

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1209
(503) 986-0900
www.wrd.state.or.us

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

WATER RESOURCES DEPT
SALEM, OREGON

Applicant Information

NAME Jerome M & Shirley J. McSilvers		PHONE (HM) 541-744-2758	
PHONE (WK) 541-984-4013 M-Th	CELL 541-510-5217	FAX _____	
ADDRESS Farm: 3289 116 th St. Mail: 1261 "S" St.			
CITY Springfield	STATE OR	ZIP 97477	E-MAIL jmsjmcsilvers30@msn.com

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL

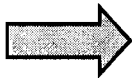
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL

Note: Attach multiple copies as needed

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 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.

	land owner Shirley McSilvers	12/18/10
Applicant Signature	Print Name and title if applicable	Date
	Jerome M. McSilvers	12/28/10
Applicant Signature	Print Name and title if applicable owner	Date

App. No. <u>2-87674</u>	For Department Use	Date
Permit No. _____		

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.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - 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).
 - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (attach additional sheets if necessary).

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:

- Source 1: Bureau of Reclamation Stored waters delivered down the McKenzie River Tributary to: Willamette River
- Source 2: _____ Tributary to: _____
- Source 3: _____ Tributary to: _____
- Source 4: _____ Tributary to: _____

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 item 3A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 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: 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
Willamette Project	irrigation	March 1 → Oct. 31	20 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" 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

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 8 Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): None

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 20

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

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): Anticipate centrifugal 5.5 hp
- Other means (describe): _____

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

Pump in River Mainline through culvert and along W side of property

B. Application Method

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

sprinkler with hand lines at first
hope to have solid set someday

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.

Highly transmissive soils may require full rate and duty for some crops, will work with NRCS.

SECTION 6: 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 to prevent uptake of fish and other aquatic life.
Describe planned actions: will call ODFW for standards
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: There is a drainage way that goes to river, will use that for water line - will not need excavation
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Should NOT need equipment in stream
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Have been trained in OSU Extension sustainable Landscaping - will work with Nature

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Summer, 2011

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Date construction will be completed: Fall 2016

Date beneficial water use will begin: Summer 2011

SECTION 8: REMARKS

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

Am submitting a Contract Data Sheet to BOR
at the same time

Land Use Information Form



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

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Applicant: Jerome & Shirley McSilvers
First Last

WATER RESOURCES DEPT
 SALEM, OREGON

Mailing Address: 1261 "S" St.

Springfield
City

OR
State

97477
Zip

Daytime Phone: 541-510-5217 (S cell)
 " 510-3770 (J cell)
 " 744-2758 (hm)

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>17S</u>	<u>3W</u>	<u>24</u>	<u>31</u>	<u>00400</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>irrigation</u>
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Lane 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 Ground Water Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) Blue River & Cougar Res.

Estimated quantity of water needed: 20 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:

Various crops, including living Christmas Trees
 Hazelnuts/Filberts

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

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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.

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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): LC 16.212(3)(a)
- 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.

FARM USE PERMITTED PER LC 16.212(3)(a)

Name: RAFAEL SEBBA Title: ASSOCIATE PLANNER

Signature: RCSIL Phone: 541.682.4620 Date: 12.29.10

Government Entity: LANE COUNTY LAND MANAGEMENT

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: _____

N/A ☺

JMA SJ McSilvers

Legal Written Description *3289 16th St. Springfield, OR 97477*

Exhibit "A"

Parcel 1 of Land Partition Plat No. 92-P0235, filed July 21, 1992, Lane County Plat Records, in Lane County, Oregon.

EXCEPTING THEREFROM: Any portion lying within that tract set out in that Judgment in Lane County Circuit Court Case No. 16 92 04047, notice of which was recorded January 10, 1994, Reception No. 94-01874, Lane County Oregon Deed Records, in Lane County, Oregon, to-wit:

Beginning at the Southwest corner of The Felix Scott Donation Land Claim No. 51, Township 17 South, Range 3 West of the Willamette Meridian and thence running North 0° 03' 06" West 1905.79 feet to a point on the centerline of Hayden Bridge Road (County Road No. 667); thence along said centerline North 89° 37' 53" West 1170.87 feet; thence leaving said centerline and running North 0° 03' 06" West 1578.24 feet to a point on the North boundary of THE FIRST ADDITION TO DELROSE ADDITION, as platted and recorded in Book 50, Page 22, Lane County Oregon Plat Records, said point being the true point of beginning; thence North 0° 03' 06" West 1413.00 feet to a point on the Southerly margin of Harvest Lane; thence along said Southerly margin along the arc of a 821.00 foot radius curve left (the long chord of which bears North 63° 09' 46" East 9.89 feet) 9.89 feet to a point more or less on the centerline of an existing overhead powerline running in a North-South direction; thence running along said powerline South 0° 07' 39" West 1417.49 feet to a point on the North boundary of said plat; thence leaving said powerline and running along said North boundary North 89° 46' 13" West 4.40 feet to the true point of beginning, all in Lane County, Oregon.

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SALEM, OREGON

S-87674

McSilvers, 3289 16th St., Springfield, OR 97477


Western Title & Escrow
Legal Description

Herb Mosgar

From: JEROME SHIRLEY MCSILVERS [jmsjmcslvers30@msn.com]
Sent: Tuesday, January 04, 2011 5:04 AM
To: Herb Mosgar
Subject: S87674 Water Rights Application
Importance: High
Attachments: WaterApplication.jpg; WaterApplication 001.jpg

Good morning!

Here is the scanned contract information as we discussed yesterday in our phone conversation.

Thank you for the alert!

Shirley J. McSilvers

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AGRICULTURE
SALISBURY, MD

S-87674

CONTRACT DATA SHEET

Lane Co - Filled out on 12/30/10



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION Managing Water in the West

mailed 12/31/10 } B C CK 100 - #4153
Lane Co. CK #138 - #4158
#7168 CK. - 1300-

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Jerome M. & Shirley J. Mc Silvers
- 2) Address: 3289 16th St., Springfield, OR 97477
- 3) Mailing Address (if different): 1261 "S" St., Springfield, OR 97477
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification N)
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: _____
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

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2. Source of Water (name of stream, river): McKenzie River, stored Water Bureau of Reclamation
3. Proposed point of diversion: 90 feet North and 1015 feet
of E WNW cor DL C 51 corner of Section 24, Township 17 S, Range 3W
Willamette Meridian.
4. A water right permit to divert storage water is required. Application or file number with ●WRD if you have applied for a permit to divert storage water: applying currently
5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

Do you currently hold a right to natural flows for irrigating the property described herein? No
 If yes, what is/are the priority date(s)? _____

Total quantity of water from storage requested: 20 acre-feet.

Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
				8	Filberts/Hazelnuts Christmas trees
				being	
17S	3W	24	SE NW	3 3	RECEIVED
17S	3W	24	NE SW	4 7	JAN 04 2011
					RECEIVED
					JAN 04 2011

What is the present use of the land identified above? [Farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)].

part Farming, part ~~native/pasture~~, idle

Is the land identified above currently being irrigated? No If yes, what is the source? (natural flows, wells, etc.) _____

1. Diversion must be screened to prevent uptake of fish and other aquatic life. Fish
 Describe plan(s) to comply with State/Federal fish screen standards: Use a screen as required on uptake opening/pipe by ODFW -

2. Telephone number where you can be reached during the day: 541-510-5217, 510-3770 Shirley Jerry

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE², MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹ Section 31001.(f) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

² The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant

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