

Application for a Permit to Use Groundwater



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 DAVID BROWN, MITCHELL AG INVESTMENTS, LLC			PHONE (HM)	RECEIVED FEB 28 2023
PHONE (WK) 503-570-1231	CELL		FAX	
ADDRESS 9935 SW COMMERCE CIRCLE				OWRD
CITY WILSONVILLE	STATE OR	ZIP 97070	E-MAIL* BOB.LONG@CWMH2O.COM (CWRE AGENT)	

Organization

NAME MITCHELL AG INVESTMENTS, LLC			PHONE 503-570-1231	FAX
ADDRESS 9935 SW COMMERCE CIRCLE			CELL	
CITY WILSONVILLE	STATE OR	ZIP 97070	E-MAIL* ESIPE@MITCHELLEWIS.COM (ADMINISTRATIVE STAFF)	

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

AGENT / BUSINESS NAME BOB LONG, CWM-H2O, LLC			PHONE 503-954-1326	FAX
ADDRESS 1319 SE ML KING JR. BLVD, SUITE 204			CELL	
CITY PORTLAND	STATE OR	ZIP 97214	E-MAIL* BOB.LONG@CWMH2O.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.)

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 use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get 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 get water to which they are entitled.



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

<i>DAVID BROWN</i>	Print Name and Title if applicable	2/1/23
Applicant Signature		Date
Applicant Signature	Print Name and Title if applicable	Date

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.

- 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).*

N/A

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.

Taxlots involved in proposed water right: 0200, 1100, 1800, 1801.

See Attachment 2 for legal descriptions.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
#1 (proposed)	Threemile Creek	~2,850 ft	Threemile Creek ranges from 750-1,100 ft elevation within 1-mile of proposed well. Surface elevation at well site is ~1,300 ft.

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

The proposed point of appropriation is a new production well.

The land surface elevation at the site of the proposed well is approximately 1,300 ft. Based on the proposed well depth and construction (see Table 3), the well will draw groundwater from an aquifer more than 400 ft deeper than the lowest elevation of Threemile Creek within 1 mile of the well (Attachment 3 – Proposed Conceptual Well Construction Figure). This assessment was made based on geologic data from McClaughry et al., 2021, Newcomb, 1969, Bela, 1982, and Beaulieu, 1977 and from dozens of area well logs.

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 0.528 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

SEE ATTACHMENT 3 – CONCEPTUAL PROPOSED WELL CONSTRUCTION FIGURE

OWNER'S WELL NAME	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS	PERFORATED OR SCREENED INTERVALS	SEAL INTERVALS	MOST RECENT STATIC WATER LEVEL	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
#1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	10" ¹	~0-900 ft ²	~900-1,300 ft (open hole) ³	~0-900 ft	~200 ft bgs ⁴ (~1,100 ft elevation)	Grande Ronde Basalts ⁵ (below Vantage Interbed)	~1,100 ft -1,300 ft	237 gpm ⁶	155 AF ⁶

1. The well boring diameter will decrease with depth from 14" at the surface to 6" at the bottom open-hole interval of the well. The cased portion of the well will have a 10" casing from the surface to the top of the Grande Ronde Basalts, or a depth of about 900 ft. Total depth is estimated to be about 1,100 ft.
2. The well will be cased and sealed from the surface to the top of the Grande Ronde, which is marked by the Vantage Interbed (10-20 ft of greenish clay and sand in the area). The Vantage Interbed will be used as a marker bed during drilling to confirm that the Grande Ronde Basalt has been reached.
3. The bottom of the well will be drilled open hole until the first water-bearing zone of the Grande Ronde Basalts is encountered. The well will be constructed to only be open to one aquifer within the Grande Ronde Basalts. Nearby well WASC-2668 indicates that the water-bearing zone is encountered in the upper 25-75 ft of the Grande Ronde Basalt below the Vantage Interbed.
4. Estimated based on reported artesian conditions in the nearby Grande Ronde Basalt monitoring well, WASC-2668 (about 2,100 ft south of proposed POA), of about 1,100-1,130 ft elevation as of 2016/2017. The surface elevation at the proposed POA is about 1,300 ft, suggested a SWL of about 200 ft bgs.
5. The Grande Ronde Basalts (expected below an elevation of ~400 ft at the POA) are the target aquifer in order to avoid the shallower Wanapum Basalt aquifers (between ~400 – 1,200 ft elevation at the POA), which host the majority of wells in the area. Only three other Grande Ronde Basalt Wells are known in the immediate area of the proposed well (WASC-2668, WASC-50276/50337, WASC-52633).
6. The proposed rate is based on a duty of 1/80 cfs per acre for the primary irrigation acres proposed (42.25). The proposed annual volume equates to a duty of 1.5 AF/acre of primary irrigation acreage and up to 1.0 AF/acre for supplemental acres, less than the allowed 2.5 AF/acre.

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 if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) 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 TRSQQ or the Lat/Long of a POA 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/

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

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

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Is the well or proposed well located in an area where the Upper Columbia Rules apply?

Yes No

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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, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the 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 well or proposed well located in an area where the Lower Columbia rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified 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, you will be required to provide the following information, if applicable.~~

~~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:~~

~~_____~~

Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

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If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that 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

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	April 1 – October 31	63 AF (primary) 92 AF (supplemental)

For irrigation use only:

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary: **42.25 Acres** Supplemental: **92.34 Acres** Nursery Use: N/A Acres

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

-71.10 acres supplemental to Certificate 76863

-21.24 acres supplemental to Certificate 93615

Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

155 AF (63 AF primary, up to 92 AF supplemental)

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: **N/A** (**Exempt Uses**: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): **N/A**

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and type): **TBD** (likely a 25 HP submersible pump)
 Other means (describe):

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

The well will pump into the existing and proposed irrigation mainlines (see application map) which carry water across the place of use. Two booster pumps are located within the distribution system to assist in moving water up the hill and across the site.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

The place of use is intended to be used for wine grape vines. Irrigation water will be applied primarily using high-efficiency drip lines and drip emitters. Overhead sprinklers may be used in some cases.

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 aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

Water will be applied using high-efficiency irrigation systems. Irrigation will take place in a manner that will prevent overwatering and runoff. Production volumes will be measured at the wellhead. No riparian areas will be affected within the place of use. The requested irrigation duty is significantly reduced from the standard. The Applicant is only requesting 1.5 AF/ac for primary and 1.0 AF/ac for supplemental acres.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: *Spring 2024*
- Date construction will be completed: *Summer 2024*
- Date beneficial water use will begin: *Summer 2024*

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: *Water will be applied using high-efficiency irrigation systems. Irrigation will take place in a manner that will prevent overwatering and runoff.*

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: *There are no riparian areas within the proposed place of use.*

Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List: **N/A**

SECTION 9: WITHIN A DISTRICT

Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application.

The proposed groundwater use is for 42.25 acres of primary irrigation and 92.34 acres of supplemental irrigation over the proposed POU (on Taxlots 0200, 1100, 1800, and 1801). This application proposes a new well that will be constructed into the Grande Ronde Basalt unit and sealed off to the shallower Wanapum Basalt units. Most irrigation and domestic wells in the area are constructed within the higher-elevation volcanoclastic Dalles Formation or within water-bearing zones of the Priest Rapids and Wanapum Basalt sequences. The underlying Grande Ronde Basalt is known to be a productive aquifer regionally but has not been extensively developed in the immediate area of the proposed well. Based on the Applicant's research, only three wells within about 2 miles of the proposed well (WASC-2668, WASC-50276/50337, and WASC-52633) are deep enough to reach the Grande Ronde Basalts. WASC-2668, located 2,100 ft south of the proposed well, reported stable artesian conditions during monitoring from 2012-2017. Two of these wells appear to be used for irrigation supply, while WASC-50276/50337 appears to be used for domestic supply.

The goals of this application and the proposed well design are threefold. Firstly, isolating groundwater withdrawals to the Grande Ronde Basalt will remove the chance of hydraulic interference with surface water. The Grande Ronde Basalts are not exposed at the surface within 5 miles of the proposed well and are therefore not connected to surface water locally. Secondly, the deeper basalts have not been developed in the area. The proposed well will avoid further withdrawals from the shallower Wanapum Basalts, which have shown declines in the area due to pumping activities. Finally, the proposed well will avoid interference with the other known Grande Ronde Basalt wells due to its separation distance and proposed pumping rate.

The nearest known Grande Ronde Basalt well to the proposed POA is WASC-2668 about 2,100 ft to the south. Local published data suggests a median transmissivity for the upper Grande Ronde Basalts of about 1,700 ft²/d (Vaccaro,

1999). Typical storativity for the basalts range from 1×10^{-3} to 1×10^{-6} . Using these values and assuming a reasonable pumping schedule of 8-hours per day at the proposed rate of 237 gpm for the irrigation season, expected seasonal drawdown at WASC-2668 is expected to be no more than 5.0-8.3 ft. Although the Grande Ronde exhibits a significant range of transmissivities regionally, drilling data from WASC-2668 suggests higher-end transmissivities in the unit locally. The well log for WASC-2668 noted at least 500 gpm of natural flow into the borehole originating from the upper 75 ft of the Grande Ronde Basalt unit.

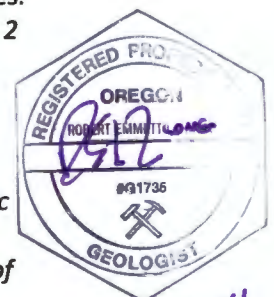
Regional studies (Vaccaro, 1999; Herrera et al., 2017) have also demonstrated that the upper Grande Ronde Basalts can be highly productive. Current use from the unit in the immediate area is very low. Recharge to the Grande Ronde Basalts occurs from the highlands to the west and in areas where the basalts are exposed at the surface. Data from area monitoring wells in the Grande Ronde Basalts (WASC-3399, WASC-2668, WASC-51267, WASC-50312) show stable or increasing trends since about 2015 (Table 1 below).

Table 1 – Available Water Level Data from Grande Ronde Basalts			
Well	Total Depth	Distance from Proposed POA	Approx. Groundwater Elevation Change (dates)
WASC-2668	870 ft	2,100 ft S	Stable (<10 ft change) (Jun 2012 – Feb 2017)
WASC-3399	873 ft	~5 mi SE	+14 ft (Jan 2015 – Apr 2020)
WASC-51267	1,257 ft	~7.8 mi E	Stable (<5 ft change) (Mar 2015 – Oct 2019)
WASC-50312	1,142 ft	~6.5 mi E	Stable (<5 ft change) (Jan 2015 – Oct 2019)

There is sufficient evidence to support groundwater availability for the proposed irrigation use. Hydrogeologic information indicates reasonable availability of water based on current usage from the target aquifer and regional hydrogeologic data. Groundwater trends in the Grande Ronde Basalt are stable and in some cases rising in the last several years, suggesting room for development of the proposed 115 AF of annual water supply. Historic use in the area of the Grande Ronde Basalt is limited, stable, and sustainable. Additional use as proposed can be achieved with monitoring and adapted management of the groundwater resource.

Based on the Applicant’s analysis, there is sufficient documentation of the groundwater resource available in the literature cited here and in State databases to make a determination of groundwater availability. Understanding of current conditions in the region support this and are favorable for the proposed use of up to 115 AF per year for irrigation.

Beaulieu, J. D. (1977). *Geologic hazards of parts of northern Hood River, Wasco, and Sherman Counties.*
 Bela, J. L. (1982). *Geologic and neotectonic evaluation of north-central Oregon: The Dalles 1 degree x 2 degree quadrangle.*
 Herrera, N. B., Ely, K., Mehta, S., Stonewall, A. J., Risley, J. C., Hinkle, S. R., & Conlon, T. D. (2017). *Hydrogeologic Framework and Selected Components of the Groundwater Budget for the Upper Umatilla River Basin, Oregon.*
 McClaughry, J. D., Herinckx, H. H., Niewendorp, C. A., Azzopardi, C. J., & Hackett, J. A. (2021). *Geologic Map of the Dufur Area, Wasco County, Oregon.*
 Newcomb, R. C. (1969). *Effect of Tectonic Structure on the Occurance of Ground Water in the Basalt of the Columbia River Group of the Dalles Area, Oregon and Washington.*
 Vaccaro, J. J. (1999). *Summary of the Columbia Plateau Regional Aquifer-System Analysis, Washington, Oregon, and Idaho*



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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.

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- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- 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.
- Fees - Amount enclosed: **\$ 2,590 (Check #1936)**
See the Department's Fee Schedule at 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)

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
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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.

Land Use Information Form

Applicant

NAME DAVID BROWN, MITCHELL AG INVESTMENTS, LLC		PHONE (HM)	
PHONE (WK) 503-570-1231	CELL	FAX	
ADDRESS 9935 SW COMMERCE CIRCLE			
CITY WILSONVILLE	STATE OR	ZIP 97070	E-MAIL* BOB.LONG@CWMH2O.COM (CWRE AGENT)

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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:
1N	13E	28	SE NW SE SW	1800	EFU A-1 (160)	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU A-1 (160)
		33	NENW			<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		28	SWSW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		33	NWNW			<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		32	NENE	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used			
		29	SESE	0200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		33	NENW	1801		<input type="checkbox"/> Diverted <input checked="" 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:

-Wasco 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) _____

Estimated quantity of water needed: 237 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:

-The proposed groundwater use is for irrigation of wine grapes and related agricultural products over approximately 135 acres. The source of the irrigation is a proposed new well into the deep regional basalt aquifer.

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):

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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	FEB 28 2023	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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.

*SECTION 3.210 - EXCLUSIVE FARM USE.
SECTION 3.212 - USES PERMITTED W/O OUT REVIEW.
WATER RIGHTS ARE HANDLED BY - OREGON WATER RESOURCES DEPT.*

Name: CHRIS McNEEL Title: ASSISTANT PLANNER
 Signature: *Chris McNeel* Phone: (541) 506-2751 Date: 2/7/23
 Government Entity: WASCO COUNTY PLANNING DEPT.

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: _____

ATTACHMENT 2 LEGAL DESCRIPTIONS

Wasco County Official Records	2022-002725
DEED-D	
Str=34 BETTY	07/15/2022 03:41:01 PM
\$15.00 \$11.00 \$10.00 \$60.00 \$19.00	\$115.00

I, Lisa Gambee, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

After recording return to Grantee and until
A change is requested all tax statements shall be
Sent to the Grantee at the following address:
Mitchell Ag Investments, LLC
C/O Mitchell Lewis Staver CO
9935 SW Commerce Circle
Wilsonville OR 97070

Columbia Gorge Title W22 - 0064

GRANTOR:
Gary R. Copper
Anne E. Copper
PO Box 2332
The Dalles OR 97058

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Warranty Deed

Parcel Map and Tax No: 1N13E00 01100 – 7392, 1N12E00 01100 – 17844, 1N13E29 00200 – 7350

The true consideration for this conveyance is **\$995,000.00** (Here comply with requirements of ORS 93.030)

Gary R. Copper and Anne E. Copper, as tenants by the entirety, Grantor hereby grant, bargain, sell, warranty and conveys to Mitchell Ag Investments, LLC, an Oregon Limited Liability Company , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Attached Exhibit A

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, the person transferring fee title should inquire about the person's rights, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon laws 2007, Sections 2 to 9 and 17, Chapter 855, Oregon laws 2009, and Sections 2 to 7, Chapter 8, Oregon laws 2010. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify that the unit of land being transferred is a lawfully established lot or parcel, as defined in ORS 92.010 or 215.010, to verify the approved uses of the lot or parcel, to determine any limits on lawsuits against farming or forest practices, as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, if any, under ORS 195.300, 195.301 and 195.305 to 195.336 and Sections 5 to 11, Chapter 424, Oregon Laws 2007, and Sections 2 to 9 and 17, Chapter 855, Oregon Laws 2009, and Sections 2 to 7, Chapter 8, Oregon Laws 2010.

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FEB 28 2023

OWRD

This property is free from liens and encumbrances, EXCEPT: Those of record, if any.

Dated this 11 day of July, 2022.

[Handwritten signature of Gary R. Copper]

Gary R. Copper

[Handwritten signature of Anne E. Copper]

Anne E. Copper

State of Oregon)
County of Wasco) SS:

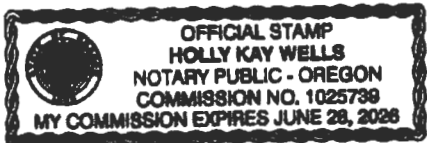
I certify that I know or have satisfactory evidence that Gary R. Copper and Anne E. Copper are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledge it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: July 11 2022

[Handwritten signature of Holly Kay Wells]

Notary public in and for the State of OREGON

Commission Expires: June 28, 2026



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EXHIBIT "A"

Parcel 1:
(Portion of Tax Lot 1100)

The Southwest quarter of the Southwest quarter of Section 28 and all of the Northwest quarter of the Northwest quarter of Section 33, all in Township 1 North, Range 13 East of the Willamette Meridian, Wasco County, State of Oregon.

Parcel 2:
(Tax Lot 200 and Portion of Tax Lot 1100)

A tract of land in the Southeast quarter of the Southeast quarter of Section 29, and in the Northeast quarter of the Northeast quarter of Section 32, in Township 1 North, Range 13 East of the Willamette Meridian, Wasco County, Oregon, described as follows:

Beginning at the Southeast corner of said Section 29; thence North along the East line of said Section 938.5 feet; thence West 310.22 feet; thence South $8^{\circ} 31'$ East 285.94 feet; thence South $89^{\circ} 58'$ West 537.5 feet; thence South $32^{\circ} 50'$ East 429.86 feet; thence South $19^{\circ} 48'$ East 904.34 feet; thence North $89^{\circ} 59'$ East 265.95 feet to the East line of Section 32; thence North on said East line 566.60 feet to the point of beginning.

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**EXHIBIT A
(DESCRIPTION OF REAL PROPERTY)**

Tract 1: TL 1801

Parcel 2, Partition Plat 2005-0025, recorded August 29, 2005 as Microfilm No. 2005-004847, Wasco County records and being situated in the Northeast quarter of the Northwest quarter of Section 33, Township 1 North, Range 13 East of the Willamette Meridian, in the County of Wasco and State of Oregon.

Tract 2: TL 1800

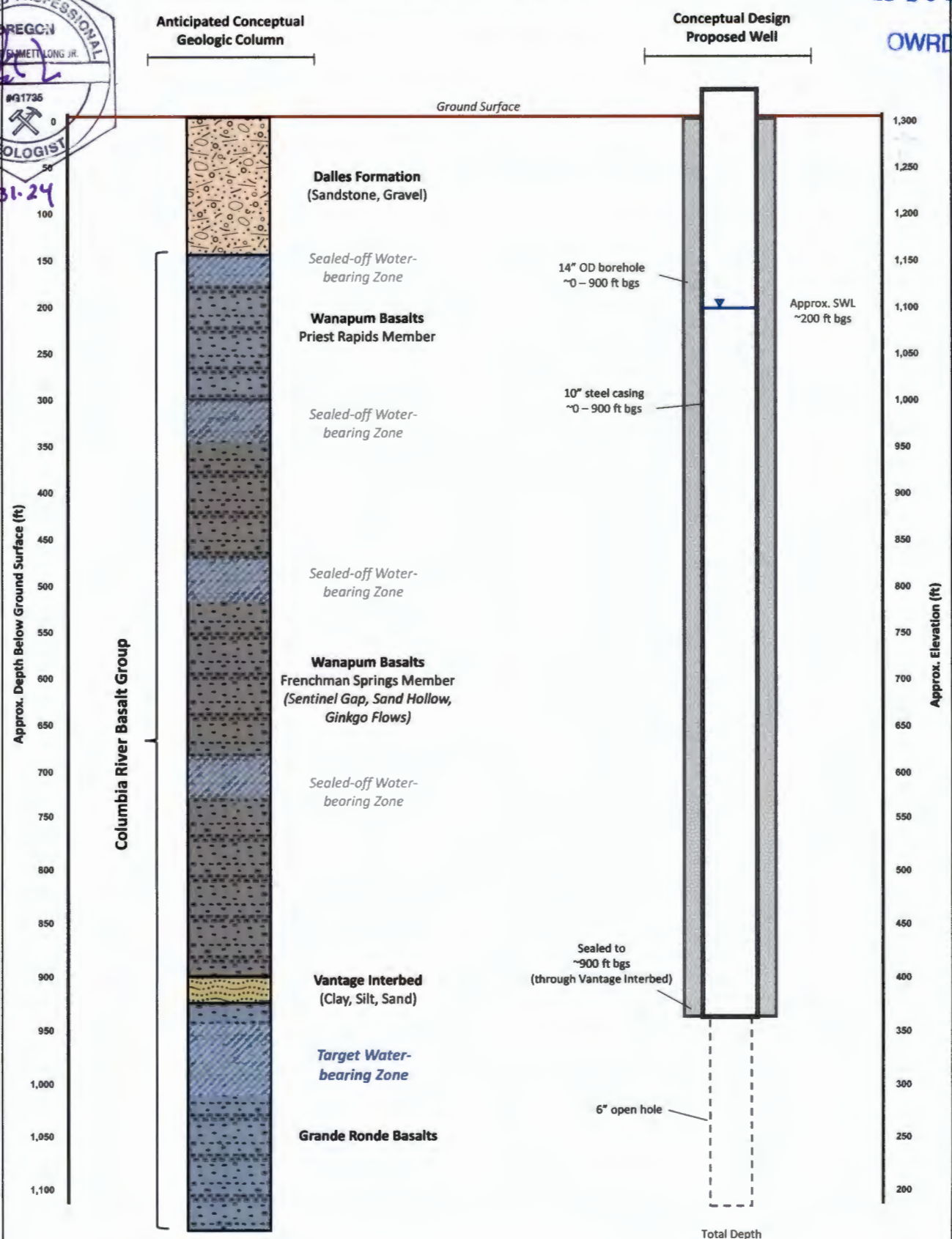
A tract of land in Sections 28 and 33, Township 1 North, Range 13 East of the Willamette Meridian, being more particularly described as Parcel 1 of Partition Plat No. 2005-0025, recorded August 29, 2005, as Microfilm No. 2005-004847, Wasco County Records, in the County of Wasco and State of Oregon.

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Conceptual Design of the Proposed Groundwater Supply Well (Well-1)



Exp. 12-31-24



CwM-H2O
 Complete Water Management
 1318 SE MLK Jr. Blvd, Suite 204
 Portland, Oregon 97214
 (503) 954-1326

The design and depth of the conceptual well are based on conditions observed in nearby domestic and irrigation well logs and an interpretation of local lithology and structural geology. The depths to specific features may vary in the field due to the influence of local fold and fault structures.

1	1/26/23	IAG	DRAFT
No.	Date	By	Revisions

ATTACHMENT 3
Conceptual Proposed Well Construction Diagram
 Mitchell Ag Investments
 Proj. No 1803004
 Proposed New Groundwater Use Permit Application



February 27, 2023

Oregon Water Resources Department
Attn: *Water Rights Services Division*
725 Summer St. NE Ste A
Salem, Oregon 97301

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RE: SUBMITTAL OF AN APPLICATION FOR A PERMIT TO USE GROUNDWATER

Dear OWRD Staff,

Please find accompanying this letter an application for a permit to use groundwater from David Brown of Mitchell Ag Investments, LLC, Applicant. The application proposes the use of groundwater from the Grande Ronde Basalt aquifer of the Columbia River Basalt Group system for irrigation purposes. The proposed point of appropriation (POA) is a proposed new well on the property adjacent to existing irrigation distribution lines. The proposed use includes 42.25 acres of primary use and 92.34 acres of supplemental irrigation.

The standard attachments include the application map, legal descriptions of the property included in the proposed place of use, and an approved LUCS form from Marion County. The Applicant has also included a conceptual well design figure for the proposed POA (Attachment 3). A check from the Applicant (# 1936) has also been included to cover the application fee of \$2,590.

Please let us know if there are any issues with processing this application or questions regarding the information included therein. Thank you for your assistance.

Sincerely,

CwM H2O, L.L.C.

A handwritten signature in blue ink, appearing to read "RL2", is written over a faint circular stamp.

Robert Long, CWRE

Enclosed:

- Application for a Permit to Use Groundwater (David Brown, Mitchell Ag Investments, LLC - Applicant)
 - Application Map
 - Legal Descriptions of POU Taxlots
 - Conceptual Well Design Figure
 - LUCS Form Approved by Wasco County
- Check for review fee (# 1936)