



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for
Allocation of Conserved Water
 Part 1 of 4 – Minimum Requirements Checklist

This application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Allocation of Conserved Water Section.

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Applicant Information and Signature.
- Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: **Certificate 48577 (Attachment A)**
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

Attachments:

- Fees – Amount enclosed: \$ **1,000** (From last page of application).
- Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing. **Attachment B**
- Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **Attachment C** or
 Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- N/A Completed Evidence of Use Affidavit and Supporting Documentation. **Attachment D**
- N/A Affidavit(s) of Consent.
- N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District, this must be provided when the transfer applicant is not the District.
- N/A Irrigation or Water Control District’s adopted policy on allocation of conserved water.
- N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water.
- N/A Evidence for Fee Waiver.
- N/A Notice of Completion.
- N/A Request for Finalization. (Entire project listed on the application must be complete. No partial finalization will be recognized.)

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Part 2 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Barbara and Fred Foulke		PHONE NO. 503-606-0458	ADDITIONAL CONTACT NO.
ADDRESS 12145 ELKINS RD			FAX NO.
CITY MONMOUTH	STATE OR	ZIP 97361	E-MAIL

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: ____ / ____ / 20 ____.

OR

The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located? Yes No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

LANDOWNER NAME		PHONE NO.	
ADDRESS			
CITY	STATE	ZIP	E-MAIL

Representative Information – The person(s) listed below is/are authorized to represent the applicant in all matters relating to this application.


AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC.		PHONE 541-257-9004	FAX
ADDRESS 1600 SW WESTERN BLVD, SUITE 240			CELL
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.COM

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

I understand that I will be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: Corvallis Gazette Times.

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


Barbara Foulke
Print Name (and Title if applicable)
2/8/17
Date


Fred Foulke
Print Name (and Title if applicable)
2/2/17 2017
Date

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In your own words tell us what conservations measures you have made or propose to make and the reason for the change(s): The Applicants have initiated a conservation project on a portion of the place of use for Certificate 48577. Rain Bird sprinklers are being replaced with drip irrigation. The conservation project will occur on approximately 22.4 acres. The drip irrigation system has been installed on approximately 6 acres to date. The changes are being made to replace aging infrastructure, improve business efficiencies, and to conserve water resources.



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the conservation project and/or proposed instream reach will be located.

ENTITY NAME BENTON COUNTY PLANNING DIVISION	ADDRESS 360 SW AVERY AVE.	
CITY CORVALLIS	STATE OR	ZIP 97333-1139

Part 3 of 4 – Water Right Information and Conservation Measures

WATER RIGHT INFORMATION:

Water Right Subject to Transfer (check and complete **ONE** of the following):

<input checked="" type="checkbox"/> Certified Right	<u>48577</u> Certificate Number	<u>G-6407</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Special Order Volume _____, Page _____
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Certificate / Transfer Number	_____ Date Claim of Beneficial Use Submitted

County: Benton

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.*

The original water delivery system for Certificate 48577 included the following components. A 1-horse power system pump, capable of producing 100 gallons per minute, diverts water from the authorized point of appropriation (well) on the property. A 3-inch main line carries water from the well to the irrigation system. The main line has two laterals, each with 2-inch pipe and Rain Bird simple emitters. Both laterals have 10 risers. The system uses two laterals at a time with up to 20 Rain Bird-type sprinklers at a time. Each sprinkler delivers water at a rate of 5 gallons per minute.

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Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities (“**system capacity**”). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. (If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)

PRE-PROJECT DESCRIPTION*										
			Column A Water Right of Record				Column B System Capacity			
			Rate		Duty		Rate		Duty	
Originating Water Right #	Priority	Acres	Maximum	CFS/AC	Maximum	AF/AC	Maximum	CFS/AC	Maximum	AF/AC
Certificate 48577	3/31/1975	22.4*	.16	CFS	56	2.5	.16	CFS	56	2.5
Totals		22.4	.16	CFS	56	2.5	.16	CFS	56	2.5

Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm 1 cfs = 1.983471 ac-ft/day

***Calculated for the Applicants' project area, which includes a 22.4 acre portion of the authorized place of use for Certificate 48577.**

CONSERVATION MEASURES:

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: _____

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Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project.* The 2-inch lateral pipes will be replaced with drip tape. Each emitter on the drip tape produces 0.5 gallons per hour (.008 gpm). The new drip irrigation system will irrigate one zone at a time. Each zone will include approximately 6 acres. Water will be applied at a rate of up to 30 gpm (0.07 cfs) per zone. Each zone will be irrigated for a period of up to 4 hours each day. The project area will have 4 zones. Each zone will be irrigated up to one time per day for up to 184 days during the irrigation season.

Place of Use Involved in Conservation Measures

List only the part of the right that will be affected. If the entire right is being affected, just state “entire Certificate.”

Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date	
2	S	9	E	15	NE	NW	153.0	100	EXAMPLE	1/1/1865
11	S	4	W	5	SW	NE	200	44	Irrigation	3/31/1975
11	S	4	W	5	SE	NW	200	44	Irrigation	3/31/1975
11	S	4	W	5	NE	SW	200	44	Irrigation	3/31/1975
11	S	4	W	5	NW	SE	200	44	Irrigation	3/31/1975
Total								22.4		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands? Yes No. If YES, list the certificates, water use permits, ground water registrations, or uncertificated decreed numbers: _____

Is the project within the boundaries of an irrigation district or water control district? Yes No. If YES, and applicant is not a District, you must provide a letter of approval from the District.

Table 2: Conserved Water

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (If the water right is only limited by rate, do not list a duty; and conversely, if the water is only limited by duty, do not list a rate.)

Conserved Water Description*											
	Column A				Column B				Column C		
	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
3/31/1975	.16	CFS	56	2.5	.07	CFS	16.3	.73	.09	39.7	1.77
Totals	.16	CFS	56	2.5	.07	CFS	16.3	.73	.09	39.7	1.77

*Calculated for 22.4 acres

Table 3: Allocation of Conserved Water

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
25%	.02	9.9 AF	75%	.07	29.8	100%	.09	39.7

* must be at least 25%

The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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**Part 4 of 4 – Mitigation, Proposed Use,
Project Schedule, Funding, and
Fee Calculation**

MITIGATION:

Describe any expected effects from the proposed allocation of conserved water on other water rights. Describe what currently happens to the water that is proposed to be conserved. **The water was originally used for irrigation purposes at the maximum rate and duty. The hazelnuts the Applicants are planting will require less water than was historically needed. No effects to other water rights is expected. After the project is completed, the state's portion of the conserved water will remain in the aquifer. See Attachment B for a map of the acres where the Applicants' portion of the conserved water will be used.**

Describe any mitigation or other measures that are planned to avoid harm to other water rights. **N/A-The Applicants are not proposing any mitigation because the project is not expected to harm other water rights. (The Applicants are not changing the authorized POA as part of this project.)**

PROPOSED USE:

N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: **Irrigation; Boundaries: See Attachment B (Application Maps).**

N/A For instream uses* to be created: **The source is groundwater.**

***We understand this portion of the right will remain in the source aquifer.**

Originating Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
Certificate 48577	3/31/1975	Groundwater, Tributary of Willamette River	March 1 st to October 31 st	.02	9.9
TOTAL VOLUME					9.9 AF

*Tip: To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the maximum rate conserved and the total volume may not exceed to maximum volume or duty conserved (Table 3, Column C)

Location of the proposed instream water right. **N/A-The source is groundwater. The portion of conserved water to be held by the State will remain in the source aquifer for Certificate 48577.**

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM _____ to downstream location at the mouth at RM _____) _____

OR

Water is requested to be protected at a point at the following location on the legal description of the point of diversion (POD)) _____

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Public Use for which conserved water right should be managed under an instream right (check at least one box):
N/A-The source is groundwater. The portion of conserved water to be held by the State will remain in the source aquifer.

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- Recreation.
- Pollution Abatement.

List any existing instream water rights at the same point or within the same requested reach(es): N/A-The authorized source for Certificate 48577 is groundwater.

- None.
- Instream Water Right Certificates: _____

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of any instream water right established under ORS 537.341 (state agency application process) and ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date?

- Yes No. If no, please explain your intent below: N/A-The Applicants intend that the portion of conserved water to be held by the State remain in the source aquifer for Certificate 48577.

Is the requested instream flow intended to exceed the estimated average natural flow or natural lake level occurring from the drainage system? N/A-The source is groundwater.

- No; **OR**
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:
 - The requested flow does not exceed the maximum amount of any instream water right applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**
 - The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**
 - The stream is listed as water quality limited by DEQ.

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PROJECT SCHEDULE:

- N/A For a project that has **not** been completed, please provide the dates on which the applicant intends to do the following:

Begin Construction	Complete Construction and File Notice of Completion	Request that Public Conservation Water Allocation be Finalized
Date: October 2014	Date: October 2019	*Date: October 2019

* Must be within 5 years from the date of filing the Notice of Completion.

Note: If construction of the project has begun or has been completed, and if more than 25 percent of the project costs have been expended before submitting this application, you must submit evidence that you have attempted to

identify and resolve the concerns of water right holders in the area, governmental entities or other organization who have asked to be consulted regarding the allocation of conserved water.

- N/A For a project that has been completed, provide the dates when the conservation measures were implemented and the date by which the applicant intends to request the allocation be finalized. Complete and attach Notice of Completion form.

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
*Date:	**Date:

* Must be within 5 years prior to the date of filing this application.

** Must be within 5 years from the date of filing this Application and Notice of Completion.

FUNDING

- N/A Federal or state public funds that are not subject to repayment are to be used for the project. Refer to OAR 690-018-0040(18)(a)-(d) for further information in completing this section.

Source of Funding: Federal: _____ State: _____

Total cost for project engineering \$ _____
Total cost for construction \$ _____

The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absences of the project is \$ _____.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$ _____.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$ _____.

- N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) 75%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? 0%

- N/A The Oregon Watershed Enhancement Board (OWEB) have a contractual interest in this project. The OWEB project number is _____.

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FEE CALCULATION

Fee Schedule – ORS 536.050 http://www.oregon.gov/owrd/pubs/docs/forms/fee_schedule_4_2012.pdf	
\$1,000.00 - Base (1 st Water Right)	Add \$350.00 for each additional right
$\$1,000 + (0 \times \$350) = \text{Total Fee } \$1,000$	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
	(a) Will be converted to an instream right pursuant to ORS 537.348; or
	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); or
	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. <i>See OAR 690-018-0040(25).</i>
If the project meets one of the above standards, use the following formula to calculate the fees:	
	(d) Enter Percentage from Table 3, Column A = _____ %
	(e) Deduct 25% from percentage in (d) above = _____ %
	(f) Enter the lesser of (e) above or 50% _____
	(g) Total Fee x % waived (f) = Fee Waiver \$ _____ *
<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>	
	Total Fee \$ _____ – Fee Waiver (g) \$ _____ = Amount Due \$ _____

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Attachment A
Certificate 48577

Allocation of Conserved Water Application – Barbara and Fred Foulke

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHARLES R. NEWTON et al.

of 540 NW Survista Street, Corvallis, State of Oregon, 97330, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Well No. 2

a tributary of Willamette River for the purpose of irrigation of 30.0 acres

under Permit No. G-6407 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 31, 1975

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.22 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Stroud DLC 44, Section 5, T. 11 S., R. 4 W., W.M., 280 feet South and 40 feet East from Center, Section 5.

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 one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

2.1 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

7.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

13.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

7.7 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within D. Stroud DLC 44
Section 5

T. 11 S., R. 4 W., W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

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WITNESS the signature of the Water Resources Director, affixed

this date, October 5, 1979


Water Resources Director

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**Attachment B
Application Maps**

Allocation of Conserved Water Application – Barbara and Fred Foulke

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**Attachment C
Land Use Form**

Allocation of Conserved Water Application – Barbara and Fred Foulke

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form



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

Applicant(s): Barbara and Fred Foulke

Mailing Address: 12145 Elkins Rd

City: Monmouth

State: OR

Zip Code: 97361

Daytime Phone: 503-606-0458

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>See Attached Maps</u>				200	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Benton County

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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.14* cubic feet per second gallons per minute acre-feet

*0.07 will be applied on the 22.4 acre project area (within the authorized place of use of Water Right Certificate 48577) and 0.07 cfs will be

Conserved Water applied on the proposed place of use.

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

Briefly describe:

The Applicants will be developing conservation measures on a 22.4-acre portion of the place of use for Certificate 48577. The Applicants are proposing to allocate 25 percent of the conserved water to remain in the aquifer and to use the remaining 75 percent of the conserved water for irrigation purposes on 47.7 acres of their property. The property will be irrigated for purposes of growing hazelnuts and grass seed.

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

See bottom of Page 3. →

For Local Government Use Only

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

11-4-5-200 approx. 84 acres. Zoned EFU. S of NE Pettibone Dr. Proposal is irrigation of grass seed and filberts.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): *BCC SS.105(1) States "Farm Use" is outright permitted.*
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Kristin Anderson Title: Associate Planner
 Signature: *Kristin Anderson* Phone: 541-766-6298 Date: 2/15/2017
 Government Entity: Benton County

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

RECEIVED

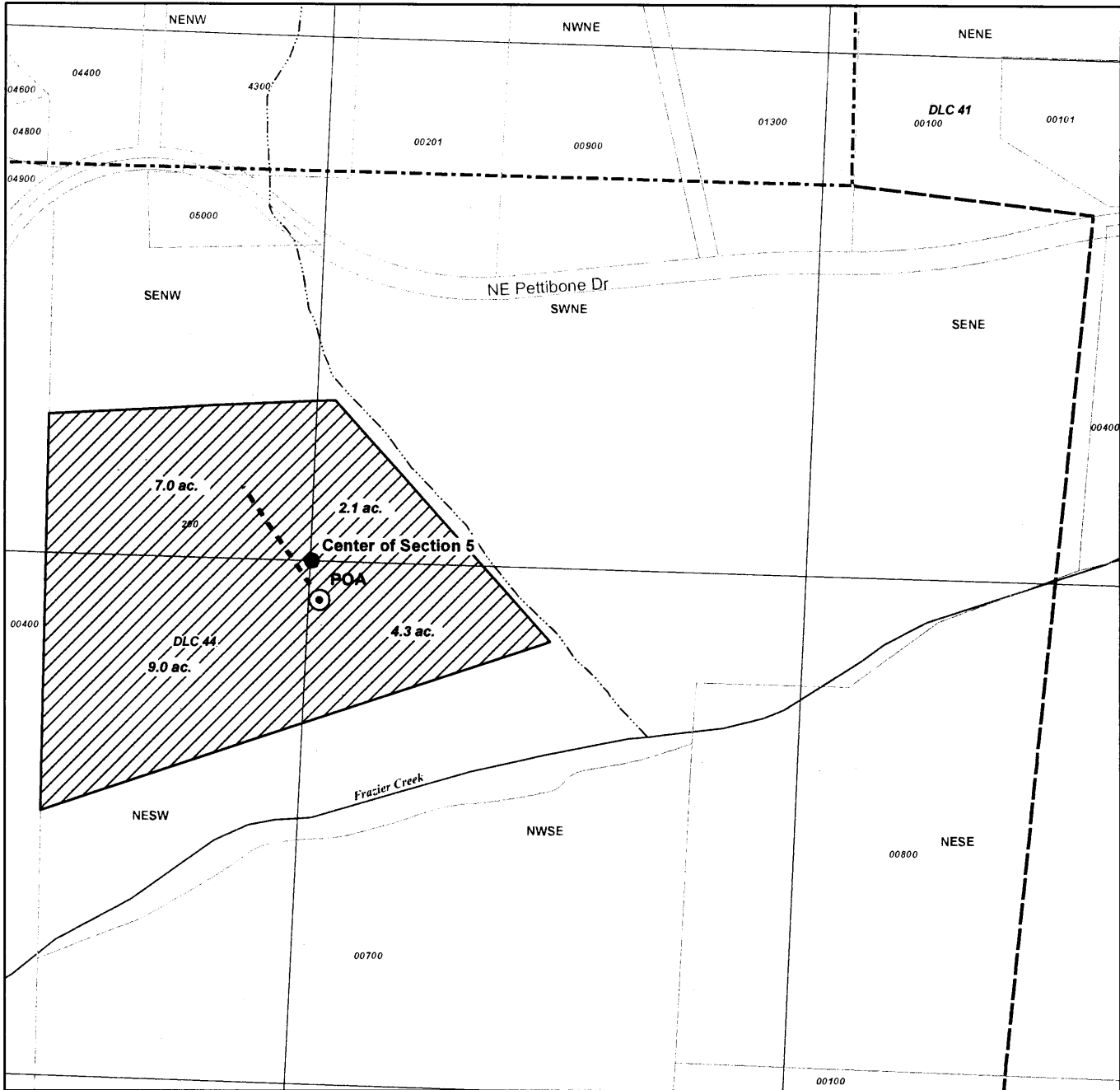
FEB 22 2017

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Application for Allocation of Conserved Water - Barb Foulke Certificate 48577

Place of Use involved in Conservation Measures

Township 11 South, Range 4 West (W.M.)



LEGEND

- Authorized Point of Appropriation (POA)
- Authorized Place of Use (POU)
- Pipeline
- Donation Land Claim (DLC)
- Taxlot
- Watercourse
- Waterbody

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POA LOCATION DESCRIPTION

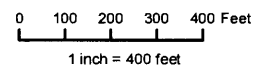
Point of Appropriation
Located 280 feet South and 40 feet East from the Center of Section 5, Township 11 South, Range 4 West (W.M.)

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

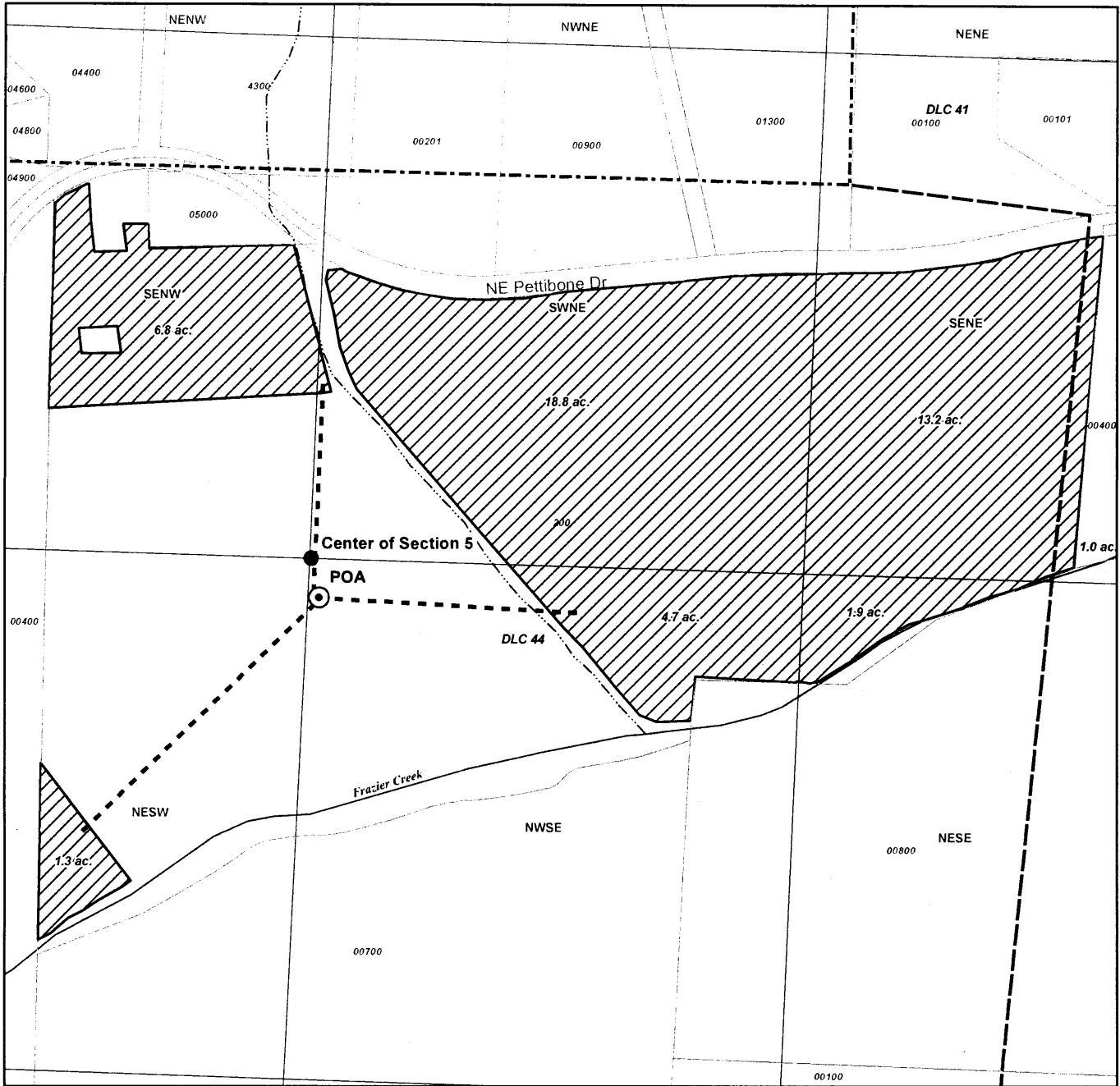
MAP NOTES

Date: January 30, 2017



**Application for Allocation of Conserved Water - Barb Foulke
Certificate 48577
Proposed Place of Use for Applicant's Portion of Conserved Water**

Township 11 South, Range 4 West (W.M.)



LEGEND

- Point of Appropriation (POA)
- Proposed Place of Use (POU) for Applicant's Portion of Conserved Water
- Pipeline
- Donation Land Claim (DLC)
- Taxlot
- Watercourse
- Waterbody

POA LOCATION DESCRIPTION

Point of Appropriation
Located 280 feet South and 40 feet East from the Center of Section 5, Township 11 South, Range 4 West (W.M.)

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

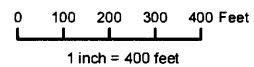
MAP NOTES

Date: February 2, 2017

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Attachment D

Evidence of Use

Allocation of Conserved Water Application – Barbara and Fred Foulke

Application for Water Right Transfer

Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of BENTON)

I, BARBARA FOULKE, in my capacity as LANDOWNER AND HOLDER OF WATER RIGHT CERTIFICATE 48577,
 mailing address 12145 ELKINS RD., MONMOUTH, OR 97361
 telephone number (503)606-0458, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 48577; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	1/4 1/4		Gov't Lot or DLC	Acres (if applicable)
48577	11	S	4	W	WM	5	SW	NE	44	2.1
48577	11	S	4	W	WM	5	SE	NW	44	7.0
48577	11	S	4	W	WM	5	NE	SW	44	9.0
48577	11	S	4	W	WM	5	NW	SE	44	4.3

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

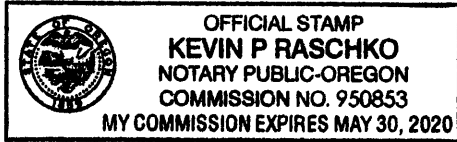
3. The water right was used for: (e.g., crops, pasture, etc.): During the past five years, water was used on the entire 22.4 acres for minimal amounts of irrigation of grass seed (typically once per irrigation season). Water was also used to irrigate in-ground hazelnut trees and to irrigate containerized trees prior to planting.

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Barbara N Faulke
Signature of Affiant

2/3/2017
Date

Signed and sworn to (or affirmed) before me this 3rd day of Feb, 2017



[Signature]
Notary Public for Oregon

My Commission Expires: 5/30/2020

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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P.O. Box 400
Portland, Oregon 97207-0400
1-888-221-7070
fax 1-888-800-2851
pacificpower.net

January 27, 2017

Barbara Foulke
freddy@freddyguys.com

Account # 02971621 003 3

Dear Barbara Foulke:

Thank you for contacting us regarding your account. Enclosed you will find a copy of your requested billing and payment history.

You can choose to create an online profile through our secure website to view the enclosed information and manage your electric account. Our easy-to-use website offers convenient payment options and information about products and services to keep your home comfortable and help lower your electricity bills.

If you have additional questions, please log in at our website, www.pacificpower.net and select, "Contact Us." Or call us any time at our toll-free number, 1-888-221-7070. Any of our customer service representatives will be happy to assist you.

It's a pleasure to serve you.

Sincerely,

Pacific Power

Para más información, llame al 1-888-225-2611 para hablar con un representante en español.

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our connection to you



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P.O. Box 400
Portland, Oregon 97207-0400
1-888-221-7070
fax 1-888-800-2851
pacificpower.net

Account Billing and Payment History*

Account # 02971621 003 3

Total Account Balance: \$41.14
Current Amount Due: \$41.14

2017
2016

Date	Statement/Payment	Bill Amount	Payments & Credits
01/11/2017	Regular Bill	\$41.14	\$0.00
12/29/2016	Transferred from another account	\$0.00	\$20.38
12/22/2016	Customer Payment	\$0.00	\$7.89
12/08/2016	Regular Bill	\$7.89	\$0.00
12/07/2016	Customer Payment	\$0.00	\$28.82
11/09/2016	Customer Payment	\$0.00	\$10.37
11/08/2016	Regular Bill	\$28.82	\$0.00
10/10/2016	Regular Bill	\$10.37	\$0.00
10/05/2016	Customer Payment	\$0.00	\$33.56
09/14/2016	Customer Payment	\$0.00	\$10.10
09/09/2016	Regular Bill	\$33.56	\$0.00
08/09/2016	Regular Bill	\$10.10	\$0.00
07/08/2016	Regular Bill	\$0.00	\$0.00
06/16/2016	Customer Payment	\$0.00	\$37.15
06/16/2016	Customer Payment	\$0.00	\$39.11
06/08/2016	Regular Bill	\$39.11	\$0.00
05/10/2016	Customer Payment	\$0.00	\$18.45
05/09/2016	Regular Bill	\$37.15	\$0.00
04/07/2016	Regular Bill	\$18.45	\$0.00
04/06/2016	Customer Payment	\$0.00	\$10.31
03/10/2016	Regular Bill	\$10.31	\$0.00
02/09/2016	Regular Bill	\$0.00	\$0.00
02/03/2016	Customer Payment	\$0.00	\$28.70
01/27/2016	Transferred from another account	\$0.00	\$28.91
01/11/2016	Regular Bill	\$28.70	\$0.00
01/08/2016	Customer Payment	\$0.00	\$18.45
12/09/2015	Regular Bill	\$18.45	\$0.00
12/02/2015	Customer Payment	\$0.00	\$18.37
11/05/2015	Regular Bill	\$18.37	\$0.00
11/04/2015	Customer Payment	\$0.00	\$18.27
10/07/2015	Regular Bill	\$18.27	\$0.00
10/07/2015	Customer Payment	\$0.00	\$18.47
09/09/2015	Regular Bill	\$18.47	\$0.00
08/31/2015	Customer Payment	\$0.00	\$18.17
08/07/2015	Regular Bill	\$18.17	\$0.00
07/29/2015	Customer Payment	\$0.00	\$18.17
07/08/2015	Regular Bill	\$18.17	\$0.00
06/18/2015	Customer Payment	\$0.00	\$18.78
06/08/2015	Regular Bill	\$18.78	\$0.00
05/20/2015	Customer Payment	\$0.00	\$19.69
05/07/2015	Regular Bill	\$19.69	\$0.00

our true strength is
our connection to you