

# Application for Permit Amendment

## Part 1 of 4 – Minimum Requirements Checklist



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

**This permit amendment 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 Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist. MAR 23 2010
- Part 2 – Completed Permit Amendment Application Map Checklist. MAR 23 2010
- Part 3 – Completed Permit Amendment Application – Applicant Information and Signature.
- Part 4 – Completed Permit Amendment Application – Water Use Permit Information.  
Please include a separate Part 4 for each permit. List all permit(s) to be amended here: **G-16065**.

**Attachments:**

- Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Permit amendment fees – Amount enclosed: \$ **1200**.  
See the Department’s Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0883.

N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>). Assignment is not needed if applicant is the permit holder of record.

N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant, **or** other permit holders of record that are not listed as applicants.

N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Land use form is not required if any of the following apply:

- Water is to be diverted, conveyed, and/or used only on federal lands.
- All of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- The proposed changes are all located on the property reviewed in Land Use form enclosed in Water Right Application Folder # **G-16556**.

N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report(s)/Well Log(s)

**(For Staff Use Only)**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Assignment Form and fee not enclosed/insufficient
<input type="checkbox"/> Additional signature(s) required	Part _____ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 4 – Permit Amendment Map Checklist

**Your permit amendment application will be returned if any of the map requirements listed below are not met.**

**Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.**

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- N/A If more than three permits are involved, separate maps for each permit.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

# Part 3 of 4 – Applicant Information and Signature

## Applicant Information

APPLICANT/BUSINESS NAME <b>David Bany</b>		PHONE NO. <b>503-722-3490</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>5442 SW Kruse Rd</b>			FAX NO.
CITY <b>Wilsonville</b>	STATE <b>OR</b>	ZIP <b>97070</b>	E-MAIL <b>dave@midwayllc.net</b>

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application

AGENT/BUSINESS NAME <b>David Filippi / Stoel Rives LLP</b>		PHONE NO. <b>503-294-9529</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>900 SW Fifth Avenue, Suite 2600</b>			FAX NO.
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97204</b>	E-MAIL <b>defilippi@stoel.com</b>

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

Is the applicant the permit holder of record?  Yes  No

If NO, include either:

- A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), **OR**
- An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

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

  
Applicant signature

**David Bany**  
Name (and title if applicable) (print)

**March 18, 2010**  
Date

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Name (and title if applicable) (print)

\_\_\_\_\_  
Date

In your own words tell us what change(s) you want made and the reason for the amendment(s): **This permit amendment application is simply to add one additional authorized well. It does not seek to alter the authorized place of use. To date, in addition to Existing POD #1, only Proposed POD #2 has been developed. Rather than develop Proposed POD #3 or Proposed POD #4 at this time, my well driller has suggested a new Proposed POD #5 location as identified on the map, which is approximately 700 feet to the NW of Proposed POD #4. The reason for the new location is to move a little further away from my neighbor's property and to have a well that is located a little closer in proximity to my fields.**

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**Check one of the following:**

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

**Check the appropriate box, if applicable:**

- Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Clackamas County Land Use and Planning Department</b>	ADDRESS <b>150 Beavercreek Road</b>	
CITY <b>Oregon City</b>	STATE <b>OR</b>	ZIP <b>97045</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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WATER DISTRICTS  
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**Part 4 of 4 – Water Use Permit Information**

Please use a separate Part 4 for each permit being amended.

**PERMIT # G-16065**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized by the permit or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<b>POD #5</b>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		<b>3 S</b>	<b>1 E</b>	<b>18</b>	<b>SW NE</b>	<b>31618 03100</b>	<b>1412 ft N &amp; 2516 ft E from SW corner of S18</b>
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

**Check all type(s) of change(s) proposed below (change “CODES” are provided in parentheses):**

- |   |  |
|---|--|
| <input type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)             | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW)       |

**Will all of the proposed changes affect the entire water use permit?**

- Yes** Complete only the proposed (“to” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- No** Complete all of Table 2 to describe the portion of the permit to be changed.

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Please use additional pages of Table 2 as needed

**Table 2. Description of Changes to Water Use Permit # G-16056**

List only the part of the permit that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Authorized ("from" lands) as they appear before the changes						Proposed ("to" lands) after the changes																
Twp	Rng	Sec	1/4	1/4	1/4	Twp	Rng	Sec	1/4	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)	Changes (see "CODES" from previous page)	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s)/POA(s) to be used (from Table 1)		
TOTAL ACRES						TOTAL ACRES						TOTAL ACRES										
																APOA						POD #5

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**Additional remarks: This application does not seek to change any of the existing authorized POAs (i.e., POD #1, #2, #3, or #4) and does not seek to alter any of the existing authorized POU (5.8 acres). Rather, the application only seeks to add an additional POA (POD #5), which would be used to irrigate the same POU lands currently authorized under the permit.**

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**For a change in place of use:**

**Does the permit holder of record own or control the land TO which the place of use is being moved?**

Yes  No


If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

**Is the proposed place of use contiguous to the authorized place of use?**  Yes  No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use unless the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

**Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands?**  Yes  No

If YES, list the other certificate, permit, or ground water registration numbers: \_\_\_\_\_

 If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: [http://apps2.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx))

*(SEE TRANSMITTAL LETTER FOR ADDITIONAL INFORMATION.)*

OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist or certified water right examiner for the proper information needed to complete the table.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
POD #5	No									

*(PLEASE SEE TRANSMITTAL LETTER FOR ADDITIONAL INFORMATION.)*

MAR 23 2010  
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900 S.W. Fifth Avenue, Suite 2600  
Portland, Oregon 97204  
main 503.224.3380  
fax 503.220.2480  
www.stoel.com

March 22, 2010

DAVID E. FILIPPI  
Direct (503) 294-9529  
defilippi@stoel.com

**VIA UPS OVERNIGHT**

Oregon Water Resources Department  
OWRD Transfer Section  
725 Summer Street NE, Suite A  
Salem, OR 97301

**Re: Application for Permit Amendment for Permit G-16065**

Dear OWRD Transfer Section:

Please find enclosed a completed Application for Permit Amendment for Permit G-16065, along with a check in the amount of \$1,200 for the application fee. This application is simply to add an additional authorized Point of Appropriation (POA), and should be very straight-forward. In addition to the information contained in the application itself, we also wanted to note the following:

First, the initial permit application and subsequent permit G-16065 refer to the proposed wells as PODs rather than POAs. Thus, while somewhat confusing, we have kept this labeling for purposes of this application. Thus, we are proposing to add an additional POA, and it is referred to as POD#5.

Second, the enclosed well logs were provided to the applicant's representative directly by Codi Holmes, Well ID Program Specialist with the Department. Please note that Well ID #L50654 (Clac 57720) is the Bany Well POD #1 in the permit, while Well ID # L81264 (Clac 62558) is Bany Well POD #2 in the permit. Bany Well POD #3 and Bany Well POD #4 have not been constructed. For your convenience, we have also included a geotechnical well report (Clac 58962), the well report for Well ID # L55318 (Clac 60549) (which is an exempt well used for domestic use), and the well report for Well ID # 3/1-18 (Clac 69382) (which is identified as the Elmer Kruse well and is not in use).

Third, with respect to Table 3 on page 7 of the application, we would simply note that the permit currently limits groundwater production as follows: "The wells shall produce groundwater only from the alluvial groundwater reservoir between approximately zero feet and 500 feet below land surface." Permit G-16065 at p. 2. We expect this condition to also apply to the proposed

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California Utah Idaho Colorado Minnesota

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POD#5 as well. Otherwise, we are anticipating that the well construction details for the proposed Bany Well POD#5 called for in Table 3 will be identical or nearly identical to the construction details of constructed Bany Well POD#2. Thus, for the Table 3 information, we would refer the Department to the well log for Bany Well POD #2 (Well ID # L81264 (Clac 62558)).

Finally, we have enclosed a copy of the Land Use Information Form (LUIF) that was included with the original application. We have not included a new LUIF as the proposed change is located on the same property reviewed as part of the original LUIF for the original permit application, and there have been no changes to the information provided in this form.

In the event it would make any difference in the amount of time it will take to have the application processed, the applicant is willing to have this application reviewed under the Department's reimbursement authority program. However, we understand that there is currently no backlog with the Groundwater section and that pursuing the application under the reimbursement authority program will make little to no difference in the amount of time it will take to have the application processed. If this is incorrect, please let me know at your earliest convenience, and we will submit the appropriate paperwork to initiate the reimbursement authority process. Assuming the permit amendment application is approved, the applicant intends to drill the new well and put water to beneficial use from the new well by mid-summer in order to complete development in advance of the current permit completion date of October 1, 2010.

Please do not hesitate to contact me if you have any questions.

Sincerely,

David E. Filippi  
Enclosure

cc: Mr. Dave Bany

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