

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

In the Matter of Permit Amendment)	FINAL ORDER
T-13157, Malheur County)	APPROVING ADDITIONAL POINTS
)	OF APPROPRIATION, A CHANGE IN
)	POINTS OF APPROPRIATION, AND A
)	CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (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

CALICO RESOURCES USA CORP.
C/O NANCY WOLVERSON
665 ANDERSON ST
WINNEMUCCA, NV 89445

Findings of Fact

1. On March 27, 2019, CALICO RESOURCES USA CORP., C/O NANCY WOLVERSON filed an application for additional points of appropriation, to change the point of appropriation, and a change in place of use under Permit G-10994. The Department assigned the application number T-13157.
2. On October 5, 1996, the Department approved an assignment of the permit from Newmont Grassy Mountain Corporation to Atlas Precious Metals, Inc.
3. On December 26, 2012, the Department approved an extension of time for complete application of water to October 1, 2028.
4. On December 3, 2003, the Department approved an assignment of the permit from Atlas Precious Metals, Inc. to Seabridge Gold Corporation.
5. On March 7, 2013, the Department approved an assignment of the permit from Seabridge Gold Corporation to Calico Resources USA Corp.
6. Notice of the application for the permit amendment was published in the Department's weekly notice on April 9, 2019, and in the Argus Observer newspaper on September 1 and 8, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

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 and OAR 690-01-0005 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.

7. On July 17, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The Department requested that the deficiencies be resolved by August 19, 2019.
8. On July 24, 2019, the applicant's agent submitted revised maps.
9. On July 31, 2019, the applicant's agent submitted a revised Land Use Information form, resolving the deficiencies.
10. Permit Amendment Application T-13157 proposes to move the authorized point of appropriation for Well 2 approximately 1.1 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	44 E	WM	8	SW NE	WELL 2 - 43 DEGREES 40 MINUTES 23.24 SECONDS NORTH AND 117 DEGREES 21 MINUTES 15.73 SECONDS WEST

11. Permit Amendment Application T-13157 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey coordinates	Approximate distance from authorized points of appropriation in miles (mi.)	
21 S	44 E	WM	32	NE NW	WELL 5 - 43 DEGREES 42 MINUTES 19.02 SECONDS NORTH AND 117 DEGREES 21 MINUTES 57.62 SECONDS WEST	WELL 1	WELL 2
						1.0 mi.	1.2 mi.
21 S	44 E	WM	32	SE NW	WELL 3 - 43 DEGREES 42 MINUTES 5.28 SECONDS NORTH AND 117 DEGREES 21 MINUTES 56.54 SECONDS WEST	0.7 mi.	0.9 mi.
21 S	44 E	WM	32	SE NW	WELL 4 - 43 DEGREES 42 MINUTES 11.99 SECONDS NORTH AND 117 DEGREES 21 MINUTES 57.01 SECONDS WEST	0.8 mi.	1.0 mi.
21 S	44 E	WM	32	NE SW	WELL 7 - 43 DEGREES 41 MINUTES 55.59 SECONDS NORTH AND 117 DEGREES 21 MINUTES 56.85 SECONDS WEST	0.6 mi.	0.8 mi.
22 S	44 E	WM	5	SW SW	WELL 6 - 43 DEGREES 40 MINUTES 51.62 SECONDS NORTH AND 117 DEGREES 22 MINUTES 7.26 SECONDS WEST	0.8 mi.	0.6 mi.
22 S	44 E	WM	8	SW NE	ENTIRE UNDERGROUND AREA		
22 S	44 E	WM	8	NE SW	ENTIRE UNDERGROUND AREA		
22 S	44 E	WM	8	NW SE	ENTIRE UNDERGROUND AREA		

12. Permit Amendment Application T-13157 also proposes to change the place of use of the permit to:

MINING/INDUSTRIAL USES					
Twp	Rng	Mer	Sec	Q-Q	GLot
19 S	44 E	WM	22	NE NE	
19 S	44 E	WM	22	SE NE	
19 S	44 E	WM	22	NE SE	
19 S	44 E	WM	23	NW NW	
19 S	44 E	WM	23	SW NW	
19 S	44 E	WM	23	NW SW	
19 S	44 E	WM	23	SW SW	
19 S	44 E	WM	26	NW NE	
19 S	44 E	WM	26	SW NE	
19 S	44 E	WM	26	SE NE	
19 S	44 E	WM	26	NE NW	
19 S	44 E	WM	26	NW NW	
19 S	44 E	WM	26	NE SE	
19 S	44 E	WM	26	SE SE	
19 S	44 E	WM	35	NE NE	
19 S	44 E	WM	36	NW NW	
19 S	44 E	WM	36	SW NW	
19 S	44 E	WM	36	NE SW	
19 S	44 E	WM	36	NW SW	
19 S	44 E	WM	36	SE SW	
20 S	44 E	WM	1	NE NE	1
20 S	44 E	WM	1	SE NE	
20 S	44 E	WM	1	NE SE	
20 S	44 E	WM	1	SE SE	
20 S	44 E	WM	12	NE NE	
20 S	44 E	WM	12	SW NE	
20 S	44 E	WM	12	SE NE	
20 S	44 E	WM	12	NE SW	
20 S	44 E	WM	12	SE SW	
20 S	44 E	WM	12	NW SE	
20 S	44 E	WM	12	SW SE	
20 S	44 E	WM	13	NW 1/4	
20 S	44 E	WM	13	NW SW	
20 S	44 E	WM	13	SW SW	
20 S	44 E	WM	14	NE SE	
20 S	44 E	WM	14	SE SE	
20 S	44 E	WM	23	NE NE	
20 S	44 E	WM	23	SE NE	
20 S	44 E	WM	23	SE SW	
20 S	44 E	WM	23	SE 1/4	
20 S	44 E	WM	26	NW NE	
20 S	44 E	WM	26	NE NW	
20 S	44 E	WM	26	SW NW	
20 S	44 E	WM	26	SE NW	
20 S	44 E	WM	26	NW SW	
20 S	44 E	WM	26	SW SW	
20 S	44 E	WM	27	NE SE	
20 S	44 E	WM	27	SE SE	
20 S	44 E	WM	34	NE NE	

MINING/INDUSTRIAL USES					
Twp	Rng	Mer	Sec	Q-Q	GLot
20 S	44 E	WM	34	SE NE	
20 S	44 E	WM	34	NE SE	
20 S	44 E	WM	34	SW SE	
20 S	44 E	WM	34	SE SE	
20 S	45 E	WM	6	NW SW	6
20 S	45 E	WM	6	SW SW	7
20 S	45 E	WM	7	NW NW	1
21 S	43 E	WM	36	SE NE	
21 S	43 E	WM	36	NE SE	
21 S	43 E	WM	36	SE SE	
21 S	44 E	WM	3	NE NE	1
21 S	44 E	WM	3	NW NE	2
21 S	44 E	WM	3	SW NE	
21 S	44 E	WM	3	SE NE	
21 S	44 E	WM	3	NE SE	
21 S	44 E	WM	3	NW SE	
21 S	44 E	WM	3	SE SE	
21 S	44 E	WM	10	NE NE	
21 S	44 E	WM	10	SE NE	
21 S	44 E	WM	11	NW NW	
21 S	44 E	WM	11	SW NW	
21 S	44 E	WM	11	NE SW	
21 S	44 E	WM	11	NW SW	
21 S	44 E	WM	11	SW SW	
21 S	44 E	WM	11	SE SW	
21 S	44 E	WM	12	ALL	
21 S	44 E	WM	13	ALL	
21 S	44 E	WM	14	ALL	
21 S	44 E	WM	21	SE SE	
21 S	44 E	WM	22	NE NE	
21 S	44 E	WM	22	NW NE	
21 S	44 E	WM	22	SW NE	
21 S	44 E	WM	22	SE NE	
21 S	44 E	WM	22	NW 1/4	
21 S	44 E	WM	22	SW 1/4	
21 S	44 E	WM	22	SE 1/4	
21 S	44 E	WM	23	ALL	
21 S	44 E	WM	24	ALL	
21 S	44 E	WM	25	ALL	
21 S	44 E	WM	26	ALL	
21 S	44 E	WM	27	ALL	
21 S	44 E	WM	28	ALL	
21 S	44 E	WM	29	SE NE	
21 S	44 E	WM	29	SE SW	
21 S	44 E	WM	29	SE 1/4	
21 S	44 E	WM	31	NE NE	
21 S	44 E	WM	31	SW NE	
21 S	44 E	WM	31	SE NE	
21 S	44 E	WM	31	SE NW	2
21 S	44 E	WM	31	NE SW	3
21 S	44 E	WM	31	SE SW	4

MINING/INDUSTRIAL USES					
Twp	Rng	Mer	Sec	Q-Q	GLot
21 S	44 E	WM	31	SE 1/4	
21 S	44 E	WM	32	ALL	
21 S	44 E	WM	33	ALL	
21 S	44 E	WM	34	ALL	
21 S	44 E	WM	35	ALL	
21 S	44 E	WM	36	ALL	
21 S	45 E	WM	7	ALL	
21 S	45 E	WM	18	ALL	
21 S	45 E	WM	19	ALL	
21 S	45 E	WM	30	NW NW	1
21 S	45 E	WM	30	SW NW	2
21 S	45 E	WM	30	NW SW	3
21 S	45 E	WM	30	SW SW	4
22 S	43 E	WM	1		1
22 S	43 E	WM	1		2
22 S	43 E	WM	1	SW SW	
22 S	43 E	WM	1	SE SW	
22 S	43 E	WM	1	SE 1/4	
22 S	43 E	WM	12	ALL	
22 S	43 E	WM	13	ALL	
22 S	43 E	WM	24	ALL	
22 S	43 E	WM	25	N 1/2	
22 S	44 E	WM	1	E 1/2	
22 S	44 E	WM	2	NE NW	3
22 S	44 E	WM	2	NW NW	4
22 S	44 E	WM	2	SW NW	
22 S	44 E	WM	2	SE NW	
22 S	44 E	WM	2	SW 1/4	
22 S	44 E	WM	3	ALL	
22 S	44 E	WM	4	ALL	
22 S	44 E	WM	5	ALL	
22 S	44 E	WM	6	ALL	
22 S	44 E	WM	7	ALL	
22 S	44 E	WM	8	ALL	
22 S	44 E	WM	9	ALL	
22 S	44 E	WM	10	ALL	
22 S	44 E	WM	15	NW NE	
22 S	44 E	WM	15	SW NE	
22 S	44 E	WM	15	W 1/2	
22 S	44 E	WM	15	NW SE	
22 S	44 E	WM	15	SW SE	
22 S	44 E	WM	16	ALL	
22 S	44 E	WM	17	ALL	
22 S	44 E	WM	18	ALL	
22 S	44 E	WM	19	ALL	
22 S	44 E	WM	20	N 1/2	
22 S	44 E	WM	20	NE SW	
22 S	44 E	WM	20	NW SW	
22 S	44 E	WM	20	NE SE	
22 S	44 E	WM	20	NW SE	
22 S	44 E	WM	21	N 1/2	

MINING/INDUSTRIAL USES					
Twp	Rng	Mer	Sec	Q-Q	GLot
22 S	44 E	WM	21	NE SW	
22 S	44 E	WM	21	NW SW	
22 S	44 E	WM	21	NE SE	
22 S	44 E	WM	21	NW SE	
22 S	44 E	WM	30	N 1/2	

Permit Amendment Review Criteria

13. The changes would not result in injury to other water rights.
14. The proposed place of use is owned and/or controlled by the permit holder.
15. The changes do not enlarge the permit.
16. The changes do not alter any other terms of the permit.
17. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

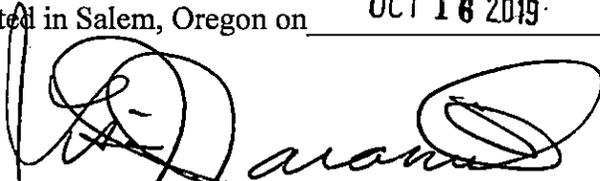
The additional points of appropriation, change in point of appropriation, and change in place of use proposed by Permit Amendment Application T-13157 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation, change in point of appropriation, and change in place of use proposed by Permit Amendment Application T-13157 are approved.
2. Permit G-18306, in the name of Calico Resources USA Corp., is issued to replace Permit G-10994, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-10994, in the name of CALICO RESOURCES USA CORP., is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation (Well 2), together with that diverted at the old point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2).
4. The combined quantity of water diverted at the new points of appropriation (Wells 3, 4, 5, 6, 7, and underground area), together with that diverted at the old points of appropriation (Wells 1 and 2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1 and 2).
5. Water shall be acquired from the same aquifer as the original points of appropriation.

6. All other terms and conditions of Permit G-18306 remain the same.

Dated in Salem, Oregon on OCT 16 2019



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: OCT 17 2019