)

Application No. 57143 Attachment C
Permit No. 42833
-1-

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MAR 8 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Township	Range	Section	$\frac{1}{4}$, $\frac{1}{4}$ Section	Acreage		Total
				Primary	Supplemental	
11 S.	21 E.	5	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.0	3.0	9.0
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.6	9.6	27.2
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.4	2.9	7.3
			NW $\frac{1}{4}$ SW $\frac{1}{4}$		4.7	4.7
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.2	20.8	28.0
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.4	0.8	7.2
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.6	0.5	2.1
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.6	12.9	28.5
			SE $\frac{1}{4}$ SE $\frac{1}{4}$		4.4	4.4
11 S.	21 E.	8	NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4	2.0	2.4
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	4.0	9.0	13.0
11 S.	21 E.	9	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.0		
Total Acreage				360.7	302.6	663.3

Attachment B
-2-

Application No. 57143
Permit No. 42833

RECEIVED
MAR 8 1978
WATER RESOURCES DEPT.
SALEM, OREGON

ATTACHMENT BLANDS TO BE IRRIGATED

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$, $\frac{1}{4}$ Section</u>	<u>Acreage</u>		<u>Total</u>
				<u>Primary</u>	<u>Supplemental</u>	
10 S.	20 E.	24	SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.8	1.7	8.5
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	26.0	13.2	39.2
10 S.	20 E.	25	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.6	18.0	19.6
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0	18.5	28.5
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	30.6	4.0	34.6
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.4		8.4
			SW $\frac{1}{4}$ NW $\frac{1}{4}$		3.8	3.8
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0	13.3	15.3
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	24.2	10.6	34.8
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	26.0	6.1	32.1
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.8	3.4	4.2
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.2	25.8	28.0
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.8	14.6	34.4
			SW $\frac{1}{4}$ SE $\frac{1}{4}$		3.8	3.8
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.3	22.3	22.6
10 S.	20 E.	36	NE $\frac{1}{4}$ NE $\frac{1}{4}$		0.2	0.2
10 S.	21 E.	30	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.6		3.6
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	17.6	10.4	28.0
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.0	0.3	1.3
10 S.	21 E.	31	NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0	9.5	13.5
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0	3.4	21.4
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.2		0.2
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.0		6.0
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.8	11.0	15.8
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.4		2.4
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.4	22.8	31.2
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.3		0.3
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.3		0.3
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	29.5	0.1	29.6
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.2	9.4	16.6
10 S.	21 E.	32	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.2		0.2
11 S.	21 E.	6	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.9		2.9
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.4	5.8	26.2
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0		6.0

Application No. 57143
Permit No. 42833

Attachment B
-1-

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MAR 8 1978
WATER RESOURCES DEPT.
SALEM, OREGON

ATTACHMENT A

LOCATION OF POINTS OF DIVERSION

Point of Diversion #1 from Bear Creek into an irrigation ditch owned by Mr. E.C. Norton, Jr. is to be located 2,370 feet South and 2,220 feet West from the Northeast corner of Section 35, Township 10 South, Range 20 East, Willamette Meridian, being with the Southwest One-Quarter of the Northeast One-Quarter of said section in Wheeler County, Oregon.

Point of Diversion #2 from Mr. E.C. Norton, Jr.'s irrigation ditch into a storage reservoir is to be located 760 feet North and 250 feet West of the Southeast corner of Section 26, Township 10 South, Range 20 East, Willamette Meridian, being in the Southeast One-Quarter of the Southeast One-Quarter of said section in Wheeler County, Oregon.

Application No. 57143 Attachment A
Permit No. 42833
-1-

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MAR 8 1978
WATER RESOURCES DEPT.
SALEM, OREGON

4. The amount of water which the applicant intends to apply to beneficial use is
cubic feet per second.....
(If water is to be used from more than one source, give quantity from each.)

2795W' OUSCON
MAY 16 1978
MAY 8 1978
RECEIVED

5. The use to which the water is to be applied is irrigation

6. DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

-See Attachment C-

If for domestic use state number of families to be supplied

7. Construction work will begin on or before April 15, 1978

8. Construction work will be completed on or before July 1, 1978

9. The water will be completely applied to the proposed use on or before August 15, 1979

Application No. 57143

Permit No. 42833

1978

"CERTIFICATE"

68551

ASSIGNED, See Misc. Rec., Vol.

By Amendment

Page

ASSIGNED, See Misc. Rec., Vol.

6 Page 1216

Application No. R-57142

Permit No. R 7015

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

I, William L. Smith, President of Brooks Resources Corporation

(Name of Applicant)

of 416 NE Greenwood Avenue

Bend

(Mailing Address)

(City)

State of Oregon

97701

Phone No. (503)382-1662

(Zip Code)

do hereby make application for a permit to construct the Mitchell Ranch reservoir

and to store the unappropriated waters of the State of Oregon, subject to existing rights.

1. The name of the stream from which the reservoir is to be filled is Bear Creek

tributary to Bridge Creek

2. If not in channel of a stream, state how it is to be filled. The reservoir is to be

filled by an open channel - closed conduit arrangement with the

diversion point located upstream to insure gravity - flow.

dams

3. The dam will be located in the NE 1/4 of the SW 1/4 of Section 25

Township 10 South, Range 20 East, W. M.

4. The maximum height will be 39.1 feet above stream bed or ground surface at the

centerline. The top width will be 95 feet, slope of upstream face 3:1

slope of downstream face 2:1, and height of dam above water line when full

15.1 feet.

5. The dam will be (check one) ☒ earthfill, ☐ concrete, ☐ flashboard, ☐ other.

If "other", give description:

6. Give the location, description, and dimensions of the outlet conduit. Outlet conduit to be

18 inch asphalt - coated corrugated steel pipe through Dam #1

(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)

with grated inlet and slide gate. (See Plans)

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MAR 8 1978

WATER RESOURCES DEP
SALEM, OREGON

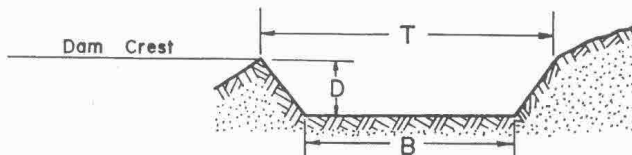
Application No. R-57142Permit No. R 7015

STATE OF OREGON

WATER RESOURCES DEPT.

JUL 13 1978

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7. The impounded water will be used for irrigation8. The amount of water to be stored is ~~522~~ 310 acre feet.9. The area submerged by the reservoir, when full, will be ~~48.5~~ 34.4 acres,
and the maximum depth of water will be ~~33~~ 22 feet.10. Give the location and dimensions of the spillway around westerly abutment of Dam #2.
(State whether over or around dam)The bottom width of the spillway, B, will be ~~25.0~~ 15.0 feet.The top width of the spillway, T, will be 45.2 feet.The distance between the crest of the dam and the crest of the spillway, D, will be ~~10.1~~ 15.1 feet.
(Must be at least 2 1/2 feet)

If any other type of spillway describe and give dimensions:

11. Construction work will begin on or before April 15, 197812. Construction work will be completed and the reservoir filled by July 1, 1978Remarks: Mr. Gary Oberholtzer of the Water Resources Department
has made an on-site investigation of the proposed reservoir
location.

BROOKS RESOURCES CORPORATION

By William L. Smith
William L. Smith, President

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before....., 19.....

WITNESS my hand this day of, 19.....

..... Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

8 day of MARCH, 1978, at 10:30 o'clock A.M.

Application No. R-57142

Permit No. R 7015

1 1978

9-2-83

Francis K

Take this application to the water-master

and have him check it. I have filled everything out the way I think it should be except as noted below.

Item 8 This will be the current date or the date of the application, what ever that turns out to be. (I think)

The last item "Remarks" includes some attachments from our lands file which may be pertinent to this application.

The signature at the end does not appear to need a notary.

I am sending the map under separate cover in a mailing tube.

Don B

Permit to Approp le the Public Waters of th. State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from

The use to which this water is to be applied is.....

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated.....

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

The priority date of this permit is.....

Actual construction work shall begin on or before..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of....., 19.....

Water Resources Director

Application No.....

Permit No.....

STATE OF OREGON WATER RESOURCES DEPARTMENT**Application for Permit to Appropriate Surface Water**

I, The U.S. Government, Dept. of the Interior, National Park Service, John Day
Fossil Beds, National Monument (Name of Applicant)
of 420 West Main Street John Day,
(Mailing Address) (City)
State of Oregon, 97845 Phone No. (503) 575 0721 do hereby
(Zip Code)
make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is an impoundment (R-7015) on an unnamed stream
which is a tributary of Bridge Creek the John Day River.
, a tributary of

Application No..... Permit No.....

cubic feet per second.....

(If water is to be used from more than one source, give it

from each)

5. The use to which the water is to be applied is for irrigation of grass in a public
picnic area of about two acres.

6. **DESCRIPTION OF WORKS**

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Ref. R-7015. The impoundment known as Mitchell Ranch Reservoir is located on an intermittent stream tributary to Bridge Creek. The full pool elevation of the dam is at about 1916 ft. elevation. The maximum depth of the reservoir is about 60 feet at the main dam. The reservoir has an area of approximately 100 acres ±. The impoundment is created by two earthen dams located in the SW¼ of sec. 25 and a smaller dam earthen dam located in the SE¼ of sec. 26, T 10 S, R 20 E. The existing diversion pump used by Brooks Resources is a 100 HP Johnson 3 stage 13 CMC, with a capacity of 1600 gpm @ 180' T.D.H. This unit supplies water to an existing irrigation system. The distribution system to the government line consists of 1350' of 12" PVC and 350' of 6" PVC. The government line is a 3" PVC 65' long which joins on a "T" to the Brooks Resources 6" line at a point about 790' E & 350' N of the SW cor. of Sec. 31, T 10 S, R 21 E. and crosses under Birch Creek. Irrigation at present of the government land is carried out by movable sprinklers. An underground automatic system is planned for the future.

If for domestic use state number of families to be supplied

7. Construction work will begin on or before

8. Construction work will be completed on or before is completed.

9. The water will be completely applied to the proposed use on or before

Application No.

Permit No.

Remarks: See attached agreements and correspondence with Brooks Resources etc.

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local knowledge.

Signature of Applicant

LI425(PNR)PSL

April 3, 1980

Mr. Ray Wilson
Parks Land Supervisor
Department of Transportation
Parks and Recreation Division
525 Trade Street, S.E.
Salem, Oregon 97310

Dear Mr. Wilson:

Enclosed are copies of the Bargain and Sale Deeds concerning the land exchange between Brooks Resources and the National Park Service.

These deeds are for your information and use in the preparation of the State's reverter rights pursuant to your recent telephone conversation with Keith Watkins.

Sincerely yours,

Rex E. Daugherty
Acting Chief,
Land Acquisition Division

Enclosures

KMWatkins:ams 4/3/80

Watkins (C)

*File
March 11, 1980*

L1425(PNR)PSL

March 11, 1980

Mr. Ray Wilson
Parks Land Supervisor
Department of Transportation
Parks and Recreation Division
525 Trade Street, S.E.
Salem, Oregon 97310

Dear Mr. Wilson:

We have reviewed the Release format which you submitted to us on March 7, in regard to the Painted Hills segment of John Day Fossil Beds National Monument. We agree with the basic format; however, we have a problem with including all of the land that we are receiving from Brooks Resources under the proposed reversionary provision to the State of Oregon.

We would not object to transferring the reversionary right to the State of Oregon, either on a pro rata evaluation basis for the land the State is releasing, or on an equal acreage basis. The regulations are quite clear on the alienation of government land.

We would appreciate your review of this matter and advise if this meets with your satisfaction.

Sincerely yours,

(Sgd.) Keith M. Watkins

Keith M. Watkins
Chief, Land Acquisition Division

KMWatkins:ams 3/11/80

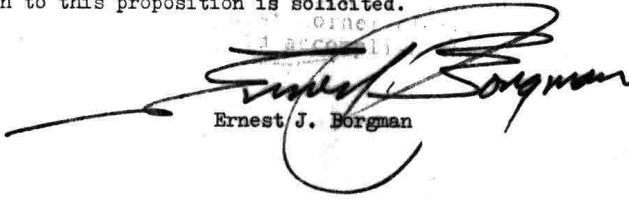
Also, the access road to Carlisle Norton's ranch, which would be inundated, would be relocated along the southerly shore of the reservoir. Brooks Resources would build the road just inside what would be the future boundary line. Ownership, control and maintenance of the road would rest with the Park Service. Just how to accomplish realignment and construction of the road on government land by the private operator (without exchange of funds) was not specifically worked out, but the intent was agreed to. Century West Engineering, a Brooks Resources engineering firm, will be preparing engineering drawings and specifications for the road to be submitted to us for review and approval.

Fencing around and/or across the impoundment area would be done by Brooks Resources.

Last, but not least as far as the general public is concerned, Brooks Resources agreed to tender an offer to the county to donate a scenic easement on both sides of the county road for approximately six miles leading to the Painted Hills. Several thousand acres would be involved and would result in perpetual preservation of a significant scenic and scientific resource.

All in all, I think the day was well spent and that positive achievements were realized. Keith Watkins' contribution was particularly productive and very much appreciated.

Your reaction to this proposition is solicited.


Ernest J. Borgman

cc:
Supt., JODA

Mitchell Ranch Reservoir
BRC-NPS Exchange
0.845 Acre Parcel

JOS N0001: 272. B1
BY <i>SM</i>
DATE <i>2/6/80</i>
CKD. BY <i>SM</i>

PROPERTY DESCRIPTION

A tract of land containing 0.95 acres, more or less, located in the North One-Half (N $\frac{1}{2}$) of Section 36, Township 10 South, Range 20 East, Willamette Meridian, Wheeler County, Oregon, being more particularly described as follows:

Beginning at a National Park Service aluminum monument marking the North $\frac{1}{4}$ corner of said Section 36; thence North 86° 16' 44" East (North 86° 08' 48" East Grid) following the north line of said Section 36 a distance of 247.47 feet; thence South 59° 46' 50" West a distance of 129.63 feet; thence South 68° 21' 01" West a distance of 179.29 feet; thence North 70° 46' 23" West a distance of 353.65 feet to the north line of said Section 36; thence South 89° 49' 23" East (South 89° 57' 19" East Grid) following the north line of said Section 36 a distance of 365.63 feet to the Point of Beginning.

SUBJECT TO: All easements, restrictions and rights-of-way of record.

All bearings for the above description are Geodetic, all distances are ground distances.

The above mentioned grid bearings are based upon a boundary survey of the Painted Hills Unit of the John Day Fossil Beds National Monument performed by Robert D. Bagett in August of 1977 for the National Parks Service. Theata angle is +00° 07' 56".

Mitchell Ra Reservoir
BRC-NPS Exchange

JOB NO.	0001.272.81
BY	<i>[Signature]</i>
DATE	2/7/80
CKD. BY	<i>[Signature]</i>

PROPERTY DESCRIPTION

A tract of land located in Section 36, Township 10 South, Range 20 East, Willamette Meridian, Wheeler County, Oregon, being more particularly described as follows:

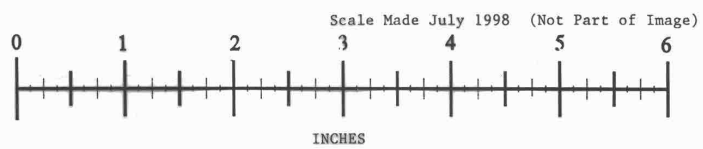
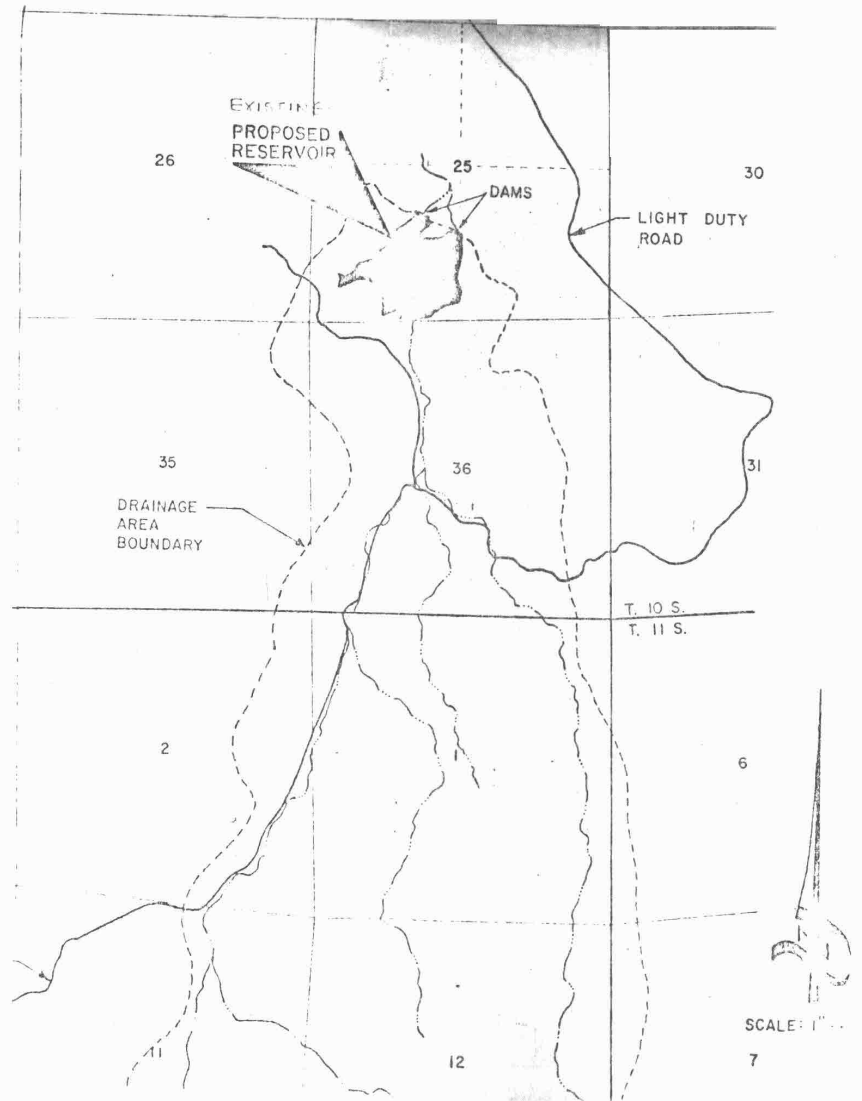
Beginning at a National Park Service aluminum monument marking the Northwest corner of said Section 36; thence South 89° 49' 23" East (South 89° 57' 19" East Grid) a distance of 2274.90 feet to a point from which the North ¼ corner of said Section 36 bears South 89° 49' 23" East (South 89° 57' 19" East Grid) a distance of 365.63 feet; thence South 07° 17' 21" East a distance of 165.12 feet; thence North 87° 29' 07" West a distance of 150.92 feet; thence South 00° 46' 55" East a distance of 348.22 feet; thence South 10° 39' 17" East a distance of 224.00 feet; thence South 29° 54' 08" East a distance of 300.97 feet; thence South 36° 04' 21" East a distance of 186.08 feet; thence South 02° 57' 02" West a distance of 340.71 feet; thence South 48° 04' 25" West a distance of 326.08 feet; thence South 32° 17' 25" West a distance of 398.47 feet; thence following the arc of a 312.74 foot radius curve left a distance of 109.48 feet (chord bears North 26° 40' 00" West 108.92 feet); thence following the arc of a 152.54 foot radius curve right a distance of 117.77 feet (chord bears North 14° 34' 38" West 114.86 feet); thence North 07° 32' 26" East a distance of 362.48 feet; thence following the arc of a 230.00 foot radius curve left a distance of 145.74 feet (chord bears North 10° 36' 44" West 143.31 feet); thence North 28° 45' 54" West a distance of 350.44 feet; thence following the arc of a 430.00 foot radius curve left a distance of 132.90 feet (chord bears North 37° 37' 10" West 132.33 feet); thence North 46° 28' 26" West a distance of 167.07 feet; thence following the arc of a 120.00 foot radius curve right a distance of 48.95 feet (chord bears North 34° 47' 16" West 48.61 feet); thence North 23° 06' 06" West a distance of 12.01 feet; thence following the arc of a 180.00 foot radius curve left a distance of 89.07

feet (chord bears North $37^{\circ} 16' 39''$ West 88.16 feet);
thence South $38^{\circ} 32' 48''$ West a distance of 60.00 feet;
thence North $51^{\circ} 27' 12''$ West a distance of 50.62 feet;
thence following the arc of a 469.97 foot radius curve
left a distance of 8.12 feet (chord bears North
 $51^{\circ} 56' 55''$ West 8.12 feet); thence North $52^{\circ} 26' 37''$
West a distance of 139.39 feet; thence following the
arc of a 470.00 foot radius curve left a distance
of 149.60 feet (chord bears North $61^{\circ} 33' 43''$ West
148.97 feet); thence North $70^{\circ} 40' 49''$ West a distance
of 46.76 feet; thence following the arc of a 70.00
foot radius curve left a distance of 69.72 feet (chord
bears South $80^{\circ} 47' 11''$ West 66.87 feet); thence South
 $52^{\circ} 15' 11''$ West a distance of 172.64 feet; thence
following the arc of a 280.00 foot radius curve right a
distance of 454.00 feet (chord bears North $81^{\circ} 17' 47''$
West 405.88 feet); thence North $34^{\circ} 50' 45''$ West a
distance of 239.51 feet; thence following along the
arc of a 370.00 foot radius curve left a distance of
341.62 feet (chord bears North $61^{\circ} 17' 45''$ West
329.61 feet); thence following the arc of a 154.26
foot radius curve right a distance of 70.09 feet
(chord bears North $74^{\circ} 43' 46''$ West 69.49 feet) to
a point on the west line of said Section 36; thence
North $00^{\circ} 15' 35''$ East (North $00^{\circ} 07' 39''$ East Grid)
following the west line of said Section 36 a distance
of 202.68 feet to the Point of Beginning and terminus
of this description.

SUBJECT TO: All easements, restrictions and rights-of-way of record.

All bearings for the above description are Geodetic, all distances are ground distances.

The above mentioned grid bearings are based upon a boundary survey of the Painted Hills Unit of the John Day Fossil Beds National Monument performed by Robert D. Baggett in August of 1977 for the National Parks Service. Theta angle is $+00^{\circ} 07' 56''$.



Remarks: See attached agreements and correspondence with Brooks Resources etc.

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Signature of Applicant

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

WITNESS my hand this day of, 19.....

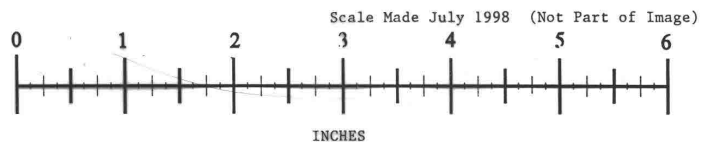
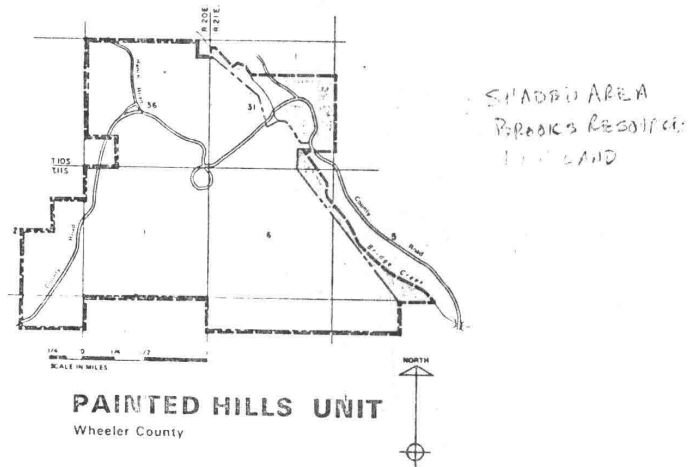
..... Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the day of, 19....., at o'clock M.

Application No.

Permit No.



Other Supporting Information

Brooks Resources Corporation

416 N.E. Greenwood
Post Office Box 6119
Bend, Oregon 97708
Phone: (503) 382-1662

August 12, 1983

Don Barrett
c/o National Park Service
~~2001 5th Avenue~~
Weston Building, Room 1920
Seattle, WA 98121

Dear Don:

Enclosed is a map that shows the location of our reservoir and dam in Section 25, Township 10 South, Range 20 East of the Willamette Meridian. The point of take out and pipe are at the location where the existing pump is shown.

Cordially,



Paul H. Buchanan
Real Estate Administrative Manager

PHB/ala

Enclosure

Handwritten notes:
Gary Half Cent water in Bend 388 3500 Oct 15 / Oregon State Engineer Office, Salem, Ore.
8-(503)-378-3739
Bruce Estes, Supt. Survey Section 378-8508
vsc 0.05 CFS or 1/40 Sec ft. 5600 911
Total for year 154 ft 100 not good 11 911/ml

Brooks Resources Corporation

Post Office Box 6119
416 N.E. Greenwood
Bend, Oregon 97701
Phone: (503) 382-1662

April 7, 1980

Mr. Benjamin F. Ladd
Superintendent
U. S. Department of the Interior
National Park Service
420 West Main
John Day, Oregon 97845

Re: Painted Hills Water Agreement

Dear Ben:

Brooks Resources Corporation is willing to donate to the Park Service water rights to irrigate an area around the existing picnic grounds. Donation of water would require action of Oregon's State Engineer.

To get started, we need to have a map of the actual land you would be irrigating. At this point, the map can be fairly rough, but should include enough information so we can locate the land involved and the acreage to be irrigated. For example, _____ acres in the S $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 10 S., Range 21 E. W. M.

After we have this information, we can include your requirements in our design and application to the State Engineer.

On a separate matter, we met with Keith Watkins and solved the fencing of Section 36.

Thanks.

Cordially,

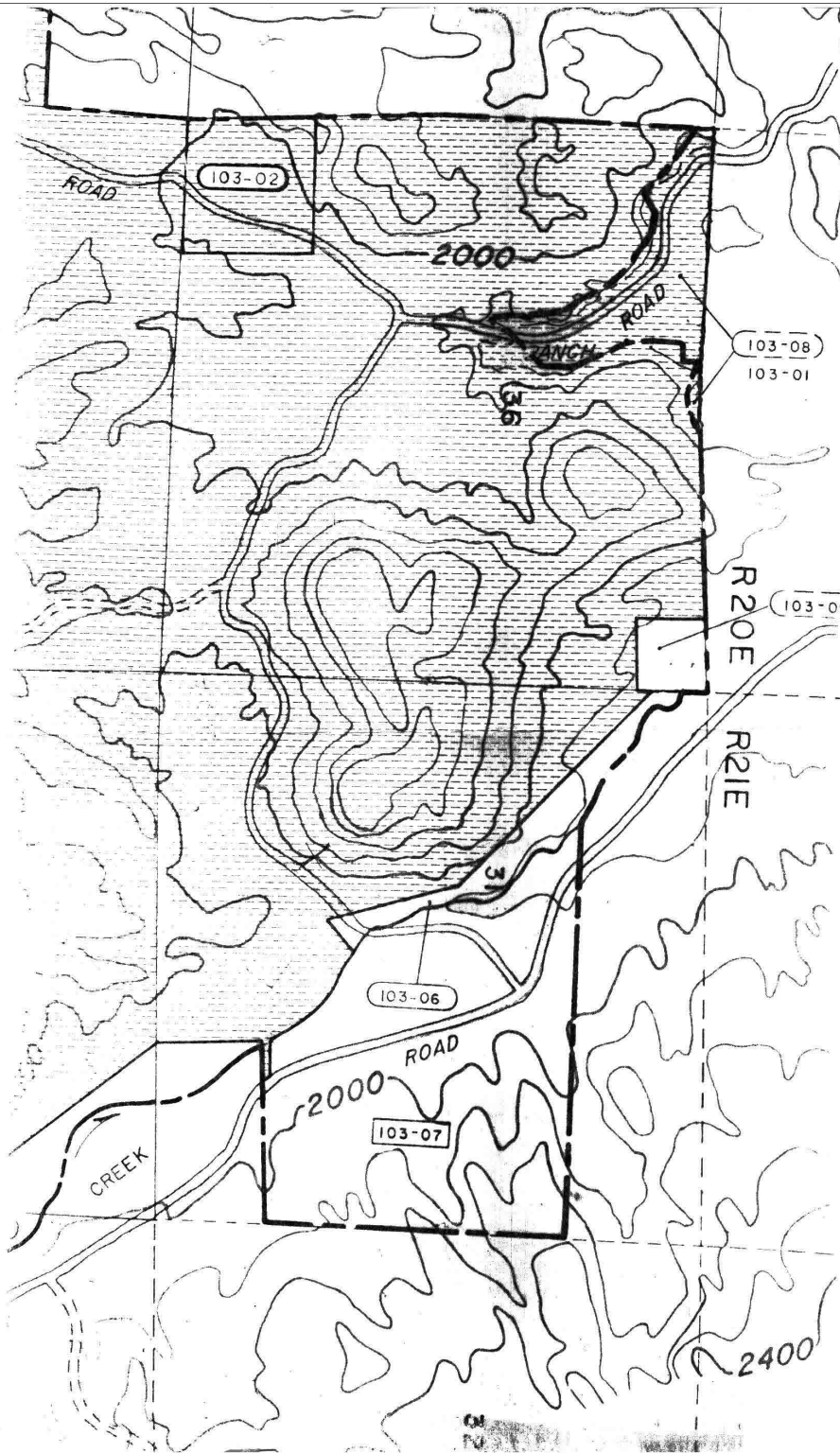
Signature of William L. Smith
William L. Smith
President

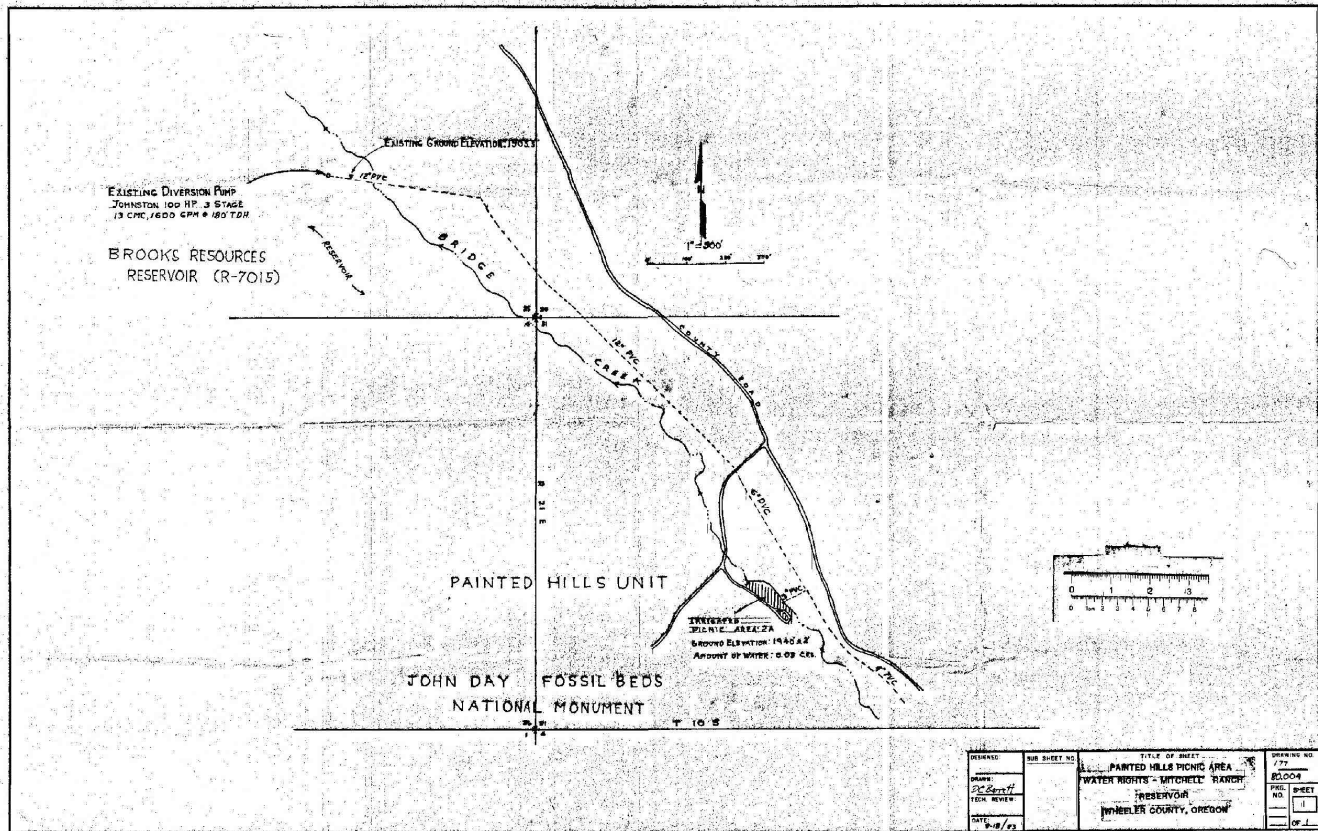
WLS:lb

cc: ✓ Keith Watkins

☒	Watkins	_____
☐	Hobbs	_____
☐	Daugherty	_____
☐	Parnall	_____
☐	Smith	_____
☐	Walters	_____
☐	Computer	_____
☐	Financial	_____
☒	File	_____

R-7015 Permit No for Brack Reservoir Dam in NW1/4 SE1/4
of Sec 25 T10 S R20E
Info from Paul Buchanan





Docket Information

Number of Documents in Docket 45

Documents Dated from 9/18/1953 to 9/22/2006

Docket Compiled: 3/21/2012