

89450

Application No. 89450

Permit No. \_\_\_\_\_

Certificate No. \_\_\_\_\_

**FEEES PAID**

Date	Amount	Receipt No.
3-22-2024	\$6,210.00	142585
	Cert. Fee	

Name S-89450  
Windy River  
 By Robert Levy  
 Address 1000 Hwy 395 S #423  
Hermiston, OR 97838

Date

DENIED \_\_\_\_\_

MISFILED \_\_\_\_\_

Volume | Page

WITHDRAWN \_\_\_\_\_

CANCELLED \_\_\_\_\_

**FEEES REFUNDED**

Date	Amount	Receipt No.

Priority 3-22-2024

County Morrow/Umatilla WM# 5

**RELATED FILES**

**ASSIGNMENTS**

Date To Whom Address

Date	To Whom	Address

**DEVELOPMENT**

Date

Completion \_\_\_\_\_

Extended to \_\_\_\_\_

Final Proof received \_\_\_\_\_

Proposed Cert. Mailed \_\_\_\_\_

**REMARKS** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**MAP LOCATION** \_\_\_\_\_

# Mailing List for IR Copies

Application S-89450

IR Date: May 3, 2024

Original and map mailed to applicant:

WINDY RIVER  
C/O ROBERT LEVY  
1000 HWY 395 S #423  
HERMISTON OR 97838

Sent via auto email:

1. Applicant – boblevy@windyriverfarms.com
2. Agent – wporfily@gmail.com
3. WRD – Watermaster District #5, Gregory M. Silbernagel
4. WRD – Chris Kowitz, NCR
5. WRD – SW Section
6. ODFW
7. DEQ

Copies sent to:

1. WRD – File S-89450
2. WRD – Ann Reece
3. Morrow County Planning Department (by email)
4. Umatilla County Planning Department (by email)
5. ALO and District – Columbia Improvement District – 501 Columbia Ave NE, Boardman, OR 97818
6. ALO – Madison Ranches C/O Jake Madison – 29299 Madison Rd., Echo, OR 97826
7. ALO – AgNW Butter Creek C/O Matthew Vickery – 6716 W. Rio Grande, Kennewick, WA 99336
8. Water District – Westland Irrigation District – 77096 OR-207, Echo, OR 97826

Application Specialist: Adam Frederick

Copies Mailed

By: TM  
(SUPPORT STAFF)

On: 5-3-2024  
(DATE)

prop. to  
Deny



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

## Water Right Application Initial Review

May 3, 2024

WINDY RIVER  
C/O ROBERT LEVY  
1000 HWY 395 S #423  
HERMISTON OR 97838

Reference: Application S-89450

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your options. In determining whether an application may be approved, the Water Resources Department (Department) must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Department has made the following preliminary determinations:

### Preliminary Determinations under Oregon Administrative Rule (OAR) 690-310-0080:

1. The application proposes the diversion of 10.0 cubic feet per second (CFS), further limited to 4,927.5 acre-feet (AF) annually, of water from the Columbia River, tributary to the Pacific Ocean, for primary irrigation of 3284.95 acres from November 1 through February 28/29, and supplemental irrigation of 3284.95 acres from October 1 through October 31 and March 1 through April 15 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Irrigation, as defined in OAR 690-300-0010(26), is a classified use and allowable under the Columbia River Basin Program (OAR 690-519-0000(1)).
4. An assessment of water availability utilizing discharge data produced by the U.S. Geological Survey is in the application file. This assessment is done consistent with OAR 690-410-0070(2)(a). During the period of use requested, the assessment established that surface water is available.
5. OAR 690-033-0120(2)(a) prohibits the diversion of water from April 15 through September 30 each year.
6. The proposed use is not located within or above any state scenic waterway.

7. This application proposes the diversion of water from the same source, for irrigation of the same lands, during the periods of March 1 through April 15 and October 1 through October 31 as Permits S-55061, S-54633, S-55401, and S-55192, and Applications S-89258 and S-89259. Primary irrigation and supplemental irrigation from the same source on the same lands is not allowable. Therefore, the proposed supplemental irrigation in Application S-89450 is not allowable.
8. A portion of the area proposed for primary irrigation under this application is currently covered by an existing primary irrigation water right evidenced by Certificate 83083, which conflicts with this application. Please see the Conflict Resolution Information section below for more details. Should this application be approved, any permit issued under this application will exclude the 568.7 acres with existing primary irrigation rights unless the conflict is resolved by another means.
9. The amount of water used for irrigation under this application, should it be permitted, will contribute towards the annual irrigation diversion limit secured under any other right existing for the same lands.
10. The application indicated the irrigation of 3,285.0 acres of irrigation but the map indicated 3,284.95 acres. The Department will proceed with 3,284.95 acres unless we receive additional clarification from the applicant.
11. Documentation has been submitted from the relevant land-use planning jurisdictions that indicate the proposed use is allowed outright.
12. See the Additional Information Required section below for deficiencies with the application.

<b>Summary of Preliminary Determinations</b>
<p>The diversion of 10.0 CFS, further limited to 4,927.5 AF annually, of water from the Columbia River, tributary to the Pacific Ocean, for primary irrigation of 3284.95 acres from November 1 through February 28/29 of each year is not allowable, although the applicant may provide additional information for the Department's consideration. Please see the <u>Additional Information Requested</u> section below for more details.</p>
<p>The diversion of 10.0 CFS of water from the Columbia River, tributary to the Pacific Ocean, for supplemental irrigation of 3284.95 acres from October 1 through October 31 and March 1 through April 15 of each year is not allowable.</p>

**Additional Information Requested:**

The application proposes irrigation during the non-irrigation season, and it is unclear if the beneficial use of water can be made during the period of use requested. Additional information is required prior to issuance of any Proposed Final Order that may recommend permit approval. Please provide the following item(s):

1. Please provide information regarding how the intended use during the requested period of use is consistent with the definition of irrigation in OAR 690-300-0010(26).

2. Please provide information describing how the requested water would be put to beneficial use during each of the months of November, December, January, and February.

**Please submit this information no later than June 6, 2024.** If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

**Conflict Resolution Information:**

**Although it is unlikely that a permit will be issued,** if the Department's findings change, the place of use conflict will need to be resolved. A portion of the area proposed for primary irrigation under this application is currently covered by an existing irrigation water right evidenced by Certificate 83083, which conflicts with the application. (See attached map of Certificate 83083)

If you would like this application to be the primary right, the Department must receive:

- a. A completed form authorizing cancellation of the conflicting portions of the existing right, along with a map describing those portions; or
- b. A completed affidavit of diminution of the conflicting portions of the existing right to reduce them to supplemental use, along with a map describing those portions; or
- c. A transfer application addressing the conflicting portions of the existing right; or
- d. Another means of dealing with the conflict between the existing right and the use proposed under this application.

If you would like this application to be supplemental to the existing certificate, the Department must receive a revised map showing the place of use of both the primary and supplemental lands. Please note the supplemental lands will be limited and/or jeopardized as follows:

- a. If the existing right is found to have been forfeited, the use which is supplemental to such certificate may also be canceled.
- b. You may only use the supplemental right after the primary right becomes unavailable. Water from the primary source must be exhausted first.
- c. The season of use for the supplemental irrigation will be limited to that of the primary right.

**Please submit this information no later than June 6, 2024.** If you are unable to submit the information listed above by this date, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time is needed and why you need

additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

**Additional Information Required:**

Although it is unlikely that a permit will be issued, if you choose not to withdraw your application, additional information is required in order for the Department to continue processing your application. Please provide the following:

- A. The Department must receive evidence that you have written authorization or an easement permitting access to lands not owned by you that are crossed by the proposed ditch, canal or other work.
- B. The Department must receive a copy of the legal description of the property from which the water is to be diverted, any property crossed by the proposed ditch, canal or other work, and any property on which the water is to be used as depicted on the map, as required by OAR 690-310-0040(1)(a)(I). The legal description is often found on a deed, land sales contract, or title insurance policy.
- C. The names and mailing addresses of the owners of any lands not owned by the applicant 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, as required by OAR 690-310-0040(1)(a)(F).

**Please submit this information no later than June 6, 2024.** If you are unable to submit the information listed above by this date, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time is needed and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the information requested above or a request for an administrative hold by the above date, the Department may reject the application.

**Public Comment & Further Review:**

Public interest issues and/or public comments will be addressed as the Department prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

**Division 33 Review** – The Department’s Division 33 administrative rules (OAR 690-033) establish additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered (STE) fish species. This Initial Review does not address the potential impact that your proposed use may have on these species.

Your application will now undergo an additional review from numerous federal, state, local, and tribal governmental entities. This review may cause your application to be limited, conditioned, or denied.

Depending on the proposed use, you may be required to mitigate for potential impacts identified in the review.

Mitigation for impacts to STE Species – Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water within the impacted reach through purchasing or transferring an existing water right. Following the Initial Review, you will be notified if mitigation is required, due to impacts to STE fish species.

If you choose to pursue mitigation, you will likely need to place your application on administrative hold in order to explore options. There will be an additional fee of \$790 required with any mitigation proposal submitted.

**At this time, you must decide whether to proceed or to withdraw the application.**

- To Proceed - If you choose to proceed with the application, you do not have to notify the Department. The application will be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.
- To Withdraw - You may withdraw the application and receive a refund (minus a \$310 processing fee). You must notify the Department **in writing** by **May 17, 2024**. For your convenience you may use the enclosed "STOP PROCESSING" form.

**Although it is unlikely that a permit will be issued, if the Department's findings change and a permit is issued, it will likely include the following conditions:**

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. A permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. **Water Use Measurement, Recording, and Reporting:**
  - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as determined by the watermaster, at each point of diversion. The permittee shall maintain the device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water source identified in the application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program website at [www.oregon.gov/ODA](http://www.oregon.gov/ODA) to learn more about the plans and how they may affect the proposed water use.

**For Further Information:**

Feel free to contact me at [Adam.M.Frederick@water.oregon.gov](mailto:Adam.M.Frederick@water.oregon.gov) or 971-707-8400 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0900. When corresponding by mail, please use this address: Adam Frederick, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

*Adam Frederick*

Adam Frederick  
Water Right Application Specialist  
Oregon Water Resources Department

Enclosures: Application Process Description  
Stop Processing Request Form

S-89450  
WAB: Columbia R.  
Proposed to Deny



# APPLICATION FACT SHEET

Application File Number: S-89450

Applicant: WINDY RIVER

County: MORROW, UMATILLA

Watermaster: GREG SILBERNAGEL, #5, NCR

Priority Date: MARCH 22, 2024

Source: COLUMBIA RIVER, TRIBUTARY TO PACIFIC OCEAN

Purpose or Use: PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 3284.95 ACRES

Volume/Rate: 10.0 CUBIC FEET PER SECOND, FURTHER LIMITED TO 4,927.5 ACRE-FEET ANNUALLY

Period of Use: PRIMARY IRRIGATION FROM NOVEMBER 1 THROUGH FEBRUARY 28/29  
 SUPPLEMENTAL IRRIGATION FROM OCTOBER 1 THROUGH OCTOBER 31 AND MARCH 1  
 THROUGH APRIL 15

Basin Name & Number: UMATILLA, #7

Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	2	NE NW	150 FEET SOUTH AND 2990 FEET WEST FROM NE CORNER, SECTION 2

Places of Use for Primary and Supplemental Irrigation:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	4	NE NE	34.0
2 N	28 E	WM	4	NW NE	33.9
2 N	28 E	WM	4	SW NE	29.2
2 N	28 E	WM	4	SE NE	29.2
2 N	28 E	WM	4	NE NW	34.2
2 N	28 E	WM	4	NW NW	34.3
2 N	28 E	WM	4	SW NW	28.9
2 N	28 E	WM	4	SE NW	28.9
2 N	28 E	WM	4	NE SW	33.7
2 N	28 E	WM	4	NW SW	33.7
2 N	28 E	WM	4	SW SW	31.3
2 N	28 E	WM	4	SE SW	27.9
2 N	28 E	WM	4	NE SE	33.5
2 N	28 E	WM	4	NW SE	33.0
2 N	28 E	WM	4	SW SE	28.5
2 N	28 E	WM	4	SE SE	28.7
3 N	28 E	WM	14	SW SE	1.2
3 N	28 E	WM	14	SE SE	1.2

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	23	NE NE	33.6
3 N	28 E	WM	23	NW NE	34.2
3 N	28 E	WM	23	SW NE	27.7
3 N	28 E	WM	23	SE NE	27.1
3 N	28 E	WM	23	NE NW	30.2
3 N	28 E	WM	23	NW NW	29.0
3 N	28 E	WM	23	SW NW	36.5
3 N	28 E	WM	23	SE NW	36.95
3 N	28 E	WM	23	NE SW	37.6
3 N	28 E	WM	23	NW SW	35.7
3 N	28 E	WM	23	SW SW	40.2
3 N	28 E	WM	23	SE SW	35.6
3 N	28 E	WM	23	NE SE	30.3
3 N	28 E	WM	23	NW SE	31.3
3 N	28 E	WM	23	SW SE	23.7
3 N	28 E	WM	23	SE SE	21.7
3 N	28 E	WM	26	NE NE	30.2
3 N	28 E	WM	26	NW NE	35.7

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	26	SW NE	35.2
3 N	28 E	WM	26	SE NE	28.1
3 N	28 E	WM	26	NE NW	17.5
3 N	28 E	WM	26	NW NW	22.7
3 N	28 E	WM	26	SW NW	38.8
3 N	28 E	WM	26	SE NW	36.6
3 N	28 E	WM	27	NE NE	36.4
3 N	28 E	WM	27	NW NE	26.8
3 N	28 E	WM	27	SW NE	37.9
3 N	28 E	WM	27	SE NE	21.1
3 N	28 E	WM	27	NE NW	28.4
3 N	28 E	WM	27	NW NW	30.4
3 N	28 E	WM	27	SW NW	30.4
3 N	28 E	WM	27	SE NW	31.8
3 N	28 E	WM	27	NE SW	30.1
3 N	28 E	WM	27	NW SW	27.6
3 N	28 E	WM	27	SW SW	32.0
3 N	28 E	WM	27	SE SW	28.9
3 N	28 E	WM	27	NE SE	38.8
3 N	28 E	WM	27	NW SE	40.0
3 N	28 E	WM	27	SW SE	16.0
3 N	28 E	WM	27	SE SE	13.6
3 N	28 E	WM	28	NE NE	33.0
3 N	28 E	WM	28	NW NE	33.0
3 N	28 E	WM	28	SW NE	29.4
3 N	28 E	WM	28	SE NE	29.4
3 N	28 E	WM	28	NE NW	31.3
3 N	28 E	WM	28	NW NW	31.2
3 N	28 E	WM	28	SW NW	31.0
3 N	28 E	WM	28	SE NW	30.8
3 N	28 E	WM	28	NE SW	30.5
3 N	28 E	WM	28	NW SW	30.2
3 N	28 E	WM	28	SW SW	39.0
3 N	28 E	WM	28	SE SW	39.0
3 N	28 E	WM	28	NE SE	27.2

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	28	NW SE	28.0
3 N	28 E	WM	28	SW SE	35.9
3 N	28 E	WM	28	SE SE	30.9
3 N	28 E	WM	29	NE SW	28.3
3 N	28 E	WM	29	NW SW	29.7
3 N	28 E	WM	29	SW SW	33.7
3 N	28 E	WM	29	SE SW	36.5
3 N	28 E	WM	29	NE SE	30.0
3 N	28 E	WM	29	NW SE	26.2
3 N	28 E	WM	29	SW SE	34.9
3 N	28 E	WM	29	SE SE	36.9
3 N	28 E	WM	32	NE NE	36.7
3 N	28 E	WM	32	NW NE	36.9
3 N	28 E	WM	32	SW NE	32.2
3 N	28 E	WM	32	SE NE	32.0
3 N	28 E	WM	32	NE NW	36.4
3 N	28 E	WM	32	NW NW	31.7
3 N	28 E	WM	32	SW NW	31.9
3 N	28 E	WM	32	SE NW	31.5
3 N	28 E	WM	33	NE NE	31.3
3 N	28 E	WM	33	NW NE	36.5
3 N	28 E	WM	33	SW NE	31.0
3 N	28 E	WM	33	SE NE	31.0
3 N	28 E	WM	33	NE NW	36.9
3 N	28 E	WM	33	NW NW	36.3
3 N	28 E	WM	33	SW NW	32.0
3 N	28 E	WM	33	SE NW	32.4
3 N	28 E	WM	33	NE SW	29.2
3 N	28 E	WM	33	NW SW	30.9
3 N	28 E	WM	33	SW SW	32.7
3 N	28 E	WM	33	SE SW	30.5
3 N	28 E	WM	33	NE SE	31.1
3 N	28 E	WM	33	NW SE	31.2
3 N	28 E	WM	33	SW SE	32.7
3 N	28 E	WM	33	SE SE	32.3

**PUBLIC NOTICE DATE: May 7, 2024**

**14 DAY STOP PROCESSING DEADLINE DATE: May 17, 2024**

**30 DAY COMMENT DEADLINE DATE: June 6, 2024**

**APPLICATION PROCESS DESCRIPTION FOR  
GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS**

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our website at: [www.oregon.gov/owrd](http://www.oregon.gov/owrd)

**1. Pre-application considerations**

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference, contact the Department's Water Rights Customer Service Group at (503) 986-0900.

**2. Application filing**

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

**3. Initial Review (IR)**

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.

**4. Proposed Final Order (PFO)**

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

**5. Final Order (FO)**

- If no protest is filed, Final Order is issued.

***The protest process***

If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- Proposed Order;
- period of time to file exceptions; or
- possible hearing by Water Resources Commission.
- Final Order is issued.

***Permit holder responsibilities***

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions.

STOP PROCESSING REQUEST FORM

FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

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- Stop processing deadline is within 14 days of Initial Review.

Applicant notification to withdraw Water Right Application **S-89450**.

After reviewing the Initial Review for my application, I request that processing be stopped, and the fees be refunded (minus a \$310 processing fee.) I understand that without a valid permit, I may not legally use the water as requested in my application.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped, and all filing fees (except \$310 processing fee) be returned.

- This notice must be received at Water Resources Department by:

**May 17, 2024**



- Return the notice to:

OWRD, Water Right Services Division  
STOP PROCESSING  
725 Summer Street, NE - Suite A  
Salem OR, 97301-1266

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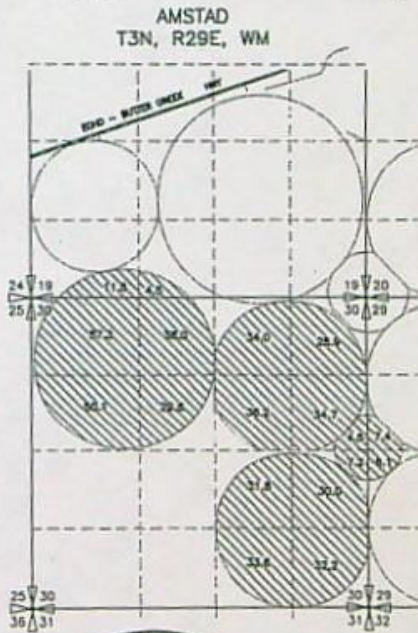
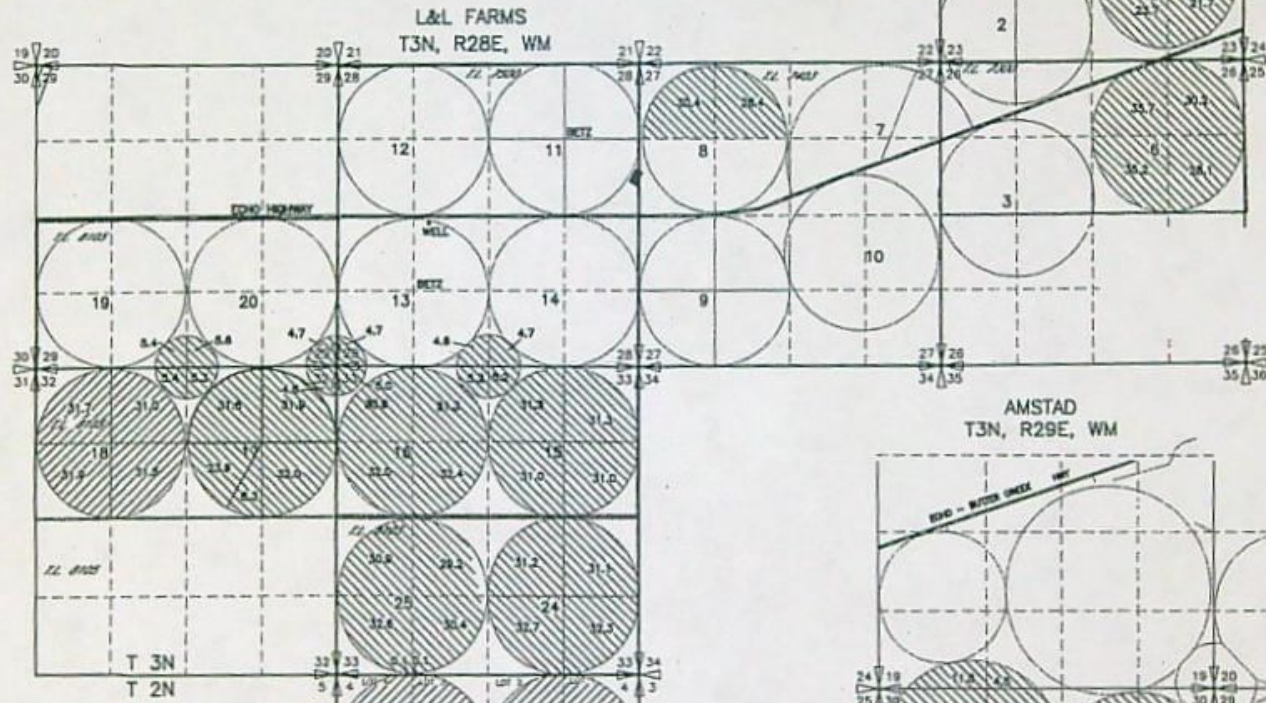
Primary and Supplemental Irrigation  
Certificate 83083; see modifications  
below for T2N R28E 4

FINAL PROOF MAP  
FOR  
PERMIT 48968  
L&L FARMS & TONY AMSTAD  
UMATILLA COUNTY

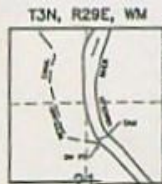
 PRIMARY IRRIGATION  SUPPLEMENTAL IRRIGATION

*Tony Amstad*  
TONY AMSTAD 7-14-04 DATE

*Robert Levy*  
ROBERT LEVY 7/20/04 DATE



2N 28E 4 NESW: T-10251 diminished 5.5 acres from primary to supplemental. 30.2 - 5.5 = 24.7 acres Primary on Cert 83083; 3.5 + 5.5 = 9.0 ac supplemental on Cert 83083



2N 28E 4 SWSW  
T-9845 diminished 5.2 acres from primary to supplemental. 13.2 - 5.2 = 8.0 acres Primary on Cert 83083; 14.7 + 5.2 = 19.9 ac supplemental on Cert 83083

2N 28E 4 NWSW  
T-9845 diminished 0.1 acres from primary to supplemental. 33.5 - 0.1 = 33.4 acres Primary on Cert 83083; 0.1 + 0.1 = 0.2 ac supplemental on Cert 83083

DIV PT LOT 147845 347E 2913.16' FROM NE 1/4 COR. SEC 21

NOTE: THE PURPOSE OF THIS MAP IS TO DETERMINE THE APPROXIMATE LOCATION OF THE WATER RIGHTS. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERS OR BOUNDARY LINES.

COBU MAP # 0141



RECEIVED  
JUL 23 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

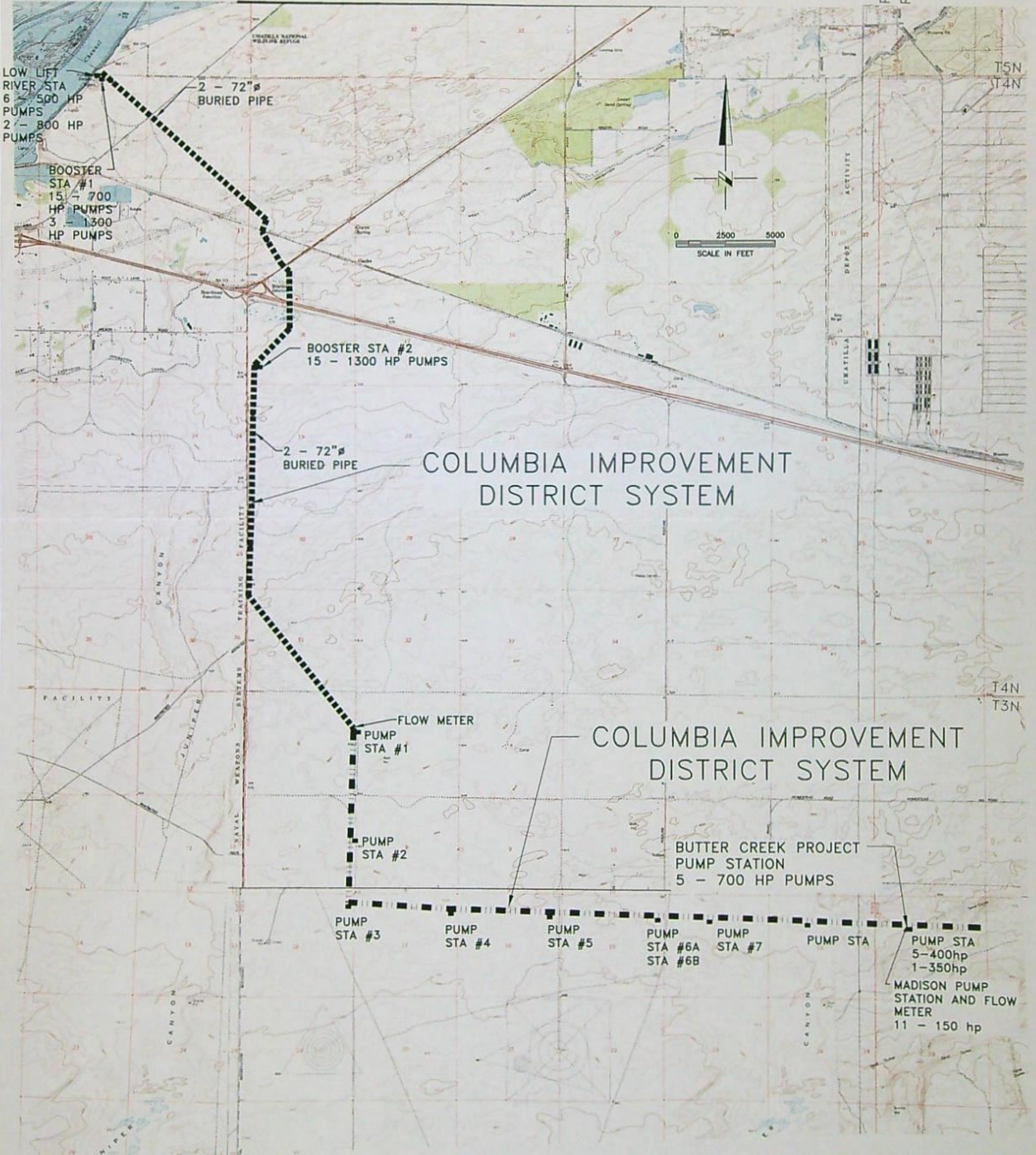
Revised: 8/12/04 (2) 040701/040702/040703/040704  
PRINTED BY: Maptek on 06/17/04 13:52 PM

WINDY RIVER C/O ROBERT LEVY  
 DELIVERY SYSTEM  
 WINTER WATER RIGHT  
 APPLICATION MAP  
 MAP 1 OF 4

P.O.D. COLUMBIA RIVER  
 LOCATED 2990'W & 150'S  
 FROM NE COR. OF SEC. 2

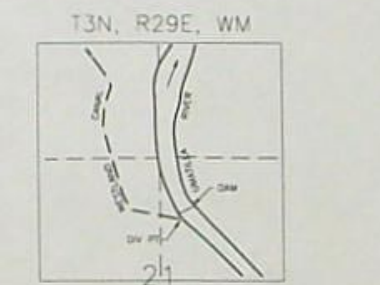
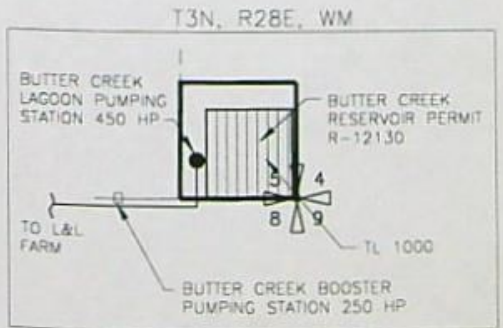
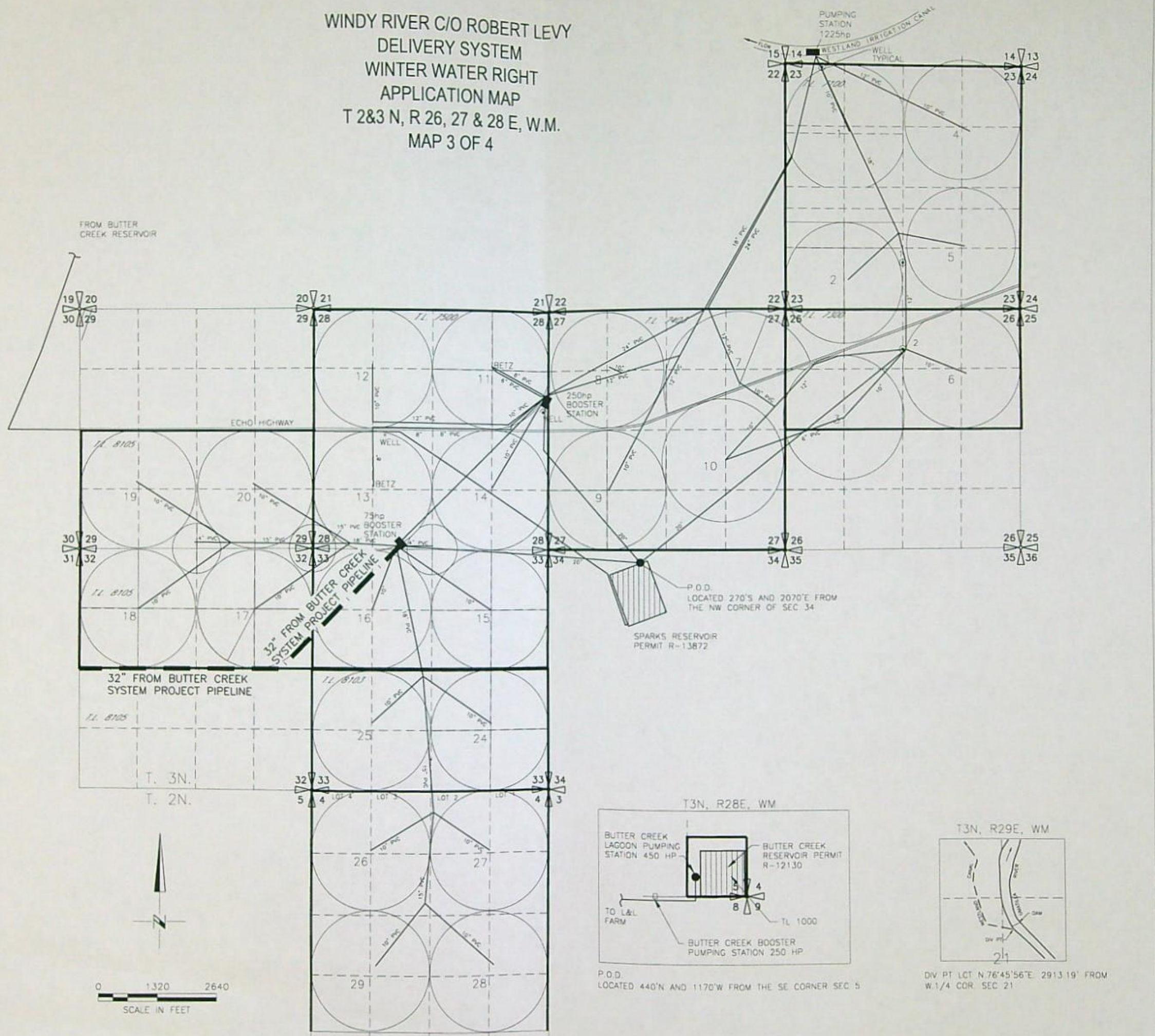
R25E  
 R26E

R26E  
 R27E



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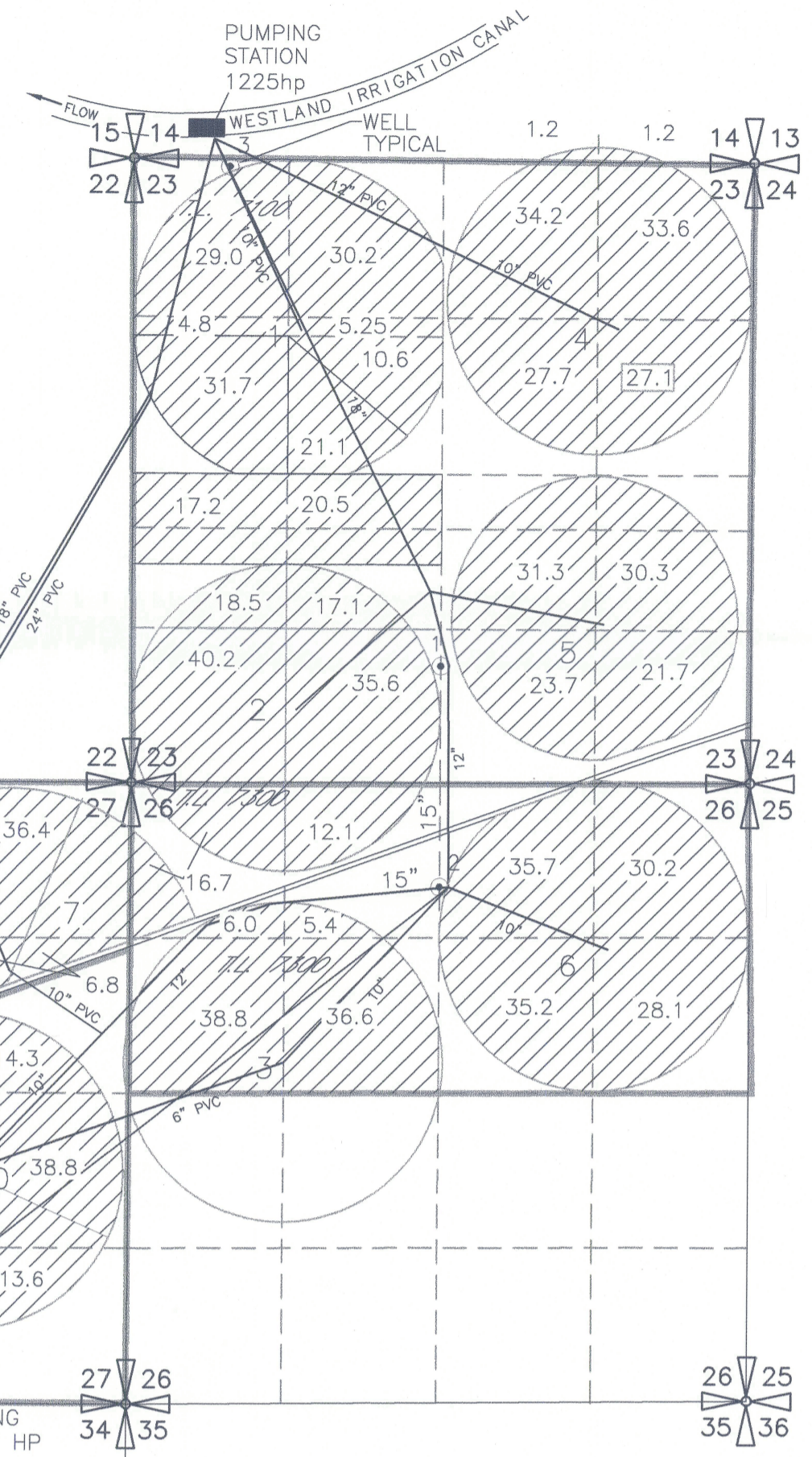
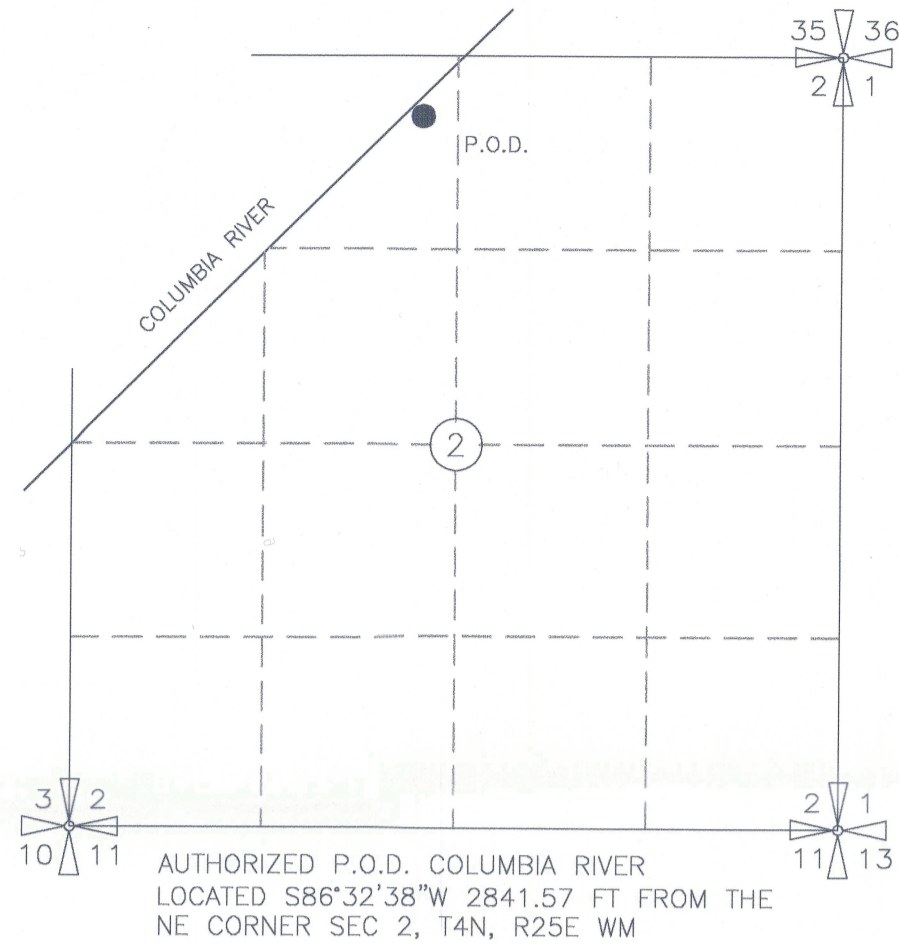
WINDY RIVER C/O ROBERT LEVY  
 DELIVERY SYSTEM  
 WINTER WATER RIGHT  
 APPLICATION MAP  
 T 2&3 N, R 26, 27 & 28 E, W.M.  
 MAP 3 OF 4



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T4N, R25E, WM

# WINDY RIVER C/O ROBERT LEVY WINTER WATER RIGHT APPLICATION MAP T. 2N & 3N. R. 28E.W.M. UMATILLA COUNTY MAP 4 OF 4



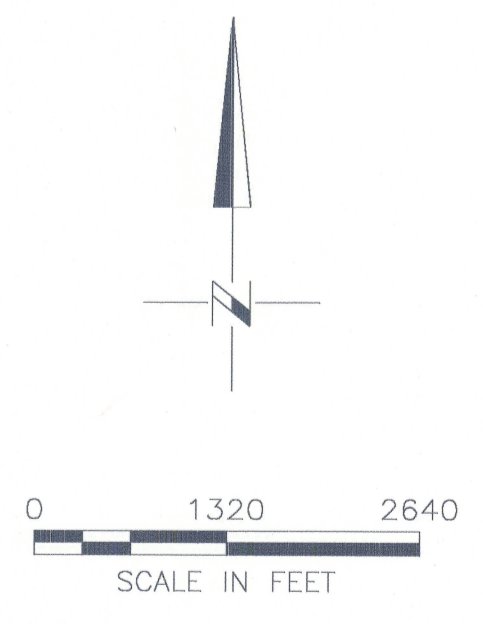
FROM COLUMBIA RIVER THROUGH BUTTER CREEK PROJECT PIPE LINE


32" COLUMBIA RIVER BUTTER CREEK PROJECT

T.L. 8105

T. 3N.  
T. 2N.

LOT 4 LOT 3 LOT 2 LOT 1



AREA OF PROPOSED IRRIGATION  
 3284.95 acres

NOTE: THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

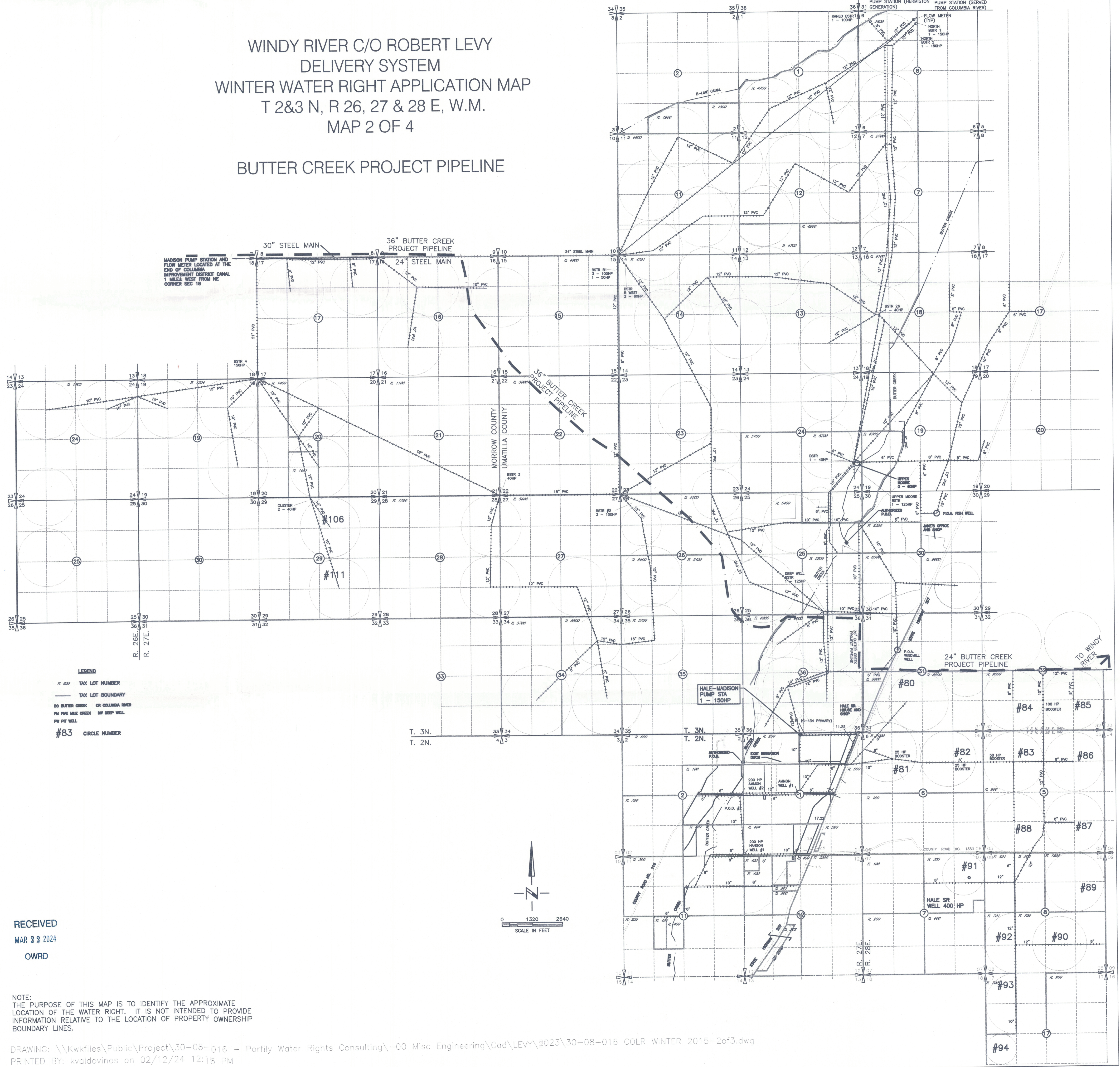
DRAWING: \\k\kfiles\Public\Project\30-08-016 - Porfily Water Rights Consulting\00 Misc Engineering\Cad\LEVY\2023\LEVY-WINTER-WR.dwg  
PRINTED BY: kvaidovinos on 02/12/24 12:18 PM

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WINDY RIVER C/O ROBERT LEVY  
 DELIVERY SYSTEM  
 WINTER WATER RIGHT APPLICATION MAP  
 T 2&3 N, R 26, 27 & 28 E, W.M.  
 MAP 2 OF 4

BUTTER CREEK PROJECT PIPELINE



**LEGEND**  
 TL 600 TAX LOT NUMBER  
 — TAX LOT BOUNDARY  
 BC BUTTER CREEK CR COLUMBIA RIVER  
 FM FIVE MILE CREEK DW DEEP WELL  
 PW PIT WELL  
 #83 CIRCLE NUMBER

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NOTE:  
 THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE  
 LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE  
 INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP  
 BOUNDARY LINES.

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

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

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**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME WINDY RIVER C/O ROBERT LEVY		PHONE (HM) 541-449-8627	
PHONE (WK) 541-561-5404	CELL 541-449-8627	FAX	
ADDRESS 1000 HWY 395 S #423			
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL * BOBLEVY@WINDYRIVERFARMS.COM

**Organization**

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

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

AGENT / BUSINESS NAME WILLIAM PORFILY		PHONE 541-561-7259	FAX
ADDRESS P.O. Box 643			CELL
CITY STANFIELD	STATE OR	ZIP 97875	E-MAIL * WPORFILY@GMAIL.COM

Note: Attach multiple copies as needed

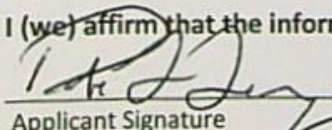
\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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

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



  
 Applicant Signature

Robert Levy  
 Print Name and Title if applicable

3/15/24  
 Date

\_\_\_\_\_  
 Applicant Signature

\_\_\_\_\_  
 Print Name and Title if applicable

\_\_\_\_\_  
 Date

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

## SECTION 2: PROPERTY OWNERSHIP

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

- YES, there are no encumbrances. **Place of use has 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.

**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).*

Relationship to Project	Owner	Address
Columbia River To Madison Pump Station Conveyance System	Columbia Improvement District (CID)	501 Columbia Ave NE Boardman, OR 97818
36" buried pipe from Madison Pump Station To AgNW	Madison Ranches C/O Jake Madison	29299 Madison Rd, Echo, OR 97826
24" buried pipe from Madison Ranch to Windy River LLC	AgNW Butter Creek C/O Matthew Vickery	6716 W. Rio Grande Kennewick, WA 99336

**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.

*PLEASE REFER TO THE DELIVERY SYSTEM MAP ATTACHED TO THIS APPLICATION*

## SECTION 3: SOURCE OF WATER

### A. Proposed Source of Water

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

Source 1: <b>Columbia River</b>	Tributary to: <b>Pacific Ocean</b>
TRSQQ of POD: <b>T4N, R25E, WM, SEC 2, LOCATED 2990' W &amp; 150' S FROM THE NE CORNER</b>	
Source 2:	Tributary to:
TRSQQ of POD:	

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

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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).

N/A

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**B. Applications to Use Stored Water N/A**

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

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

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

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

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

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

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

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

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

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

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

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

- Yes  No

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.

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If yes,

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

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

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

Yes  No

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

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

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

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

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

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

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

Yes  No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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**SECTION 5: WATER USE**

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

SOURCE	USE	PERIOD OF USE	AMOUNT
Columbia River	Irrigation of 3285.0 Acres (which includes raising the soil moisture to its water holding capacity to be utilized by plant growth in the subsequent growing season).	October 1 <sup>st</sup> – April 15 <sup>th</sup>	10.0 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.  
 Primary: 3285.0 Acres      Supplemental: \_\_\_\_\_ Acres      Nursery Use: \_\_\_\_\_ Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): **Propose or Use: Primary Irrigation of 3285.0 acres for a total of 4927.5 acre-feet, from the Columbia River during the period November 1<sup>st</sup> – February 29<sup>th</sup>, then Supplemental between the months of October, March 1<sup>st</sup> – April 15<sup>th</sup> (which includes raising soil moisture to field capacity to be utilized by plants in the subsequent growing season.**  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 4927.5 AF

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

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type):

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

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<u>Columbia River's Pump Station Name</u>	<u>Number of Pumps</u>	<u>Individual Pump Size (hp)</u>	<u>Total Capacity (gpm)</u>
River Pump Station	6	500	31,667
River Pump Station	2	800	10,000
Booster #1	15	700	9,000
Booster #1	3	1300	17,350
Booster #2	15	1300	14,150
Madison Pump Station	5	700	19,000

Other means (describe): N/A

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

Please refer to the accompanying Delivery System Map for the description of the system that provides water to the Windy River Farm. A third-party monitors water being used and crop requirement intending to help applicant to prevent waste.

**B. Application Method**

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

Center Pivots, wheel lines, hand lines, solid sets, and drips are currently and will continue to be used to irrigate the areas described in this application

**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.

We plan to use a third party to monitor, and apply enough water to raise the soil moisture to field holding capacity to be utilized by plants in the subsequent growing season and replacing the amount used by the crop each week during the growing season.

**SECTION 7: RESOURCE PROTECTION**

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

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

Describe planned actions: All existing Columbia River Pump Station, operated by Columbia Improvement District (CID), on the Columbia River have approved fish screens River as per NMFS Requirements and the screens are consistent with current criteria of other regulating agencies

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: The systems already exist; thus, the applicant does not anticipate any construction or repair of streamside areas.

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- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: **The applicant does not anticipate having to work in the Columbia River as the pumps and equipment already exist**
- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions: **Applicant monitors and use the latest technology to prevent erosion, optimizing and the use of fertility and chemistry so erosion and run-off are prevented.**
- List other federal and state permits or contracts to be obtained, if a water right permit is granted. Please see attached **Water Facilities Agreement between Levy and Columbia District Improvement, AgrNW, and Madison Ranches**

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: **Started**
- b) Date construction will be completed: **Within 5 years of a permit being issued**
- c) Date beneficial water use will begin: **Within 5 years of a permit being issued**

**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name <b>Columbia Improvement District</b>	Address <b>501 Columbia Ave</b>	
City <b>Boardman</b>	State <b>OR</b>	Zip Code <b>97818</b>
Irrigation District Name <b>Westland Irrigation District</b>	Address <b>77096 OR-207</b>	
City <b>Echo</b>	State <b>OR</b>	Zip Code <b>97826</b>

**SECTION 10: REMARKS**

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

**See Attachments**

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

## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$6,210.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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# Land Use Information Form



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

**Applicant**

NAME WINDY RIVER C/O ROBERT LEVY		PHONE (HM) 541-449-8627	
PHONE (WK) 541-561-5404	CELL 541-449-8627	PHONE (WK) 541-561-5404	
ADDRESS 1000 HWY 395 S #423			
CITY HERMISTON	STATE OR	CITY HERMISTON	STATE OR

**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:
2N	28E	4	ALL	800	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
3N	28E	23	ALL	7100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
3N	28E	26	N ½	7300	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
3N	28E	27	ALL	7403 & 7404	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
3N	28E	28	ALL	7500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
3N	28E	29 & 32	S ½ & N ½	8105	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
3N	28E	31-32			EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IRR
3N	28E	33	ALL	8103 & 8105	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
<b>MADISON RANCHES DIVERSION</b>									
3N	27E	16-17, 22-23, 26, & 35-36			EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IRR

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

UMATILLA COUNTY

**B. Description of Proposed Use**

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Groundwater Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

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Land Use Information Form

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Page 2 of 3

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Attachment 2: Land Use Information Form

Source of water:  Reservoir/Pond  Groundwater  Surface Water (name) COLUMBIA RIVER  
Estimated quantity of water needed: 10.0  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:

Propose or Use: Primary Irrigation of 3285.0 acres for a total of 4927.5 acre-feet, from the Columbia River during the period November 1<sup>st</sup> – February 29<sup>th</sup>, then Supplemental between the months of October, March 1<sup>st</sup> – April 15<sup>th</sup> (which includes raising soil moisture to field capacity to be utilized by plants in the subsequent growing season.

---

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC 152.054(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.

NAME: <u>CARDI JOHNSON</u>	TITLE: <u>Planner</u>
SIGNATURE: <u><i>Cardi Johnson</i></u>	PHONE: <u>511-278-6252</u> DATE: <u>02/23/2024</u>
GOVERNMENT ENTITY: <u>Umatilla County</u>	

**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: \_\_\_\_\_

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MAR 22 2024

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# Land Use Information Form

RECEIVED  
MAR 05 2024

Attachment 2: Land Use Information Form



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

RECEIVED  
MAR 08 2024

**Applicant**

NAME WINDY RIVER C/O ROBERT LEVY		PHONE (HM) 541-449-8627	
PHONE (WK) 541-561-5404	CELL 541-449-8627	PHONE (WK) 541-561-5404	
ADDRESS 1000 HWY 395 S #423			
CITY HERMISTON	STATE OR	CITY HERMISTON	STATE OR

**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	X X	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<b>CID DIVERSION</b>									
4N	25E	2				<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IRR
4N	25E	1				<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IRR
4N	26E	6, 7, 18-19, & 30-31				<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IRR
3N	26E	5-6, 8, & 13-18				<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IRR

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

**MORROW COUNTY**

**B. Description of Proposed Use**

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Groundwater Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond     Groundwater     Surface Water (name) **COLUMBIA RIVER**

Estimated quantity of water needed: **10.0**  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:

Propose or Use: Primary Irrigation of 3285.0 acres for a total of 4927.5 acre-feet, from the Columbia River during the

RECEIVED

Land Use Information Form

MAR 22 2024

Page 2 of 3

OWRD

## 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): POINT OF CONVEYANCE IS IN UNAMATILLA COUNTY.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

NAME <u>WRECSIKS, STEPHEN</u>	TITLE: <u>GIS ASSOCIATE PLANNER</u>
SIGNATURE 	PHONE: <u>541.922.4629</u>
DATE: <u>13 MAR 24</u>	
GOVERNMENT ENTITY <u>MORROW COUNTY PLANNING DEPARTMENT</u>	

**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: \_\_\_\_\_

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MAR 22 2024

OWRD

4/1/20

State of Oregon )  
County of Umatilla )



2002-4240378 1 of 3

After recording, return to:

Richard A. Canaday  
Miller Nash LLP  
3500 US Bancorp Tower  
111 SW Fifth Avenue  
Portland, OR 97204

RECEIVED

NOV 15 2002

UMATILLA COUNTY  
RECORDS

424 0378

This instrument was received  
and recorded on  
11-15-02 at 11:10

In the record of document  
code type DE-B&S

Location R424-0378  
Document number 2002-4240378  
Fee 36.00

Office of County Records

*John Thompson*  
Records Officer

BARGAIN AND SALE DEED

Robert L. Levy ("Grantor") conveys to Westland Enterprises LLC, an Oregon limited liability company ("Grantee"), the real property in Umatilla County, Oregon, described on attached Exhibit A.

The true consideration for this conveyance is stated in terms of dollars is \$0.00 and includes value given or promised.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated November 7, 2002.

*Robert L. Levy*  
Robert L. Levy

State of Oregon )  
County of Umatilla ) ss.

The foregoing instrument was acknowledged before me on November 7, 2002, by Robert L. Levy.



*Marilee Huffman*  
Notary Public for Oregon  
My commission expires: 2/7/05

Until a change is requested, all tax statements will be sent to the following address:

Westland Enterprises LLC, 822 Hwy 395S #423, Hermiston, OR 97838.

PIONEER TITLE CO. 59852-1  
126 SE Court, Pend. OR. 97801

RECEIVED

MAR 22 2024

OWRD

180020-0008/111002/PDXDOCS:1325864.1

23





2002-4240378 2 of 3

TRACT I:

TOWNSHIP 3 NORTH, RANGE 28, E.W.M.

Section 23: ALL.

An Easement for water pipeline, granted by Jack Correa to L & L Farms, an Oregon Partnership consisting of Dennis B. Logan and Robert L. Levy, recorded September 21, 1979 in Microfilm R-55, Page 1736, Deed Records.

Section 26: North Half.

Section 27: North Half.

Excepting therefrom that portion of the Southeast Quarter of the Northwest Quarter and of the Southwest Quarter of the Northeast Quarter and of the Southeast Quarter of the Northeast Quarter lying South of Highway 320.

All being East of the Willamette Meridian, Umatilla County, Oregon.

RECEIVED

MAR 22 2024

OWRD



2002-4240378 3 of 3

TRACT IV:

TOWNSHIP 3 NORTH, RANGE 28, E.W.M.

Section 33: South Half.

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

Section 4: ALL.

All being East of the Willamette Meridian, Umatilla County, Oregon.

RECEIVED

MAR 22 2024

OWRD

N/13



2002-4240379 1 of 2

State of Oregon )  
County of Umatilla )

This instrument was received and recorded on

11-15-02 at 11:10

in the record of document code type DE-B&S

Location R424-0379  
Document number 2002-4240379  
Fee 31.00

Office of County Records

*Jean Hampshire*  
Records Officer

After recording, return to:

Richard A. Canaday  
Miller Nash LLP  
3500 US Bancorp Tower  
111 SW Fifth Avenue  
Portland, OR 97204

RECEIVED

NOV 15 2002

UMATILLA COUNTY RECORDS

424 0379

BARGAIN AND SALE DEED

Robert L. Levy as trustee of the Robert L. Levy Family Trust ("Grantor") conveys to Robert D. Levy, Carrie Ann Burns, and William R. Levy ("Grantees"), the real property located in Umatilla County, Oregon, described on attached Exhibit A.

The true consideration for this conveyance is stated in terms of dollars is \$0.00 and includes other property or value given or promised.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated November 7, 2002.

*Robert L. Levy*

Robert L. Levy as trustee of the Robert L. Levy Family Trust

State of Oregon )  
County of Umatilla ) ss.

The foregoing instrument was acknowledged before me on November 7, 2002, by Robert L. Levy as trustee of the Robert L. Levy Family Trust.



*Marilee Huffman*

Notary Public for Oregon

My commission expires: 2/7/05

Until a change is requested, all tax statements will be sent to the following address:

Westland Enterprises LLC, 822 Hwy 395S #423, Hermiston, OR 97838.

RECEIVED

MAR 22 2024

OWRD

180020-0008/111002/PDXDOCS:1325865.2

PIONEER TITLE CO. 59082-7  
125 SE Court, Pend. OR, 97801

RECEIVED

MAR 22 2024

OWRD

TRACT II:



2002-4240379 2 of 2

TOWNSHIP 3 NORTH, RANGE 28, E.W.M.

Section 27: South Half.

Section 27: All that portion of the Southeast Quarter of the Northwest Quarter and of the Southwest Quarter of the Northeast Quarter and of the Southeast Quarter of the Northeast Quarter lying South of Highway 320.

Section 28: All.

All being East of the Willamette Meridian, Umatilla County, Oregon.

1/14  
PIONEER TITLE CO. 5900-4  
125 SE Court, 9 and, OR, 97201

After recording, return to:

Richard A. Canaday  
Miller Nash LLP  
3500 US Bancorp Tower  
111 SW Fifth Avenue  
Portland, OR 97204

424 0381

2002-4240381 1 of 2

RECEIVED  
NOV 15 2002  
UMATILLA COUNTY  
RECORDS

State of Oregon )  
County of Umatilla )

This instrument was received  
and recorded on  
11-15-02 at 11:10

In the record of document  
code type DE-B&S

Location R424-0381  
Document number 2002-4240381  
Fee 31.00

Office of County Records

*John Hopkins*  
Records Officer

BARGAIN AND SALE DEED

Robert L. Levy dba Westland Enterprises ("Grantor") conveys to Westland Enterprises LLC, an Oregon limited liability company ("Grantee"), the real property in Umatilla County, Oregon, described on attached Exhibit A.

The true consideration for this conveyance is stated in terms of dollars is \$0.00 and includes value given or promised.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated November 7, 2002.

*Robert L. Levy*  
Robert L. Levy dba Westland Enterprises

State of Oregon )  
County of Umatilla ) ss.

The foregoing instrument was acknowledged before me on November 7, 2002, by Robert L. Levy dba Westland Enterprises.



*Marilee Huffman*  
Notary Public for Oregon  
My commission expires: 2/7/05

Until a change is requested, all tax statements will be sent to the following address:

Westland Enterprises LLC, 822 Hwy 395S #423, Hermiston, OR 97838.

RECEIVED  
MAR 22 2024  
OWRD

180020-0008/111002/PDXDOCS:1325864.1

RECEIVED

MAR 22 2024

OWRD



2002-4240381 2 of 2

TRACT III:

TOWNSHIP 3 NORTH, RANGE 28, E.W.M.

Section 29: South Half.

Section 32: North Half.

Section 33: North Half.

All being East of the Willamette Meridian, Umatilla County, Oregon.

**E-2 App** Yes No**Standard Application Completeness Checklist****Groundwater and Surface Water Applications Only**

Minimum Application Requirements (OAR 690-310-0040 &amp;-0050)

For use by WRD staff only

Application #:	S-89450	Receipt #:	142585
Applicant Name:	Windy River C/O Rober Levy	Amount Requested:	10 CFS
Priority Date:	3/22/2024	Proposed Use:	Irrigation, Supp. Irrigation
County:	Morrow, Umatilla	POD's TRS &TL:	2N 28E 4,23,26-29,31,33
WM #:	5,	Caseworker:	Adam
Reviewed by:	Nick	Reviewed Date:	3/25/2026

 Applicant/Organization Name and Mailing Address Signature of **all** applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant. Property Ownership: Does the applicant own all the land for the proposed project?  Yes  No

If No:

 The affected landowner's name(s) and mailing address(s) must be listed. A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted. **For a SW Application:** Source of water must be indicated. If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400) If for stored water, is the source authorized under a permit, certificate, or decree?Permit or Certificate issued:  Y  N Permit or Certificate #: **NOTE:** An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application. **For a GW Application:** Well development table completed and a well log report included (if existing) Division 33 (Sensitive, Threatened, Endangered, Fish Species) Proposed Water Use: Amount of water from *each* source in GPM, CFS, or AF Period of use indicated If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.

(Note: Primary and Supplemental Irrigation counts as 2 uses)

 Water Management Section Resource Protection Section

- Project schedule. (Note: If system is already completed, indicates "existing.", (Note: Estimates are okay if the water system has not been designed))
- Supplemental data sheets enclosed (if needed)
  - Form M (Municipal or Quasi-Municipal)
- A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department. Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.
- A **Legal Description** of all the properties involved where water is diverted, conveyed, and used. The legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable
- The proposed source  IS  IS NOT restricted or withdrawn from further appropriation. **NOTE:** If it is withdrawn under ORS 538, reject/return application and fees.
- The **map** must meet all the minimum requirements of OAR 690-310-0050.
  - Township, Range, Section
  - Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
  - Place of use, ¼-¼'s and tax lot clearly identified
  - Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
  - Location of **each** diversion point or well by reference to a recognized public land survey corner.
  - Multiple wells shall be uniquely labeled, and identified on well logs, if existing.
  - Reference corner on map
  - North directional symbol
  - Number of acres per ¼ ¼ if for irrigation, supplemental irrigation, or nursery use
- Fees:** Amount of Water Requested: 10 CFS Name on Check: Windy River

Exam Fee Due:	\$ 5600
Exam Fee Submitted:	\$ 5600
Difference:	\$ 0
Recording Fee Paid?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No \$ 610
Total:	\$ 6210



# Oregon Water Resources Department Surface Water Application

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Tuesday, March 26, 2024

Base Application Fee.		\$1,090.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	10	\$4,100.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	2	\$410.00
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Subtotal:		\$5,600.00
Permit Recording Fee. ***		\$610.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$6,210.00



# Oregon

Tina Kotek, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 26, 2024

Windy River  
Robert Levy  
1000 Hwy 395 S #423  
Hermiston, OR 97838

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-89450**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Adam Frederick, Water Rights Specialist	Phone: 971-707-8400
	Email: <a href="mailto:adam.m.frederick@water.oregon.gov">adam.m.frederick@water.oregon.gov</a>

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,  
Nick Reece

Customer Service Representative  
Oregon Water Resources Department

cc: File S-89450

## Water-Use Permit Application Processing Steps

### Oregon Water Resources Department

#### Standard Process for a Surface Water Application:

##### 1. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310.00. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

##### 2. Public Notice

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

##### 3. Proposed Final Order Issued

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

##### 4. Public Notice & Protest Opportunity

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

##### 5. Final Order Issued

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

#### Expedited Process for a Surface Water Application:

*Note: The expedited process only applies to an application using stored water only under ORS 537.147.*

The expedited process allows the Department to process an application within several weeks in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department's recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available. For expedited applications, the Department issues a Final Order only. Once accepted by the Department, these applications are published in the weekly public notice every Tuesday and a 30-day public comment period begins. Following the public comment period, the Department can issue the Final Order.

Windy River Farm Account

13169

Oregon Water Resources Dept.

3/15/2024

6,210.00

RECEIVED

MAR 22 2024

OWRD

Windy River

6,210.00

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **142585**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Windy River  
BY: \_\_\_\_\_

APPLICATION	3.89450
PERMIT	
TRANSFER	

CASH:  CHECK: #  13169 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 6,210.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407	COPIES	\$
_____	OTHER: (IDENTIFY)	\$
0243 I/S Lease	_____	
0244 Muni Water Mgmt. Plan	_____	
0245 Cons. Water	_____	

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	\$	
0203	GROUND WATER	\$	
0205	TRANSFER	\$	
<b>WELL CONSTRUCTION</b>			
0218	WELL DRILL CONSTRUCTOR	\$	
	LANDOWNER'S PERMIT	\$	
_____	OTHER (IDENTIFY)	\$	

46111

EXAM FEE
\$ <u>5,600.00</u>
\$
EXAM FEE
\$

RECORD FEE
\$ <u>610.00</u>
\$

LICENSE FEE
\$
\$

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	
_____	OTHER (IDENTIFY)	\$		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **142585**

DATED: 3-22-24 BY: [Signature]