

Application for a Permit to Use  
**Surface Water**



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
www.oregon.gov/OWRD

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME Windblown Ranch, Inc., c/o Arthur Prior		PHONE (HM) (541) 376-8444	
PHONE (WX) (541) 376-8444	CELL (541) 561-4769	FAX (541) 376-8445	
ADDRESS 32327 Oregon Trail Rd.			
CITY Echo	STATE OR	ZIP 97826	E-MAIL * arthur@eoni.com

**Organization**

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME Steven L. Shropshire, Jordan Ramis PC		PHONE (541) 647-2979	FAX (503) 598-7373
ADDRESS 360 SW Bond St., Ste. 510			CELL
CITY Bend	STATE OR	ZIP 97702	E-MAIL * steve.shropshire@jordanramis.com

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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**By my signature below I confirm that I understand:**

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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



	Arthur Prior	11-28-2022
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: \_\_\_\_\_

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

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- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

**See Exhibit A—**Lands Crossed By the Existing East Improvement District Pipeline from EID POD to EID Delivery Point #3

**Legal Description:** You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

Water will be diverted from the Columbia River at the EID Pump Station, located within an existing easement held by St. Hilaire Brothers on land owned by U.S. Army Corps of Engineers. EID has an agreement with St. Hilaire Brothers authorizing use of the easement. Water will be conveyed from the EID Pump Station via the EID Pipeline (78 inch and 72 inch) to EID Delivery Point #3, at which point Windblown Ranch will divert the water into its own 36-inch pipeline to the Windblown Ranch Pump Station and then into the proposed on-farm center-pivot pipeline system. As a member of EID, Windblown Ranch is entitled to use the EID pump station, EID pipeline, and EID Delivery Point #3 to divert and deliver water associated with this application.

**See Exhibit B—**Lands Crossed by the Proposed Windblown Ranch Pipeline from EID Delivery Point #3 to POU and **Exhibit C—**Legal Description of Proposed Place of Use

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Columbia River	Tributary to: Pacific Ocean
TRSQQ of POD: T.5N., R.30E., W.M., Sec. 8: SW NW; 2910 feet north and 120 feet east from SW corner, Section 8.	
Source 2:	Tributary to:

TRSQQ of POD:

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

### B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

Yes.  No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

### SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

#### Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes  No

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For Department Use: App. Number: \_\_\_\_\_

**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

**If yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, provide the following information** (the information must be provided with the application to be considered complete).

Yes  No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

**If yes,** provide a description of the measures to be taken to assure reasonably efficient water use:

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**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

Yes  No

**If yes,** the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will

recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Columbia River	Irrigation	October 1 to April 14	29.0 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: **2653.5** Acres      Supplemental: 0 Acres      Nursery Use: \_\_\_\_\_ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: **2.0 acre feet per acre**  
**x 2653.5 acres = 5307 acre feet.**

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

What equipment will you use to pump water from your source?

Pump (give horsepower and type):

The EID Columbia River Pump Station is equipped with nine 2,000 horsepower “National Pumping Co.” pumps (eight primary pumps and one backup/standby), for a total capacity of 16,000 horsepower.

Other means (describe):

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Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

At the EID Pump Station, each pump is set in a vertical can. A tenth can may be installed for additional redundancy in the future. Each can is connected to an 84-inch diameter manifold supported by five cradles, each secured between pairs of steel H-piles. The manifold continues as an 84-inch diameter intake pipe. This pipe is supported on four cradles, each secured by a pair of steel piles. The intake pipe transitions to a 70-foot long by 78-inch diameter steel manifold supported on five cradles, each secured to the riverbed by a pair of steel piles. Along the top of the manifold are five 60-inch diameter pups, vertically mounted, equally spaced, each flanged. On each of these pups is installed a tee screen, each measuring 5 feet in diameter by approximately 19 feet in length and fitted with a NMFS-approved slotted fish screen to prevent juvenile salmonids from being impinged or entrained in the intake.

Diverted water will be delivered through the EID Pipeline. From the EID Pump Station to EID Delivery Point 1 (approx. 3600 feet), the EID Pipeline is 78 inches in diameter. From EID Delivery Point 1 to Windblown Ranch's delivery point at EID Delivery Point 3 (approx. 6 miles), the EID Pipeline is 72 inches in diameter. At EID Delivery Point 3, Windblown Ranch will divert the water into its own 36-inch diameter pipeline and transport the water approximately 2.5 miles to the Windblown Ranch Pump Station, where the water will feed into the proposed on-farm delivery system.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Windblown Ranch has technical plans in development to irrigate the lands at the proposed places of use using a system of seventeen center pivots in several distribution clusters. The on-farm delivery system (pipes, pumps, and pivots) has not yet been fully constructed.

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**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

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Windblown Ranch will construct a new center pivot irrigation system with telemetered control systems. Windblown Ranch will monitor water application and soil moisture, with the goal of applying enough water during the proposed season of use to raise the soil moisture profile to field holding capacity. The soil moisture will be utilized by plants in the subsequent growing season and will help reduce irrigation demand during that time.

**SECTION 7: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life. Describe planned actions:

EID owns and operates the point of diversion. Five NMFS-approved slotted fish screens are installed at the EID Columbia River Pump Station. According to EID's project specifications, each screen has a design capacity of 19,000 gpm at an approach velocity of 0.2 feet per second. The intake screens are also equipped with an air-burst system to facilitate the cleaning of the screens and maintain appropriate approach velocity in compliance with NMFS criteria.

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.** Describe planned actions and additional permits required for project implementation:

The EID Columbia River Pump Station and the EID Pipeline are already constructed. From EID Delivery Point 3 to the place of use, Windblown Ranch's proposed pipeline system will not impact any riparian or streamside areas.

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation:

Operating equipment at the EID Columbia River Pump Station is managed and timed to prevent damage to aquatic life. No additional permits are required.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions:

Windblown Ranch will irrigate using center pivots equipped with low pressure nozzles to reduce erosion and runoff. In addition, regular soil moisture monitoring and weekly watering plans will enable targeted and efficient water application to maximize infiltration.

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

### SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: **Work began on the EID system in August, 2019.**
- b) Date construction will be completed: **Within 5 years of permit issue.**
- c) Date beneficial water use will begin: **Within 5 years of permit issue.**

### SECTION 9: WITHIN A DISTRICT

- Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name East Improvement District	Address 495 East Main St.	
City Hermiston	State OR	Zip 97838

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**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

Windblown Ranch is requesting a permit to appropriate surface water from the Columbia River for irrigation from October 1 through April 14 of each year. The water will be used to raise the soil moisture to its water-holding capacity to be utilized by crops in the subsequent growing season. The proposed place of use is authorized to receive Columbia River water for primary irrigation under EID water rights filed with Permit Application Nos.: S-88206, S-88286, S-88287, and S-88290. By raising the soil moisture prior to the growing season, this application is intended to reduce the amount of irrigation otherwise necessary to meet crop water demand during the growing season. In addition, winter irrigation expands options for growing cover crops that improve soil conservation in otherwise highly erodible soils.

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## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. (**See Exhibits A-C**)
- Fees - Amount enclosed: **\$13,590.00**.  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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# Water-Use Permit Application Processing

## 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

## 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

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## 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

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## 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

## 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

## 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

# Land Use Information Form



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

## 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 groundwater 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 503-986-0900.

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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.oregon.gov/OWRD

**Applicant**

NAME Windblown Ranch, Inc., c/o Arthur Prior		PHONE (HM) (541) 376-8444	
PHONE (WK) (541) 376-8444	CELL (541) 561-4769	FAX (541) 376-8445	
ADDRESS 32327 Oregon Trail Rd.			
CITY Echo	STATE OR	ZIP 97826	E-MAIL* arthur@eoni.com

**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:
<i>See attached Map 3 of 3</i>					EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
<i>See attached map 3 of 3</i>					EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
<i>See attached maps 1 of 3 and 2 of 3</i>					EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" 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:

**Umatilla County**

**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 Groundwater Registration Modification  
 Limited Water Use License  
  Allocation of Conserved Water  
  Exchange of Water

Source of water:  Reservoir/Pond    Groundwater    Surface Water (name) Columbia River

Estimated quantity of water needed: 29    cubic feet per second    gallons per minute    acre-feet

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

Briefly describe: See attached maps and surface water application.

**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.

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## 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.

**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): UCDC Section 152.05(A) Farm Use...
- 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 <u>CAROL JOHNSON</u>	TITLE: <u>Planning</u>
SIGNATURE <u>Carol Johnson</u>	PHONE: <u>541-278-6252</u> DATE: <u>04/10/2022</u>
GOVERNMENT ENTITY	

**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**

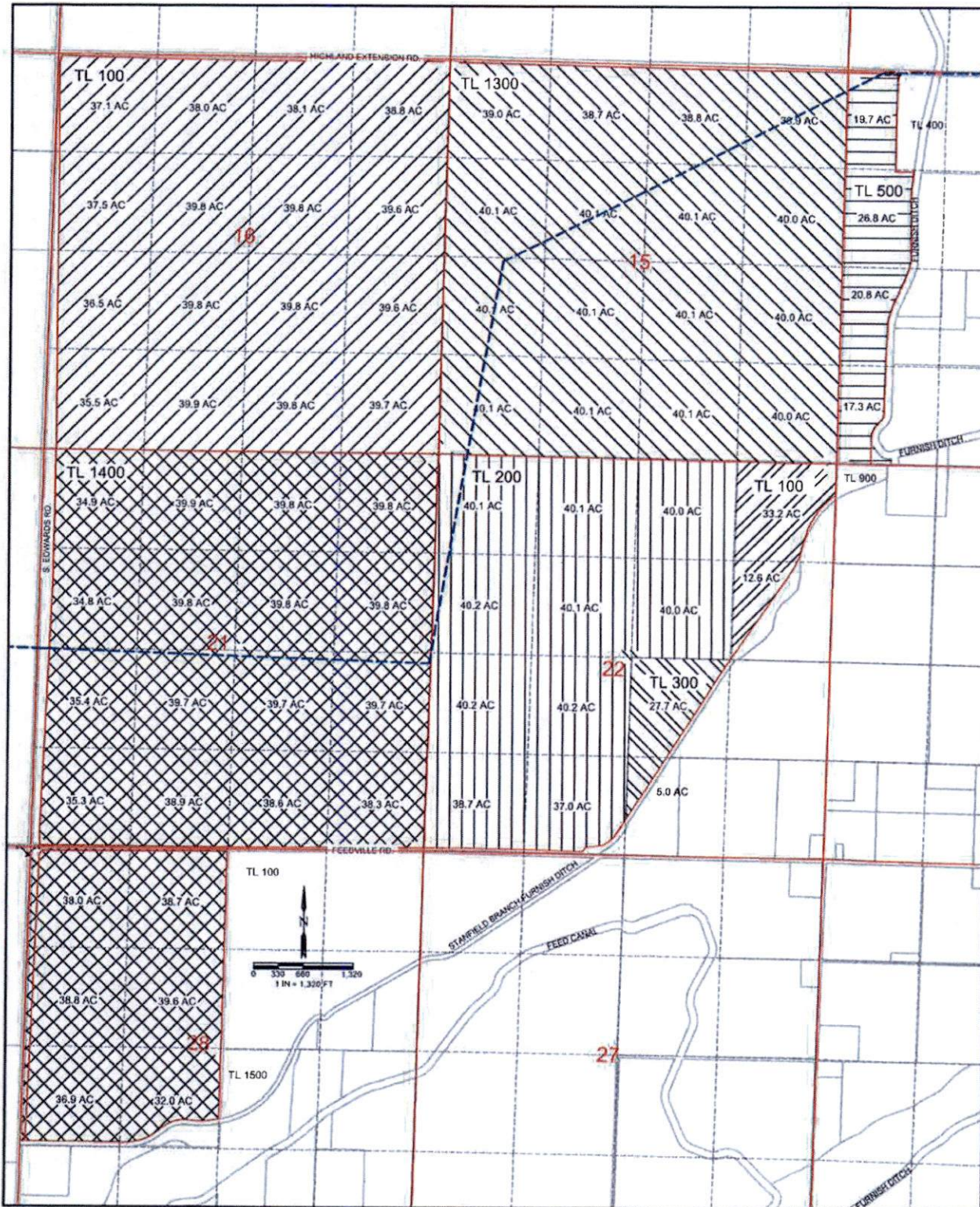
Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Township 4 North, Range 29 East - Sections 14, 15, 16, 21, 22, & 28  
 UMATILLA COUNTY

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 DEC 12 2022  
 OWRD



LEGEND

- SECTION LINES
- Q-Q SECTION LINES
- MAIN DELIVERY PIPELINE
- TAX LOTS
- TL 100 TAX LOT NUMBER
- 619.3 AC TAX LOT 100, SECTION 16
- 84.6 AC TAX LOT 500
- 396.6 AC TAX LOT 200
- 45.8 AC TAX LOT 100
- 32.7 AC TAX LOT 300

POINT OF DIVERSION

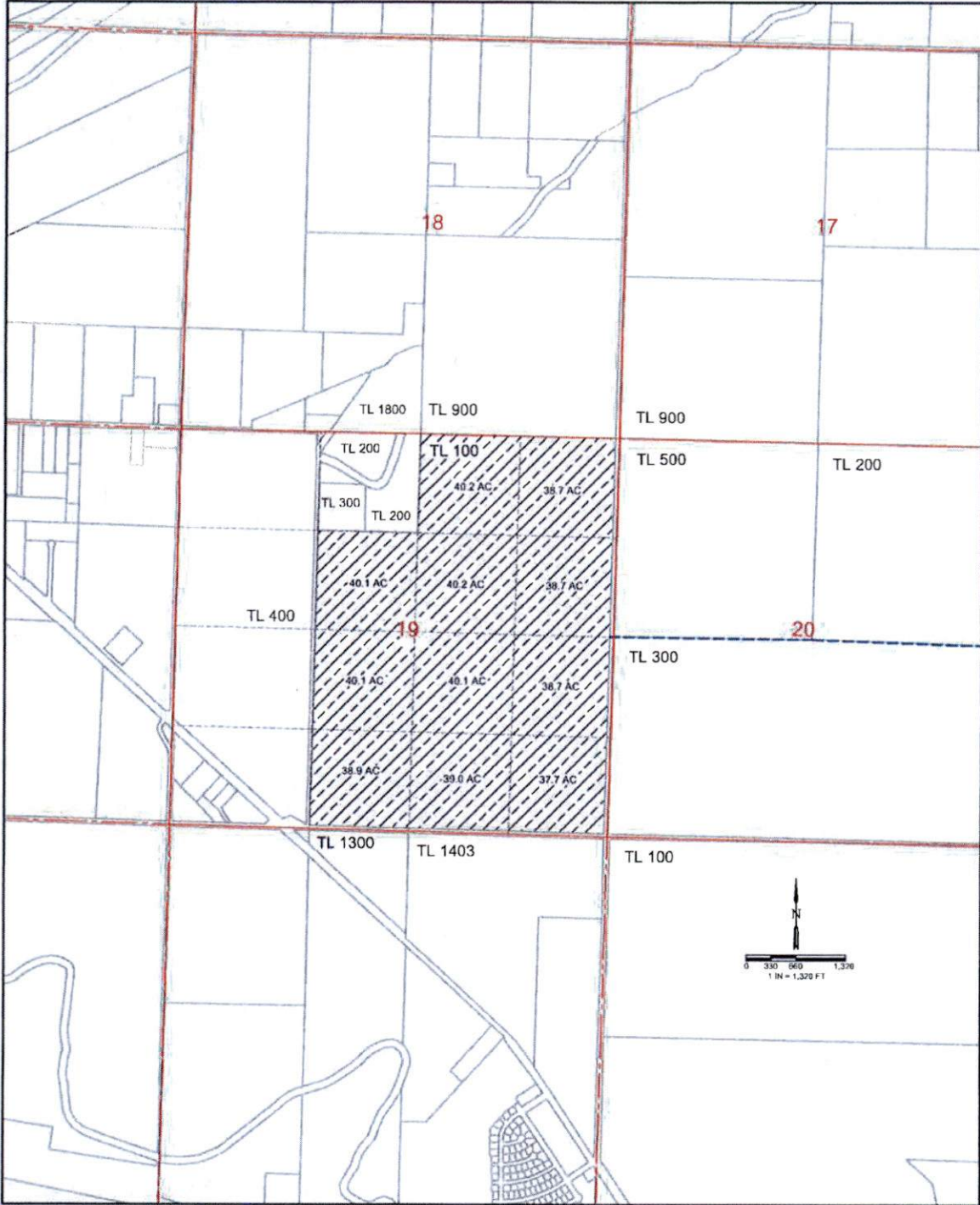
2910' N 120' E FROM SW CORNER  
 SECTION 8, T5N, R30E, W.M.

Application Map 1 of 3  
 In the name of Arthur Prior  
 June 1st, 2020

Qualified Water Rights Examiner  
 57194WRE  
 Paul Watterburg

Township 4 North, Range 29 East - Section 19  
 UMATILLA COUNTY

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 COWRD



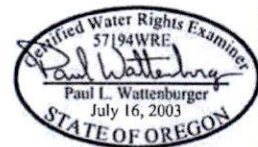
LEGEND

- SECTION LINES
- Q-Q SECTION LINES
- MAIN DELIVERY PIPELINE
- TAX LOTS
- TL 100 TAX LOT NUMBER
- 432.4 AC TAX LOT 100

POINT OF DIVERSION

2910' N 120' E FROM SW CORNER  
 SECTION 8, T5N, R30E, W.M.

Application Map 2 of 3  
 In the name of Arthur Prior  
 June 1st, 2020

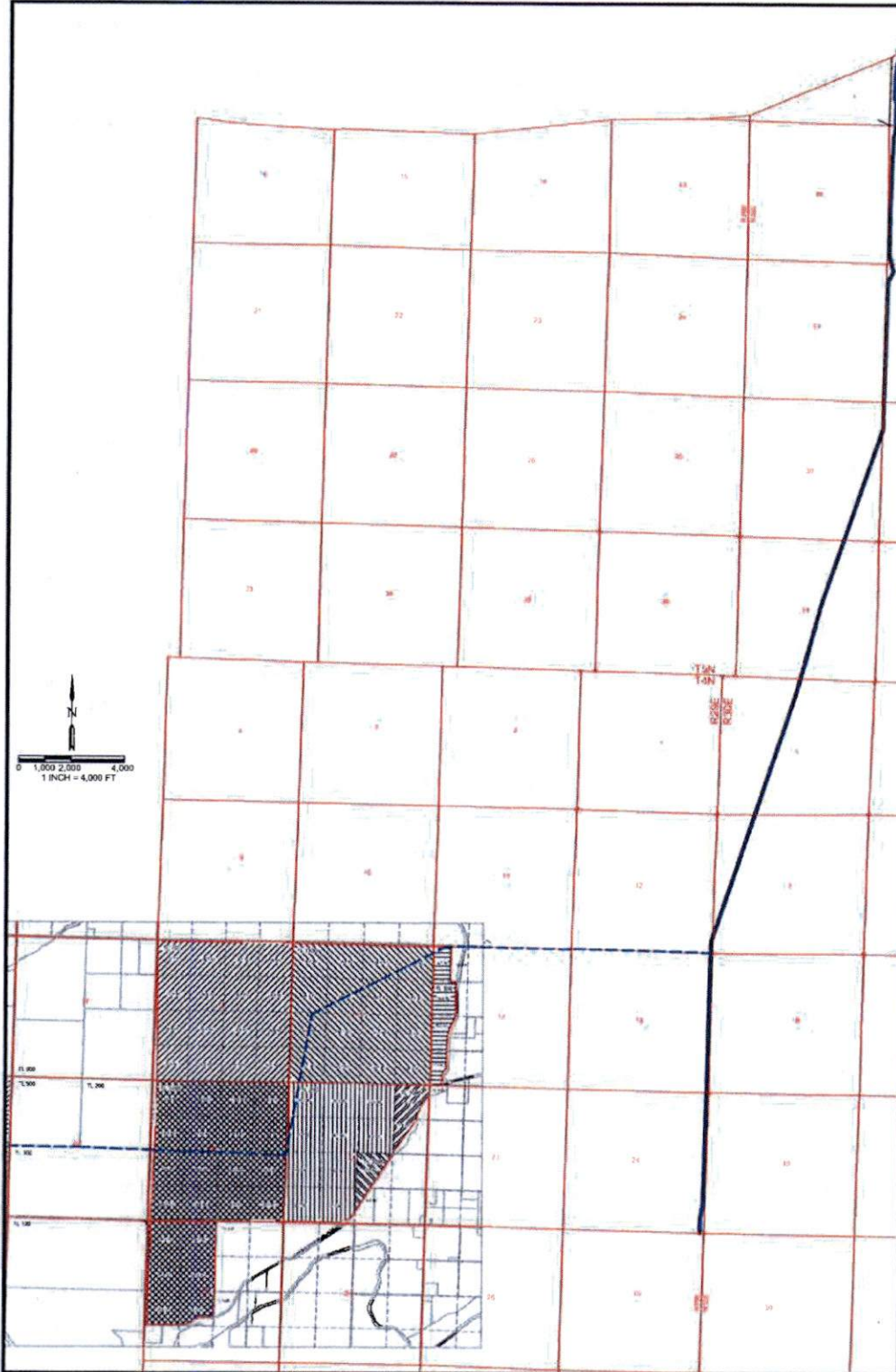


THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

EXPIRES: 6/30/22

Townships 4 & 5 North, Ranges 29 & 30 East  
UMATILLA COUNTY

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- LEGEND
- SECTION LINES
  - EID PIPELINE
  - MAIN DELIVERY PIPELINE

POINT OF DIVERSION  
2910' N 120' E FROM SW CORNER  
SECTION 8, T5N, R30E, W.M.

Application Map 3 of 3  
In the name of Arthur Prior  
June 1st, 2020

Qualified Water Rights Examiner  
57194WRE  
*Paul Wattenburger*  
Paul L. Wattenburger  
July 16, 2003  
STATE OF OREGON

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF WATER RIGHTS ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

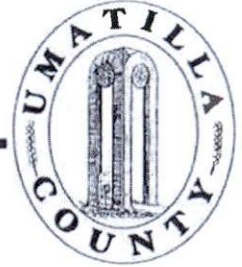
EXPIRES: 6/30/22



# Umatilla County

Department of Land Use Planning

216 S.E. 4th Street • Pendleton, OR 97801  
Ph: 541-278-6252 • Fax: 541-278-5480



## Receipt

Fee Receipt Number: 21106  
Transaction Date: 4/19/2022  
Transaction Time: 8:44:56 AM  
Payor: Windblown Ranch Inc.  
Paid in Cash: \$0.00  
Paid via Check: \$200.00 Check# 3652 Bank#  
Paid via EFT: \$0.00  
Comments:  
OWRD Land Use Form review for water transfer

<u>Fee Description</u>	<u>Quantity</u>	<u>Fee</u>	<u>Total</u>
Land Use Compatibility Statement	8	\$25.00	\$200.00

Total:	\$200.00
Amount Received:	\$200.00
Amount Paid:	\$200.00
Change:	\$0.00
Amount Left Owing:	\$0.00

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**EXHIBIT A**

**Lands Crossed by the Existing East Improvement District Pipeline from  
EID POD to Delivery Point #3**

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**EXHIBIT A**

Lands Crossed by the Existing East Improvement District Pipeline from EID POD to EID Delivery Point #3

<b>Township &amp; Range (Map #)</b>	<b>Section</b>	<b>Tax Lot #</b>	<b>Owner</b>	<b>Mailing Address</b>
4N 29E 0000	12	900	Brian & Duane, LLC	7385 Howell Prairie Rd NE Silverton, OR 97381
4N 29E 1300	13	100	Brian & Duane, LLC	7385 Howell Prairie Rd NE Silverton, OR 97381
4N 30E 0000	6	700	Royale Columbia Farms Inc.	PO Box 93 Hermiston, OR 97838
4N 30E 0000	6	701	Royale Columbia Farms Inc.	PO Box 93 Hermiston, OR 97838
4N 30E 0000	7	704	Stanfield Hutterian Brethren	36345 Despain Gulch Rd Stanfield, OR 97875
5N 30E 0000	17	106	Hawman Properties, LLC	84917 Highway 37 Hermiston, OR 97838
5N 30E 0000	8	200	United States of America – US Fish & Wildlife Services	PO Box 2965 Portland, OR 97208
5N 30E 0000	29, 30, & 31	1100	Royale Columbia Farms Inc.	PO Box 93 Hermiston, OR 97838
5N 30E 0000	19	1102	Hawman Properties, LLC	84917 Highway 37 Hermiston, OR 97838
5N 30E 0000	19	1104	Hawman Farms Inc.	84917 Highway 37 Hermiston, OR 97838
5N 30E 0000	20	1200	St. Hilaire Brothers Hermiston Farm, LLC	84186 Highway 37 Hermiston, OR 97838
5N 30E 0000	20	1201	Hawman Properties, LLC	84917 Highway 37 Hermiston, OR 97838

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DEC 12 2022

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**EXHIBIT B**

**Lands Crossed by the Proposed Windblown Ranch Pipeline from EID  
Delivery Point #3 to Place of Use**

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**EXHIBIT B**

Lands Crossed by the Proposed Windblown Ranch Pipeline from EID Delivery Point #3 to POU

<b>Township &amp; Range (Map #)</b>	<b>Section</b>	<b>Tax Lot #</b>	<b>Owner</b>	<b>Mailing Address</b>
4N 29E 0000	12	900	Brian & Duane, LLC	7385 Howell Prairie Rd NE Silverton, OR 97381
4N 29E 0000	12	1100	Brian & Duane, LLC	7385 Howell Prairie Rd NE Silverton, OR 97381
4N 29E 0000	12	1000	Brian & Duane, LLC	7385 Howell Prairie Rd NE Silverton, OR 97381
4N 29E 1400	14	100	Darby, Thomas & Margurite	PO Box 822 Stanfield, OR 97875
4N 29E 1400	14	200	Post, Matthew & Sandra	34554 Kosmos Rd Stanfield, OR 97875
4N 29E 1400	14	300	Nix, Arnold W & Beverly A Trs	34466 Kosmos Rd Stanfield, OR 97875
4N 29E 1400	14	400	Brian & Duane, LLC	7385 Howell Prairie Rd NE Silverton, OR 97381
4N 29E 1400	14	2000	Furnish Ditch Company (Stanfield Irrigation District)	100 W Coe Ave Stanfield, OR 97875
4N 29E 1400	14	500	Windblown Ranch, Inc	32327 Oregon Trail Rd Echo, OR 97826
4N 29E 0000	15	1300	Windblown Ranch, Inc	32327 Oregon Trail Rd Echo, OR 97826
4N 29E 2200	22	200	Windblown Ranch, Inc	32327 Oregon Trail Rd Echo, OR 97826
4N 29E 0000	21	1400	Windblown Ranch, Inc	32327 Oregon Trail Rd Echo, OR 97826

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**DEC 12 2022**

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**EXHIBIT C**

**Place of Use**

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**EXHIBIT C**

Place of Use

<b>Township &amp; Range (Map #)</b>	<b>Section</b>	<b>Tax Lot #</b>	<b>POU Map</b>
4N 29E 1400	14	500	2 of 3
4N 29E 0000	15	1300	2 of 3
4N 29E 1600	16	100	2 of 3
4N 29E 0000	21, 28	1400	2 of 3
4N 29E 2200	22	100	2 of 3
4N 29E 2200	22	200	2 of 3
4N 29E 2200	22	300	2 of 3

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**DEC 12 2022**

**OWRD**

**EXHIBIT D**

**Statement Declaring the Existence of Written Authorization or an  
Easement Permitting Access to Land Crossed by the Proposed Works**

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**STATEMENT DECLARING THE EXISTENCE OF WRITTEN AUTHORIZATION OR AN  
EASEMENT PERMITTING ACCESS TO LAND CROSSED BY THE PROPOSED WORKS**

Pursuant to ORS 537.140(1)(a)(E) and OAR 690-310-0040(1)(a)(G), I declare that I have written authorization or an easement permitting access to non-owned lands crossed by the proposed irrigation works described in the this Revised Application for a Permit to Use Surface Water for Windblown Ranch, Inc. as identified in Exhibit B.



Applicant

11-28-2022

Date

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**DEC 12 2022**

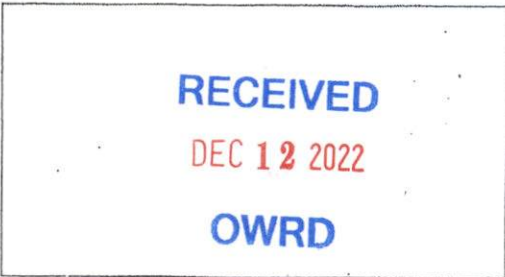
**OWRD**

**APPLICATION MAPS**

RECEIVED

DEC 12 2022

OWRD



Date Received (Date Stamp Here)

### OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Windblown Ranch Inc. 90 Arthur Prior  
32327 Oregon Trail Rd, Echo OR 97826

Transaction Type: Surface Water

Fees Received: \$ 13,590.00

Cash  Check: Check No. 3756

Name(s) on Check: Windblown Ranch Inc.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Corie Lovrien  
*(Name of OWRD staff)*

#### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



RECEIVED  
DEC 12 2022  
OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Windblown Ranch Inc. c/o Arthur Prior  
32327 Oregon Trail Rd, Echo OR 97826

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Fees Received: \$ 13,590.00

Cash

Check:

Check No. 3756

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If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Covien  
(Name of OWRD staff)

### Instructions for OWRD staff:

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- Date-stamp all pages. (NOTE: Do not stamp check.)
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December 9, 2022

**RECEIVED**

**DEC 12 2022**

**OWRD**

VIA OVERNIGHT MAIL

Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem OR 97301

Re: **Revised Application for a Permit to Use Surface Water for Windblown Ranch, Inc.**  
Our File No. 54194-76696

To Whom It May Concern:

On July 1, 2022, we submitted an Application for a Permit to Use Surface Water for Windblown Ranch, Inc. (the "Application") to the Oregon Water Resources Department ("OWRD") on behalf of applicant Windblown Ranch, Inc. (the "Applicant"). On July 7, 2022, we received a message from the Applicant stating that OWRD had sent a letter to the Applicant indicating that the Application was incomplete. Although the letter stated that the Application did not meet the requirements of OAR 690-310-0040 and OAR 690-310-0050, the enclosed checklist indicated that the only missing information was information required under OAR 690-310-0040. On July 12, 2022, Corie Lovrien, Customer Service Representative, Water Right Services Division, confirmed that based on the checklist, the only information missing from the Application was a signed statement of easement required under OAR 690-310-0040(1)(a)(G).

In accordance with the letter and with Ms. Lovrien's guidance, we have updated the Application accordingly and are resubmitting it for OWRD's review (the "Revised Application"). The Revised Application now includes the statement required by ORS 537.140(1)(a)(E) and OAR 690-310-0040(1)(a)(G), which has been signed by the Applicant.

In order to meet the "written authorization for access" requirement under ORS 537.140(1)(a)(E) and OAR 690-310-0040(1)(a)(G), the Revised Application proposes to irrigate a slightly smaller place of use than the place of use proposed in the Application. We reached out to Katie Ratcliffe, Water Rights Section Manager, to confirm that the Revised Application could rely on the same Land Use Information Statement ("Statement") previously completed by Umatilla County and submitted as part of the Application. On July 18, 2022, Ms. Ratcliffe left a voicemail indicating that she did not have any concerns about submission of the original Statement since it evaluated a broader area than the one reflected in the proposed place of use, and Umatilla County did not flag any problems with meeting county requirements in the original Statement. Ms. Ratcliffe confirmed this position in an email on July 19, 2022.

As stated in the cover letter to the Application, pursuant to a conversation with Department staff, we understand that it is not necessary to file an original signed Statement. Accordingly, the scanned copy we received from Umatilla County is enclosed as part of this Revised Application.

Oregon Water Resources Department  
December 9, 2022  
Page 2

We request that if OWRD identifies any additional deficiencies in the Revised Application, it communicate those deficiencies directly to me as the registered agent listed on the Revised Application. We further request that in the event OWRD identifies additional deficiencies, it not return the Revised Application and check to the Applicant pending notification of the deficiency to me as the registered agent.

The Revised Application and the check in the amount of \$13,590.00 for the filing fee on behalf of Windblown Ranch, Inc. are enclosed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

JORDAN RAMIS PC



Steven L. Shropshire  
Admitted in Oregon and Washington

Enclosures

cc: Client (via email w/ enclosures)

**RECEIVED**

**DEC 12 2022**

**OWRD**