

# Application for a Permit to Use Groundwater



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

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**SEP 06 2024**

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

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### Applicant

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
MAILING ADDRESS			
CITY	STATE	ZIP	E-MAIL*

### Organization

NAME <b>Athena-L LLC</b>		PHONE <b>617-306-0437</b>	FAX
MAILING ADDRESS <b>511 SE 11th Ave, Ste 201</b>		CELL <b>617-306-0437</b>	
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97214</b>	E-MAIL* <b>sjlesq@gmail.com</b>

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

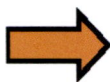
AGENT / BUSINESS NAME <b>Dunn Carney LLP Attn: Sarah Liljefelt</b>		PHONE <b>503-306-5321</b>	FAX
MAILING ADDRESS <b>851 SW Sixth Ave, Ste 1500</b>		CELL	
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97204</b>	E-MAIL* <b>SLiljefelt@dunnearney.com</b>

Note: Attach multiple copies as needed


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

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

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



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

DocuSigned by:  Applicant Signature	<b>Steven Lee, Manager</b> Print Name and Title if applicable	<b>9/4/2024</b> Date
--	--	-------------------------

**SECTION 2: PROPERTY OWNERSHIP**

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

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

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

**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.

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
CLAC 12603	WHEELER CREEK	APPROX. 3,000 FT	UNKNOWN

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

**WELL CLAC 12603 IS ASSOCIATED WITH CERTIFICATE 83608.**



**SECTION 3: WELL DEVELOPMENT, continued**

**Total maximum rate requested: 0.39 cfs** (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CLAC 12603	<input type="checkbox"/>	10"	0-157'	116-125'	0-20'	35' (4/18/62)	QUARTERNARY – LATE TERTIARY SEDIMENT AQUIFER	171'	175.032 GPM	77.33-139.19*
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						Received			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						SEP 06 2024			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						OWRD			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

\*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

\*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

**\* See Section 10 Remarks RE higher duty for containerized nursery plants, without duplication of duty under Certificate 83608.**

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

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

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

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

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsq features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsq features/)

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

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

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

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Yes  No

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

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

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes  No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that the Water Resources Department will determine, by reviewing



recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

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

**If yes, you will be required to provide the following information, if applicable.**

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

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

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

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

Yes  No

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**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	November 1 – February 29	77.33-139.19

**For irrigation use only:**

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

Primary: 30.93 Acres                      Supplemental:              Acres                      Nursery Use:              Acres

If you listed 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: 70.33-139.19

- If the use is **municipal or quasi-municipal**, attach **Form M**

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

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

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

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

- Pump (give horsepower and type): AO Smith Corp AC 30Hp  
 Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water from well into mainline and laterals.

### B. Application Method

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

High efficiency methods including drip, sprinklers, and wheel lines.

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The amount requested is the standard for growing crops in the region. Water will be applied in efficient methods, thereby preventing waste, runoff, etc.

## SECTION 7: PROJECT SCHEDULE

- Date construction will begin: Well and water system are already constructed
- Date construction will be completed: Well and water system are already constructed
- Date beneficial water use will begin: Within 5 years of permit issuance

## SECTION 8: RESOURCE PROTECTION

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

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
 Describe: Monitor soil moisture and nutrients to apply appropriate amounts of water and supplements.

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

- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:

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List:

**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

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

**Water right Certificate 83608 already exists for the same place of use. This water right permit is needed for year-round irrigation on the property. As such, this application is submitted to make up a deficiency in the season of use under Certificate 83608.**

**This application does not propose to double the duty already authorized in Certificate 83608. Rather, applicant requests a provision stating that the new permit is limited to 2.5 AF for in-ground irrigation and 4.5 AF for containerized irrigation, with the duty not to exceed the duty authorized in conjunction with Certificate 83608. As such, the only difference in duty in this application is the provision related to containerized irrigation.**

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## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: **\$ 2,590.00**  
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.) **(Variance Requested)**
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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## Water-Use Permit Application Processing

### 1. Completeness Determination

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

### 2. Initial Review

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

### 3. Public Notice

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

### 4. Proposed Final Order Issued

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

### 5. Public Notice

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

### 6. Final Order Issued

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

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# Land Use Information Form



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](http://www.oregon.gov/OWRD)

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

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This form is **NOT** required if:

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- 1) Water is to be diverted, conveyed, and used on federal lands only; **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 a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or [WRD\\_DL\\_customerservice@water.oregon.gov](mailto:WRD_DL_customerservice@water.oregon.gov).

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# Land Use Information Form

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NAME Athena-L LLC c/o Sarah Liljefelt - Dunn Carney LLP			PHONE 503-306-5321
MAILING ADDRESS 851 SW Sixth Ave, Ste 1500			
CITY Portland	STATE OR	ZIP 97204	EMAIL SLiljefelt@dunnearney.com

### A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4S	1E	28	SE <sup>1</sup> W <sup>4</sup>	717 & 1700	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
4S	1E	28	NE <sup>1</sup> SW <sup>4</sup>	721 & 1700	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Clackamas County

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

### B. Description of Proposed Use

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

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

Source of water:    Reservoir/Pond    Ground Water    Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.39    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:

A water right already exists at the property that allows irrigation 3/1-10/31. The landowner is seeking a permit from the same well for irrigation during winter months only (Nov 1 – Feb 29).

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

## 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.

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


- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ZDO Section 401 (Exclusive Farm Use)
- Land uses to be served by the proposed water use(s), 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

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

Irrigation and farming allowed outright on lands with EFU Zoning designation

Name: Ben Blessing Title: Planner

Signature:  Date: 9-3-2024

Governmental Entity: Clackamas County Phone: 503-742-4521

**Receipt Acknowledging Request for Land Use Information**

**Note to Local Government Representative:**  
Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

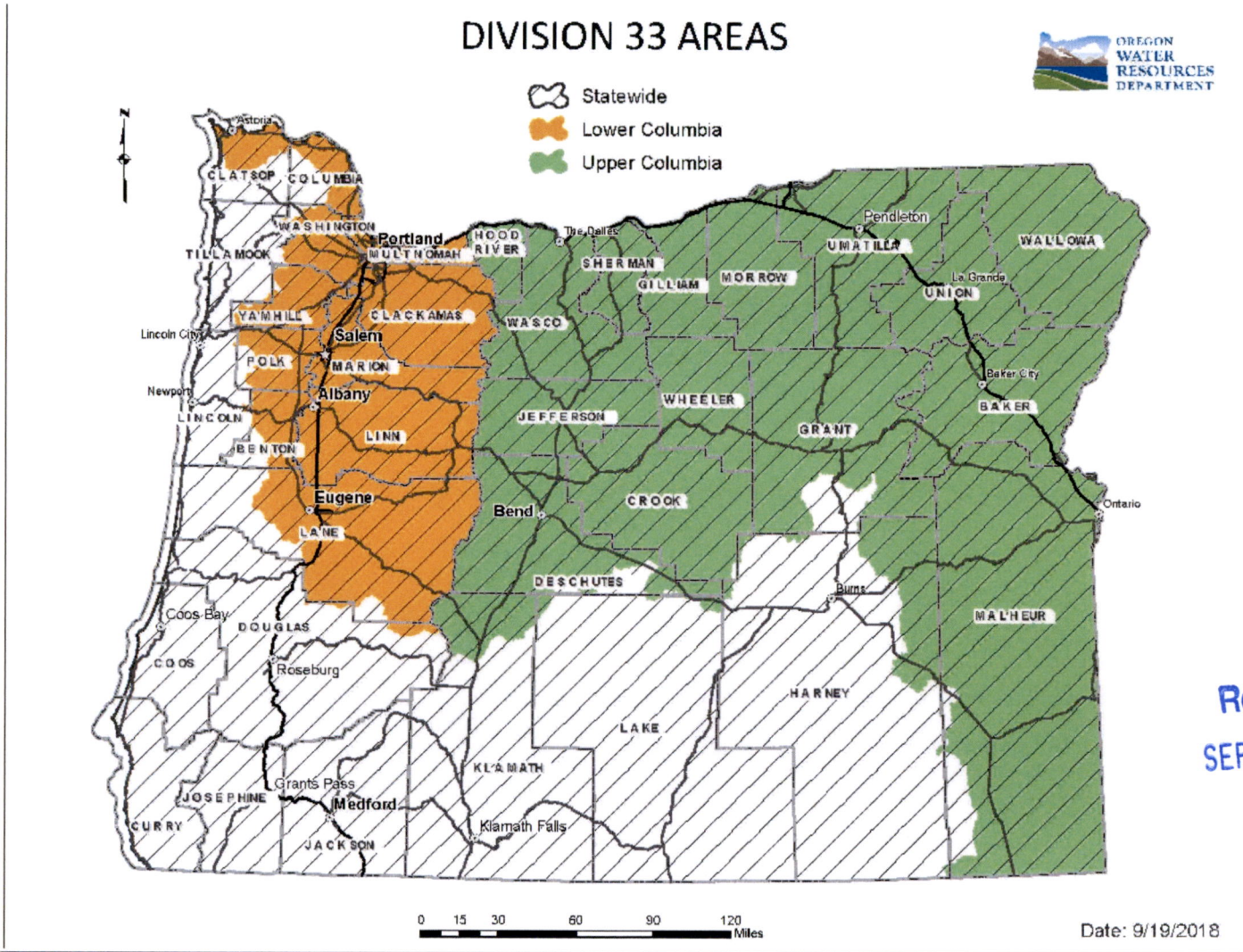
Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_



Figure 1: Map of Division 33 Areas



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For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: [https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)



**Exhibit "A"**

Real property in the County of Clackamas, State of Oregon, described as follows:

**PARCEL 1:**

A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE ISAAC WHEALDON DONATION LAND CLAIM NO. 43; THENCE ALONG THE EAST LINE THEREOF, SOUTH 00°17'30" WEST, 914.29 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 28 AND THE POINT-OF-BEGINNING; THENCE ALONG SAID SOUTH LINE, SOUTH 89°50'10" EAST, 674.56 FEET TO THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO MICHAEL R. LAY, RECORDED DECEMBER 3, 2004, IN RECORDER'S FEE NO. 2004-110972, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE THEREOF, SOUTH 00°00'30" EAST, 396.11 FEET TO THE NORTH RIGHT-OF-WAY LINE OF S. HEINZ ROAD (COUNTY ROAD NO. 286) (60.00 FEET WIDE); THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 89°50'10" WEST, 676.63 FEET TO THE WEST LINE OF THE ISAAC WHEALDON DONATION LAND CLAIM; THENCE ALONG SAID WEST LINE, NORTH 00°17'30" EAST, 396.11 FEET TO THE POINT-OF-BEGINNING.

**PARCEL 2:**

A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ISAAC WHEALDON DONATION LAND CLAIM NO. 43; THENCE ALONG THE NORTH LINE THEREOF, NORTH 89°54'00" EAST, 669.77 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO MICHAEL R. LAY, RECORDED DECEMBER 3, 2004, IN RECORDER'S FEE NO. 2004-110972, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE THEREOF, SOUTH 00°00'30" EAST, 917.38 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION, 28, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN; THENCE ALONG SAID SOUTH LINE, NORTH 89°50'10" WEST, 674.56 FEET TO THE WEST LINE OF THE ISAAC WHEALDON DONATION LAND CLAIM NO. 43; THENCE ALONG THE WEST LINE THEREOF, NORTH 00°17'30" EAST, 914.29 FEET TO THE POINT-OF-BEGINNING.

**PARCEL 3:**

A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ISAAC WHEALDON DONATION LAND CLAIM NO. 43; THENCE ALONG THE EAST LINE THEREOF, SOUTH 00°17'30" WEST, 914.29 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 28; THENCE ALONG SAID SOUTH LINE, NORTH 89°50'10" WEST, 320.90 FEET TO THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO MICHAEL R. LAY, RECORDED DECEMBER 3, 2004, IN RECORDER'S FEE NO 2004-110972, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID WEST LINE, NORTH 00°18'51" EAST, 911.82 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LAY TRACT; THENCE ALONG THE NORTH LINE THEREOF, NORTH 89°43'20" EAST, 320.56 FEET TO THE POINT-OF-BEGINNING.

ALSO:

First American Title

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A TRACT OF LAND SITUATED IN THE WEST ONE-HALF OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE ISAAC WHEALDON DONATION LAND CLAIM NO, 43; THENCE ALONG THE EAST LINE THEREOF, SOUTH 00°17'30" WEST, 914.29 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 28 AND THE POINT-OF-BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 00°17'30" WEST, 398.11 FEET TO THE NORTH RIGHT-OF-WAY LINE OF S. HEINZ ROAD (COUNTY ROAD NO. 286) (80.00 FEET WIDE); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: NORTH 89°50'10" WEST, 2.27 FEET; THENCE SOUTH 85°26'05" WEST, 319.95 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO MICHAEL R. LAY, RECORDED DECEMBER 3, 2004, IN RECORDER'S FEE NO 2004-110972, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE THEREOF, NORTH 00°18'51" EAST, 422.49 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN; THENCE ALONG SAID NORTH LINE, SOUTH 89°50'10" EAST, 320.90 FEET TO THE POINT-OF-BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.





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NOTICE TO WATER WELL CONTRACTOR: The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON, within 30 days from the date of well completion.

APR 27 1962

WATER WELL REPORT 012603

4/1-28

State Well No.

52330

State Permit No.

(1) OWNER:

Name OLYDE C. BACKSEN
Address 1375 TIERRA DR. N. SALEM, OREGON

(2) LOCATION OF WELL:

County CLACKAMAS
Section 28 T. 4S R. 12E W.M.

(3) TYPE OF WORK (check):

Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]

(4) PROPOSED USE (check):

Domestic [ ] Industrial [ ] Municipal [ ]
Irrigation [X] Test Well [ ] Other [ ]

(5) TYPE OF WELL:

Rotary [ ] Driven [ ]
Cable [X] Jetted [ ]
Dug [ ] Bored [ ]

(6) CASING INSTALLED:

10" Diam. from TOP ft. to 157 ft. Gage
1" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Type of perforator used MILLS
Size of perforations 2 1/2 in. by in.
120 perforations from 116 ft. to 125 ft.

(8) SCREENS:

Well screen installed [ ] Yes [X] No
Manufacturer's Name Model No.
Slot size Set ft. to ft.

(9) CONSTRUCTION:

Well seal-Material used in seal PUDDLE CLAY
Depth of seal 20 ft.
Diameter of well bore to bottom of seal in.

(10) WATER LEVELS:

Static level 55 ft. below land surface Date
Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? [X] Yes [ ] No If yes, by whom? DRILLER
Yield: 570 gal./min. with 110 ft. drawdown after 8 hrs.

(12) WELL LOG:

Diameter of well below casing 10
Depth drilled 225 ft. Depth of completed well 171 ft.

Table with columns MATERIAL, FROM, TO. Rows include TOP DIET, GRAY CLAY, BROWN SANDY SILT, BROWN SANDY SHALE, STICKY BLUE SHALE, etc.

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SEP 06 2024

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Work started APRIL 4 1962 Completed APRIL 18 1962
Date well drilling machine moved out of well

(13) PUMP:

Manufacturer's Name
Type: H.P.

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME WILLAMETTE DRILLING CO

Address 2 BOX 276 SALEM, OREGON

Drilling Machine Operator's License No. Job No 728

[Signed] Irving Dean

Contractor's License No. 8 Date April 18, 1962





**Sarah Liljefelt**  
Of Counsel  
sliljefelt@dunn-carney.com  
**Direct** 503-306-5321

September 4, 2024

**Via U.S. Mail**

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

Received  
SEP 06 2024  
OWRD

**Re: Groundwater Permit Application**  
Our File No.: ENT008.0001

To Whom It May Concern,

Enclosed on behalf of our client, Athena-L LLC, please find the following application materials:

- Application for a Permit to Use Groundwater;
- The Land Use Information Form completed by Clackamas County;
- An application map;
- A legal description for the property;
- Well Log CLAC 12603; and
- A Check made Payable to OWRD for the Application Fees.

Additionally, we would like to request a variance for the map scale, if needed, because a county plat map was used for the application map.

Please let us know if anything further is needed to process the Application.

Best regards,

A handwritten signature in blue ink that reads "Sarah Liljefelt".

Sarah Liljefelt

SRL1:wms  
Enclosures  
CC: Client

851 SW Sixth Ave., Suite 1500 Portland, OR 97204-1357 **Main** 503.224.6440 **Fax** 503.224.7324 [DunnCarney.com](http://DunnCarney.com)

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