

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.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME RICHARD BAKER		PHONE (HM) 541-995-6874	
PHONE (WK)	CELL 541-729-0573	FAX 541-995-8143	
ADDRESS 32283 DIAMOND HILL DR			
CITY HARRISBURG	STATE OR	ZIP 97446	E-MAIL * BAPABAKER@MSN.COM

Organization Information

NAME BAKER FARMS INC.		PHONE 541-995-3784	FAX 541-995-8143
ADDRESS 32283 DIAMOND HILL DR		CELL 541-726-9-0573	
CITY HARRISBURG	STATE OR	ZIP 97446	E-MAIL * DIAMONDRB1@HOTMAIL.COM

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 providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

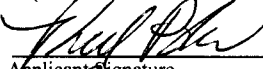

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By my signature below I confirm that I understand:

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- 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.


Applicant Signature

Applicant Signature

Richard Baker landowner 4-27-16
Print Name and title if applicable Date
Richard Baker Pres Baker Farms 4-27-16
Print Name and title if applicable Date

Revise	App. No. <u>S-88221</u>	For Department Use	Permit No. _____	Date _____
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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*).

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.

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: McKenzie River

Tributary to: Willemette

Source 2: Muddy Creeks Irrigation Project

Tributary to: Willemette

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.)

Copy of BOR application, Copy of MCLP contract

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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
			50 <input type="checkbox"/> cfs <input checked="" type="checkbox"/> gpm <input type="checkbox"/> af
McKenzie River	Irrigation	March 15-Oct 15	.12 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			70 <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

For irrigation use only:

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

Primary: 70 Acres Supplemental: _____ Acres

List 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: 70

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- 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:

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 2---9-15 hp gas or diesel powered centrifical pumps

Other means (describe): _____

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

Intial point of diversion from McKenzie River near Coburg OR into Muddy Creeks Irrigation Project ditch. Water is delivered by contract (copy included) with MCIP ditch system and diverted at PODs in Sec 28 15s R3w TL 300 &301 as shown on map

B. Application Method

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

Drip

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.

By using drip irrigation we will be applying water only as needed. Evaporation losses will be kept at minimum and surface runoff will be avoided. Back flow protection will be used.

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: We plan to have a sump/filter area around the intake that will be screened to prevent any fish damage.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: No instream construction planned
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: No instream construction planned.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Drip irrigation will not have surface runoff. A back flow prevention system will be used..

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as permit process is complete

Date construction will be completed: Within 30 days of permit

Date beneficial water use will begin: As soon as permit is granted

SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name Muddy Creeks Irrigation District	Address PO Box 225	
City Harrisburg	State OR	Zip 97446

SECTION 9: REMARKS

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

RE: Section 3 Source

US Bureau of Reclamation contract for stored water in Willemette Basin transported through Muddy Creeks Irrigation Project ditch to points of diversion

<u>Twn 15s R3w Sec 28 NWNW TL 300</u>	<u>33 acres</u>
<u>Twn 15s R3w Sec 28 NENW TL 301</u>	<u>23 acres</u>
<u>Twn 15s R3w Sec 21 SESW TL 301</u>	<u>7 acres</u>
<u>Twn 15s R3w Sec 28 NWNE TL 301</u>	<u>7 acres</u>
<u>TOTAL</u>	<u>70 acres</u>

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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.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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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

Applicant: Richard First Baker Last

Mailing Address: 32283 Diamond Hill Dr.

Harrisburg City OR State 97446 Zip Daytime Phone: 541-729-0573

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:
15s	3w	28	NWNW	300	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
15s	3w	28	NENW	304	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
15s	3w	21	SESW	301	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
15s	3w	28	NWNE	301	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU

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

Linn

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B. Description of Proposed Use

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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) Muddy Creeks Irr. Project ditch

Estimated quantity of water needed: 50 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:

This will provide water for hazelnuts thru a drip irrigation system.

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.

See bottom of Page 3. →

Surface Water/10

WR

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): 928.310(B)(1)

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.

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Farm use only.

MAY 12 2016
SALEM, OH

Name: Olivia Glantz Title: Associate Planner
 Signature: *[Handwritten Signature]* Phone: 541-967-3816 Date: 4/28/16
 Government Entity: Linn County

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: _____

Muddy Creek Irrigation Project Contract

This is a Contract between Muddy Creeks Irrigation Project and Richard & Russ Baker dated 2/10/2016 which approves the irrigation water delivery to irrigate 70 Acres of Hazelnuts off N. Coburg Road and East of I-5 on Muddy Creeks Irrigation Canals with a limited rate of flow of no more than 15-25 GPM. The point of diversions would be #1- behind the existing hay barn on the west side of I-5 and the south end of the property, #2 would be on the east side of I-5 staying south of the check dams and only along the south ditch of that property. The cost and limitations are as follows:

*Bakers will purchase shares to Muddy Creeks for 70 Acres at the rate of \$15/Ac billed over five years.

*Bakers will pay the used water or dormant rate for irrigation water each year to Muddy Creeks Irrigation Project for 70 Acs. (2016 fees: \$10/ac dormant, \$17.50/ac used)

*Bakers will irrigate 70 Acs. Muddy Creeks Irrigation Project will deliver irrigation water as long as there is enough water available along the ditches outlined. Regulations of the State of OR give the oldest Water Rights first priority.

*These water rights will be secured with a BOR and OR Water rights.

Richard or Russ Baker 3/8/16
Richard or Russ Baker Date

Muddy Creeks
By: Jane S Dewall 3/8/16
Muddy Creeks Irrigation Project Date

32283 Diamond Hill Dr
Harrisburg, OR 97446
Address

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SALEM, OR

Muddy Creeks Irrigation Project, PO Box 225, Harrisburg, OR 97446

CONTRACT DATA SHEET



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

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5:11 PM OR

RECLAMATION

Managing Water in the West

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Richard D Baker Arlene F. Baker Revocable Trust
- 2) Address: 32283 Diamond Hill Dr.
- 3) Mailing Address (if different): Harrisburg OR 97446
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number) ¹
- 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.

2. Source of Water (name of stream, river): McKenzie River / Muddy Creek's Irrigation Project
3. Proposed point of diversion: 1000' feet south and 300 feet west
of NW corner of Section 28, Township 15s, Range 3w
Willamette Meridian. #2 1600' SE 2640' W & NW Sec 28 Twp 15s R 3w
4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Application Filed. Copy included
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].

6. 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)? _____

7. Total quantity of water from storage requested: 70 acre-feet.

8. 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
155	3W	28	NW NW	33	Hazelnut trees
155	3W	28	NE NW	23	Hazelnut Trees
155	3W	21	SE SW	7	Hazelnut Trees
155	3W	28	NW NE	7	Hazelnut Trees
			Total	70	

9. 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)].

Farming

10. Is the land identified above currently being irrigated? _____ If yes, what is the source? (natural flows, wells, etc.) _____

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: Mohazip River diversion point is screened by Muddy Creek Irr. Project which is pumped into MCIP irrigation ditch. At my diversion point we will use screen with 1/8" holes.

12. Telephone number where you can be reached during the day: 541-729-0573

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 (i) 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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Muddy Creek Irrigation Project Contract


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Richard or Russ Baker
3/8/16
Date

Muddy Creeks
By:  3/8/16
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32283 Diamond Hill Dr
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Muddy Creeks Irrigation Project, PO Box 225, Harrisburg, OR 97446

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