



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

# Application for Permit Amendment or Ground Water Registration Modification

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate Not Applicable. As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF APPLICATION

Please check one of the following:

Permit Amendment       Ground Water Registration Modification

## 2. APPLICANT INFORMATION

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Name: Cherry Creek Aggregate Inc. by Keith Hamilton

First

Last

WATER RESOURCES DEPT  
 SALEM, OREGON

Address: 4815 Tingley Lane

Klamath Falls

OR

97603

City

State

Zip

Phone: \_\_\_\_\_

Home

Work

Other

Fax: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

## 3. AGENT INFORMATION

*(The agent listed is authorized to represent the applicant in all matters relating to this application.)*

Name: Hollie Cannon

First

Last

Address: PO Box 7449

Klamath Falls, OR 97602

City

State

Zip

Phone: 541-821-5848

Home

Work

Other

Fax: \_\_\_\_\_

E-Mail address: hcannon541@charter.net

▪ If an agent is listed above, please check **one** of the following:

- Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; **or**
- Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

**Permit Amendments**

- *If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (NOTE: Concurrent changes to a water right must be filed separately on a transfer application.)*

**Ground Water Registration Modifications**

- *You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (NOTE: Concurrent changes to a water right must be filed separately on a transfer application.)*

**4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED**

Please check all of the following that apply:

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the amendment or modification.)  <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the amendment or modification.)  <p style="text-align: center;"><i>Not Available for <u>Ground Water Registrations</u></i></p> <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <b>instead of</b> the old point of diversion. The old point of diversion will <u>not</u> be used.)	<input type="checkbox"/> <b>All of the Permit or Registration will be exercised at a different location than currently authorized</b> (Use of water at the current authorized location will be discontinued.)  <input type="checkbox"/> <b>Only a <u>portion</u> of the Permit or Registration will be exercised at a different location than currently authorized</b> (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)  <p style="text-align: center;"><b>RECEIVED</b> OCT 09 2009 WATER RESOURCES DEPT SALEM, OREGON</p>	<p style="text-align: center;"><i>Not Available for <u>Permit Amendments</u></i></p> <p><b>Change existing authorized use to the following proposed <u>new</u> use:</b></p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic (indicate number of households): _____ <input type="checkbox"/> Other _____

- Reason(s) for amendment/modification(s): G-15494 was amended by T-10255 to move the POA. The original application anticipated the water would be taken from basalt. T-10255 limited the depth to 200 feet. At that depth the well was still in gravel and very little water

was encountered. It is requested that the well be allowed to be deepened to a depth necessary to pump 0.9 CFS.

**5. CURRENT PERMIT OR REGISTRATION INFORMATION**

Permit or Registration to be Amended/Modified (*check and complete one of the following*):

<input checked="" type="checkbox"/> Permit to be Amended:	<u>G-15494</u> Permit Number	<u>10-1-2010</u> Current Completion Date of Permit
<input type="checkbox"/> Ground Water Registration to be Modified:	_____ Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

- Name on Permit or Registration: Cherry Creek Aggregate, LLC
- County: Klamath
- Authorized Use(s) to be affected by this Amendment/Modification: Industrial Use

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- Priority Date(s): November 29, 2002

*If there are **multiple Priority Dates** identified on the Permit or Registration, any information provided on **pages 4 through 7** must identify which **priority date** is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- All Source(s) of Water to be affected by this Amendment/Modification: \_\_\_\_\_

A well in the Cherry Creek Basin

Tributary to: Upper Klamath Lake

*If there are **multiple Sources** listed on the Permit or Registration, any information provided on **pages 4 through 7** must identify which **source** is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For an application proposing a Change in Place of Use or Character of Use:**

- Are there any other "**Layered**" Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified?  Yes  No  N/A -No Change in Use or Place of Use

If "**Yes**", pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, **the other "layered" water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).**

- Remarks: \_\_\_\_\_

- The following information **must be provided** only for those points of diversion or appropriation that **are involved in the permit amendment or ground water registration modification** (i.e., **list only the portion of the permit/registration you propose to amend/modify.**) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing permit or ground water registration.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
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- Does the permit/registration being amended/modified involve a ground water source(s)?  
 Yes       No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us))

**or**

- B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
See well log									200



**6. PROPOSED PERMIT AMENDMENT OR REGISTRATION  
MODIFICATION**

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

**Location of Proposed Point(s) of Diversion or Appropriation:** (i.e., the "TO" point(s) of diversion/appropriation)  
(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
NA							
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- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?  Yes  No  N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below.

(NOTE: You may search for well logs on the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us))

If "No", describe the anticipated construction for the proposed well(s) in the following table:

**Construction of Proposed Point(s) of Appropriation or Well(s):**

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	Klam 56946	10	.25 stl	198	95	40	59	59	Not finished	200



**7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS**

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district?     Yes     No
  
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification?     Yes     No
  
- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency?     Yes     No

*If "Yes", for any of the above, list the name and mailing address of the district and/or agency:*

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- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the right(s) are located).

Klamath County, 305 Main St, Klamath Falls, OR 97603

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**8. PERMIT HOLDER OF RECORD**

*This section is to be completed **only** for Permit Amendment applications.*

*N/A – This is a Ground Water Registration Modification application.*

- Is the applicant the permit holder of record?     Yes     No

*If "No", the applicant must either:*

A.    *Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;*

**or**

B.    *Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.*





**10. ATTACHMENTS**

*Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.*

<p><b>Map:</b></p> <p>X A map meeting the requirements of OAR 690-380-3100 must be included but need <b>not</b> be prepared by a Certified Water Right Examiner.</p> <p><b>Land Use Information Form:</b></p> <p><input type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not required if <b>all</b> of the following are met:</p> <ul style="list-style-type: none"> <li>① In EFU zone or irrigation district;</li> <li>② Change in place of use only;</li> <li>③ No structural changes needed, including diversion works, delivery facilities, other structures; <i>and</i></li> <li>④ Irrigation only.</li> </ul> <p><b>Water Well Reports/Well Logs:</b></p> <p><input type="checkbox"/> The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p>X N/A. The application does <b>not</b> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <b>not</b> required.</p>	<p><b>Fees:</b></p> <p><input type="checkbox"/> Amount enclosed: \$ <u>900</u> See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml">www.wrd.state.or.us/OWRD/PUBS/forms.shtml</a> or call (503) 986-0900.</p> <p><b><u>For Permit Amendments Only...</u></b></p> <p><b>Request for Assignment:</b></p> <p><input type="checkbox"/> Enclosed. The applicant is <b>NOT</b> the permit holder of record and needs to be assigned to the permit; <b>OR</b> the landowner of the proposed place of use is <b>NOT</b> the permit holder of record and needs to be assigned to the permit. <i>The Request for Assignment form is available online at: <a href="http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml">www.wrd.state.or.us/OWRD/PUBS/forms.shtml</a>; <b>or</b></i></p> <p>X N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; <b>OR</b> the applicant is <i>not</i> the permit holder of record but <u>is</u> supplying an Affidavit of Consent from the permit holder.</p> <p><b>Affidavit of Consent:</b></p> <p><input type="checkbox"/> Enclosed. Because the applicant is <b>NOT</b> the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; <i>or</i></p> <p>X N/A. Not required because the applicant is the permit holder of record.</p>
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**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**11. SIGNATURES**

- **For Ground Water Registration Modification Applications only, check the appropriate one and sign the application in the signature box below:**
  - In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the modification:
    - (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
    - (b) A copy of written notification of the proposed modification provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*
    - (c) If the applicant is not both the person named on the ground water registration or the assignee *and* the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then either of the following must be provided:
      - A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; or
      - B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant.
  - I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-382-0400(16)(b), the applicant is NOT required to provide the above described report of ownership and lien information.
  - I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)
- **For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.**

 applicant signature	Keith Hamilton name (print)	9-4-09 date
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