

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

Received
 SEP 12 2024

OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Beverly Tsubaki-McArdle			PHONE (HM) 208-405-3591		
PHONE (WK)		CELL 208-405-3591		FAX	
MAILING ADDRESS 2082 NE 16th Ave.					
CITY Payette		STATE ID	ZIP 83661	E-MAIL* bevtsubaki67@icloud.com	

Organization

NAME Ronald Tsubota Estate			PHONE 208-405-3591		FAX
MAILING ADDRESS c/o Beverly Tsubaki-McArdle PR 2082 NE 16th Ave.					CELL 208-405-3591
CITY Payette		STATE ID	ZIP 83661	E-MAIL* Bevtsubaki67@icloud.com	

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

N.A.

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

Note: Attach multiple copies as needed

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

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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.

	Beverly Tsubaki McArdle, PR	
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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

NA

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.

17 South 47 East Section 2
SW SE

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
Tsubaki Well	Snake River	1400 ft.	15 ft.

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

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: (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 ³⁴¹			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
Tsubaki Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	10"	60'	10'	18'	NA	Gravel, sand & alluvium		193 gal.	3
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<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.

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

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

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

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

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

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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

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:

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Statewide - OAR 690-033-0330 thru -0340

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

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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 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	March 1 st - Oct. 31 st	103.3 acre-feet

For irrigation use only:

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

Primary: 34.4 Acres Supplemental: Acres Nursery Use: Acres

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

NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 103.3 acre-ft.

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- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: (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

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): 20 HP Submersible
- Other means (describe):

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

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)

wheel line

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).

sprinkle irrigation, so no run off

SECTION 7: PROJECT SCHEDULE

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- a) Date construction will begin: ASAP
- b) Date construction will be completed: ASAP
- c) Date beneficial water use will begin: ASAP

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: Will be using wheel line to prevent run off

- 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 will be required near stream banks

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

List: None

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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.

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Irrigation District Name Owyhee Irrigation Dist.	Address 422 Thunderegg Blvd.	
City Nyssa	State Oregon	Zip 97913

SECTION 10: REMARKS

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

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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

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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 (permit recording fee included)
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Water-Use Permit Application Processing

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1. Completeness Determination

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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.

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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.

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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. 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

Salem, OR



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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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.

This form is NOT required if:

- 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.

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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

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NAME Beverly Tsubaki-McArdle		PHONE 208-405-3591	
MAILING ADDRESS 2082 NE 16th Ave.			
CITY Payette	STATE ID	ZIP 83661	EMAIL Bentsubaki67@icloud.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:
17	47	02		2700	C-A1(farm)	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm-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	
						<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:

Maine 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: 193
 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:

To irrigate farm land

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 →

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 Last Revised: 10/2023

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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SEP 12 2024

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 regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC Chapter 12 Section 12-12-7 **OWRD**
- 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.

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Name: Kelsie Haxton Title: Planning Manager - Malheur Cam
 Signature: [Signature] Date: 8/29/2024
 Governmental Entity: Malheur County Phone: 541-473-5185

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: _____

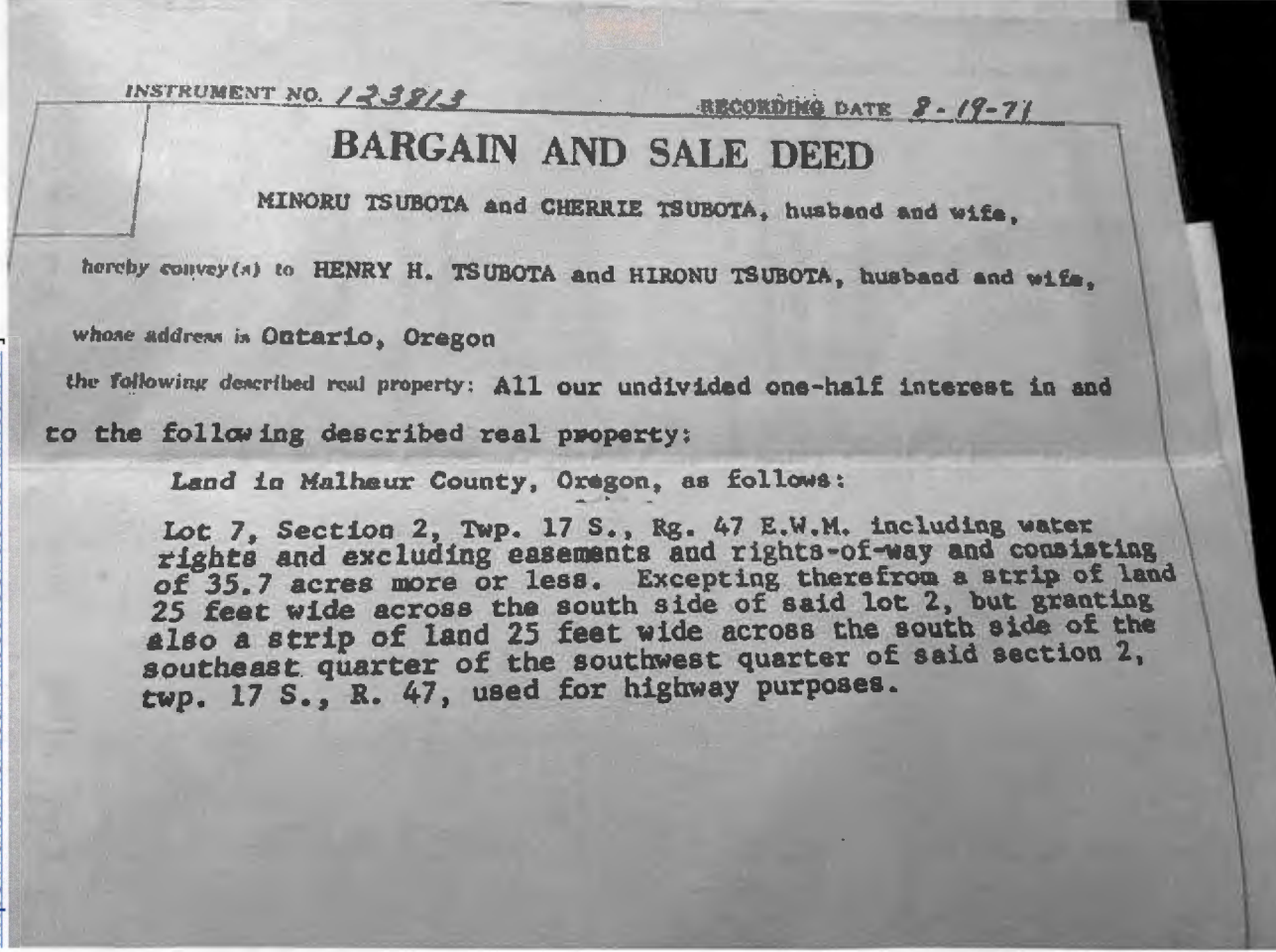
Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

REECE Nick A * WRD

From: Beverly Tsubaki <bevtsubaki67@icloud.com>
Sent: Monday, September 16, 2024 8:28 AM
To: REECE Nick A * WRD
Subject: Description of real property-Ronald Tsubota Estate

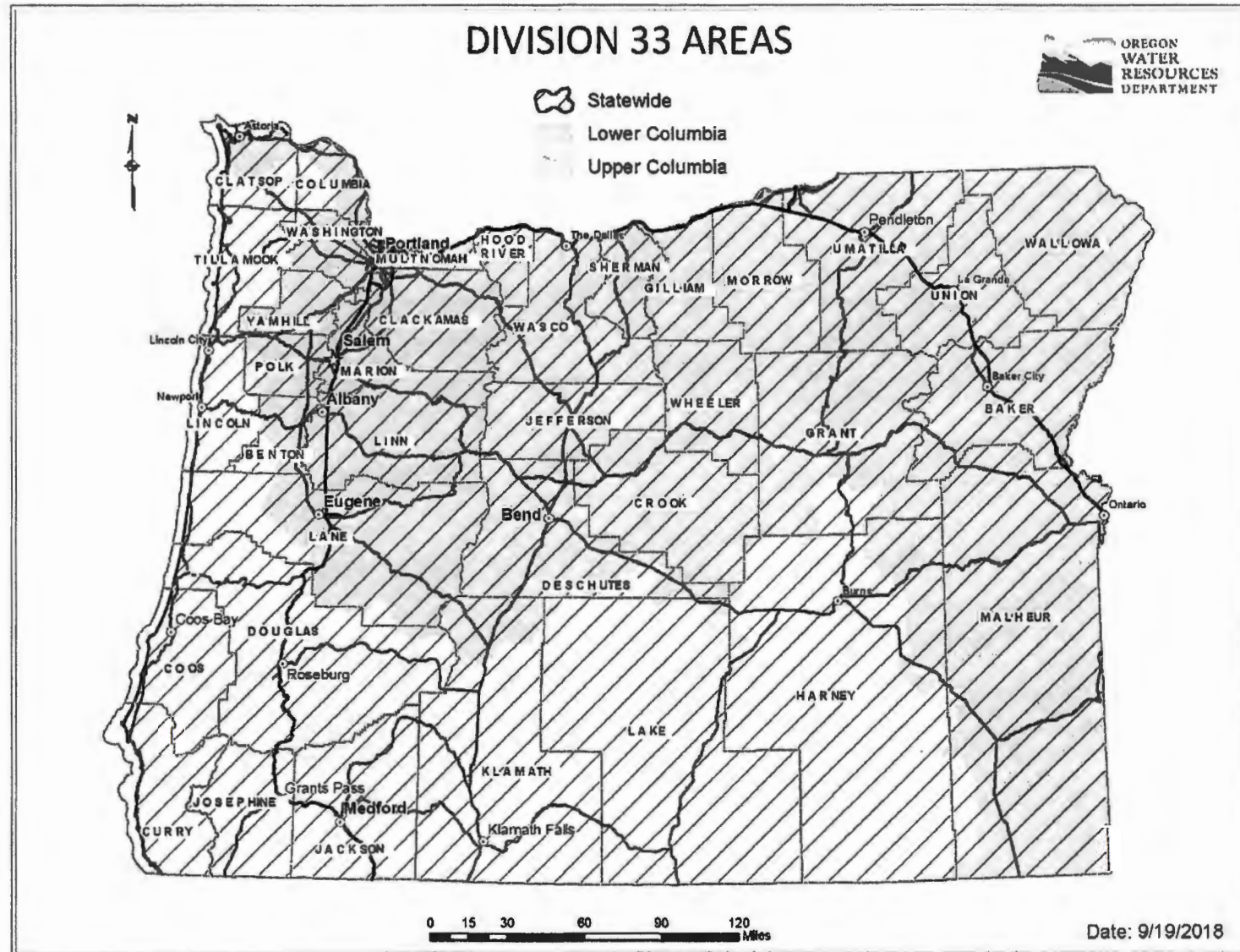
[You don't often get email from bevtsubaki67@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]



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Sent from my iPhone

Figure 1: Map of Division 33 Areas



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/

Groundwater Right Application Guidebook

Oregon Water Resources Department Received by OWRD



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Why do I need a water right?

Under Oregon Law, all water belongs to the public. With few exceptions, any person wishing to take and use surface water or groundwater must first obtain a permit from the Water Resources Department. The water right, once developed, is a type of property right and is attached to the land where it was established. Land with an attached water right may be several miles from the actual source of water. In Oregon, landowners with water flowing past, through, or below their property do not automatically have a right to use that water.

Oregon's water laws are based on the principal of "prior appropriation." That is, the first person to obtain a water right to a water source is the last to be shut off in times of low water availability. In water-short times, water users with the oldest water right can demand the amount specified in their right regardless of the needs of junior users. If there is a surplus beyond the specified amount of the senior right holder, the person with the next oldest priority date can take their specified amount as necessary to satisfy their appropriation under their right and so on down the line until there is no surplus. The date of application for a permit usually becomes the priority date of the right.

Oregon's water code contains four basic provisions:

- Surface or groundwater may be legally diverted only if it is used under the terms of a valid water right for a beneficial purpose.
- The more senior the water right, the longer water is available in a time of shortage.
- A water right certificate is attached to the land where it was established. If the land is sold, the water right goes with the land to the new owner. (This does not apply to water rights still in permit status.)
- A water right is valid as long as it is used at least once every five years, for its intended purpose. If the right is unused for five consecutive years, it is legally forfeited and subject to cancellation, with few exceptions.

By law, the land use associated with water use must comply with the statewide land-use goals and local land-use plans. If state goals or local comprehensive plans prohibit the land use the water-use permit may not be exercised until land-use approval is obtained.

The Water Right: Applying for a Permit to Use Water

Obtaining your permit is a critical hurdle in obtaining a water right. A permit is the authorization necessary from the Water Resources Department to begin constructing a water delivery system and begin using water. During the review stage, your application is examined by the Department to ensure that allowing your use will not have the potential to cause injury to existing water rights or to the public interest. It is also during this step in the process that Oregon law allows other water right holders, government agencies and the public to object to issuing the permit. However, once the Department issues the permit, and if you comply with the conditions of the permit, the Department cannot revoke your permit later or decide to impose new standards on the use when a final water right certificate is issued.

The standards by which applications are judged are explained in the administrative rules, Chapter 690, Division 310. Oregon law requires all state agencies to put policies into rule so the public knows in advance what is required, and to discourage arbitrary decisions by agencies.

An application is a request to use water. Each application receives a careful analysis by the Department. Small uses upstream could have impacts downstream, and new water uses can interfere with more senior uses. For example, a large, new well can dry up an older well nearby. Adding new users to the system must be done carefully to preserve investments made by existing water right holders.

Instructions: Completing the Application Form

Note: All information should be typewritten or neatly printed with dark ink. All items must be completed even if parts or all of the required information appears on supplemental maps or drawings. Applications must be submitted on original forms that are provided by the Department or watermaster. Sign the forms in ink.

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

If you are an individual, or represent an association, firm, partnership, cooperative, corporation or municipality, and you wish to apply for a water right permit, include your name, mailing address and phone numbers. You may include a fax number, if you have one, and/or an e-mail address. These numbers are not required but they may assist the Department in contacting you.

SECTION 2: PROPERTY OWNERSHIP

You must either own the property or have legal access to the property where you propose to appropriate (well location), transport, and use groundwater.

- If you own all the land that includes the well, conveyance, and use of the groundwater, mark YES and identify if encumbrances are or are not present.
- If you do not own all the lands involved, you must provide a list of the names and addresses of the affected property owners.
- If there are more than 25 landowners, you will be required to file a public notice in a newspaper that circulates in the area of the water use. Contact the Department for more information.

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SEP 12 2024

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SECTION 3: WELL DEVELOPMENT

- **Name of nearest surface water.** For each well, identify the nearest surface water. This may include a stream, river, lake, or reservoir.
- **Distance to nearest surface water:** For each well that is less than 1 mile from surface water, indicate the distance (in feet) from the well to the nearest surface water. This information helps the Department to know the extent of interference and interconnection between surface waters and groundwater. Indicate the surface water and the distance in smallest reasonable increments. For example: 1) 400 feet from Butterfly Creek, 2) ¼ mile from Rockfish Lake.
- **Elevation difference:** For each well that is less than 1 mile from the nearest surface water, indicate the elevation change from the well head and the surface water. This can be determined using a topographic map of the area or by survey methods. Small elevation increments are necessary to provide an accurate elevation difference.
- **Additional information about your existing or proposed well(s) that may be helpful in evaluating your proposed use of groundwater:**
 - If the well is flowing artesian, which means that it is flowing naturally without drawing the water using a pump system, you may need to employ some controls to manage and conserve the water. Explain any methods you will be using to manage the flowing water. Special seals, containment devices, sanitary caps, and any valves or pressure gauges should be mentioned.
 - For existing wells, describe any alterations or repairs not documented in the attached well log or other materials.
- **Source (aquifer):** Indicate the proposed source (i.e., gravel and sand, alluvium, basalt, bedrock, etc.).
- **Total maximum rate requested:** Indicate the total rate of water you propose to use from all wells. Each well will be evaluated at the maximum rate unless you indicate well-specific rates and in the table on Page 3. To process your application, the Department must determine whether the amount of water you are requesting will be available without injuring the supply of water for existing water right holders.
- **Well characteristics:** Complete the table on Page 3 for each individual well. If this is an existing well, the following 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.
 - Include the well name or number and whether the well is proposed or existing.
 - Indicate the Well ID (well tag) or Well Log ID. New or newly altered wells must have a Well ID number stamped onto a stainless steel tag affixed to the well casing. If available, please provide the ID number for each of your wells. If tags have not been affixed to your wells, ID numbers have not been assigned yet. You may insert "n/a" in that portion of your application.

SEP 17 2024

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If your existing well does not have a Well ID (well tag), you can request a Well ID from the Department. The Well ID is intended to serve as a unique identification number for each well.

- Please indicate if the well is flowing artesian, which means it is flowing naturally without drawing the water using a pump system.
- Indicate the inner and outer casing diameter of each well and the casing interval in feet.
- If your well is perforated to allow inflow of water, indicate the intervals with which the casing is perforated.
- Include the seal interval in feet, the static water level measurement in feet, and the date of static water level measurement.
- Indicate the source aquifer (ie. gravel and sand, alluvium, basalt, bedrock, etc.).
- Indicate the total well depth.
- For each well, indicate the production rate (well-specific rate) in gallons per minute and the proposed annual volume in acre-feet.

SEP 16 2024 JWRD

SEP 16 2024

Salem OR

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

In this section, check the appropriate box to indicate which section of the Division 33 rules may apply to your application. Use the Figure on Page 15 of the groundwater application to assist you.

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

SECTION 5: WATER USE

Type(s) of Use(s): In order to receive a water right you must show that you will be using the water beneficially and without waste. Use entries from the following tables to indicate what the beneficial use of your water will be. *Note: The description provided for each use is intended to provide a brief listing of examples. The uses indicated may include, but are not limited to, the brief list of examples.*

Category: Agricultural or Land Management
a) General agricultural use: Water used for the production of agricultural products including construction, operation and maintenance of agricultural facilities, and livestock sanitation at farms, ranches, dairies and nurseries. Examples: dust control, temperature control, animal waste management, barn or farm sanitation, dairy operation, and fire control. <u>Agricultural use does not include irrigation.</u>
b) Irrigation: Water that is applied artificially to crops or plants to promote growth or to nourish. Examples: watering any agricultural crop, commercial garden, tree farm, orchard, park, golf course, play field or vineyard and alkali abatement.

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SEP 12 2024

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c) Cranberry use: Use of water for growing, protecting and harvesting cranberries. Examples: irrigation of cranberries or other crops in rotation, using water for chemical application to crops, flooding for harvesting or to control pests, and temperature control.
d) Nursery operations: Use of water for operating a commercial nursery. Examples: temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses and uses to construct, operate and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although field irrigation may be part of nursery use. If used for field irrigation for nursery stock, such use is not restricted to the agricultural irrigation season that may be defined for your area.
e) Stockwater: Use of water for consumption by domesticated animals and wild animals held in captivity as pets or for profit.
f) Temperature control: Use of water to protect a growing crop from damage caused by extreme temperatures.
g) Forest and range management: Water use for operations conducted on or pertaining to forest lands and range lands. Examples: reforestation, road construction and maintenance, harvesting, vegetation management, and disposal of slash. Forest and range management does not include irrigation.

Category: Industrial/Commercial
a) Industrial: Water use associated with the processing or manufacture of a product. Examples: construction, operation and maintenance of an industrial site, facilities and buildings. Related uses: general construction, road construction, non-hydroelectric power production, including downhole heat exchange and geothermal, agricultural or forest products processing, and fire protection. Such uses shall not include irrigation or landscape maintenance of more than 1/2 acre.
b) Commercial: Use of water for the production, sale or delivery of goods, services or commodities by a public or private entity. Examples: construction, operation and maintenance of commercial facilities. Examples of commercial facilities include an office, resort, recreational facility, motel, hotel, gas station, kennel, store, medical facility and veterinary hospital. Examples of water uses within such facilities include human consumption, sanitation, food processing, and fire protection. Such uses shall not include irrigation or landscape maintenance of more than 1/2 acre.
c) Fire protection: Use and storage of water for the purpose of extinguishing fires or reducing the potential outbreak of fires.
d) Mining: Use of water for extraction, preliminary grading, processing of minerals or aggregate at a mining site or construction, operation and maintenance of a mining site. These uses include, but are not limited to, general construction, road construction, and dust control.
e) Power development: Use of water for developing electrical or mechanical power. Examples: water for the operation of a hydraulic ram or water wheel and hydroelectric power generation.

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SEP 16 2024

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SEP 12 2024

Category: Drinking water supply

Note: If using water for domestic purposes (e.g., drinking, cooking, cleaning) you must include the number of households that will be supplied.

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- a) **Human consumption:** Use of water for the purposes of drinking, cooking, and sanitation.
- b) **Domestic use:** Use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.
- c) **Domestic use expanded:** Use of water in addition to that allowed for domestic use, for watering up to 1/2 acre of lawn or noncommercial garden

Category: Community water supply

Note: If using water for municipal use, you must include Form M with your application.

- a) **Municipal:** Delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples: domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities and street washing. Such uses shall not include generation of hydroelectric power.
- b) **Quasi-municipal:** Use of water through the water service system of a corporation other than a public corporation created for the purpose of operating a water supply system and for uses usual and ordinary to municipal water use.
- c) **Group domestic:** Use of water for domestic water use by more than one residence or dwelling unit.
- d) **Stormwater management:** Use or storage of water in any structure or drainageway that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvements, flood control or property protection. Other examples: existing features such as wetlands, water quality swales and ponds which are maintained as storm water quality facilities.

Category: Environmental benefit

- a) **Aquatic life:** Use of water to support natural or artificial propagation and sustenance of fish and other aquatic life.
- b) **Pollution abatement:** Use of water to dilute, transport or prevent pollution.
- c) **Recreation:** Use of water for play, relaxation or amusement. Examples: boating, fishing, wading, swimming and scenic values.
- d) **Wetland enhancement:** Use of water to restore, create, or enhance or maintain wetland resources.
- e) **Wildlife:** Use of water by or for sustaining wildlife species and their habitat.

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SEP 16 2024

Salem, OR

Period of Use: Indicate the period of use for each use you are proposing. Some types of uses, such as irrigation, are allowed only during certain months or seasons. For example, in Western Oregon the irrigation season is generally March 1 to October 31. In order to examine your application it is important for the Department to know which months you are requesting to use the water. If you will be using it year-round, indicate “year-round.” If you will be using it seasonally (i.e. irrigation seasons) give the beginning date and ending date.

Annual volume of water: Indicate the amount of water for each type of use in acre feet. To process your application, the Department must determine whether the amount of water you are requesting will be available without injuring the supply of senior water right holders.

If applying for irrigation use: If you will be using the water for primary or supplemental irrigation, or applying it to land for another reason, indicate the total number of acres of primary irrigation and supplemental irrigation (if applicable) where the water will be applied. If you are proposing supplemental irrigation, include the Permit or Certificate number of the underlying primary water right. Indicate the maximum total number of acre-feet you expect to use in an irrigation season.

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SEP 16 2024

If applying for municipal or quasi-municipal use: Attach completed Form M.

If applying for domestic use: Indicate the number of households.

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If applying for mining use: Describe what is being mined and the method(s) of extraction.

SECTION 6: WATER MANAGEMENT

- A. **Diversion and Conveyance:** Please describe the methods you will use to appropriate the proposed water from the well(s) and the method you will use to bring the water from the well(s) to the place of use. For example: size and length of pipelines or ditches. You may attach a diagram or drawing of the assembly if it will help in your description.
- B. **Application Method:** Please describe the methods you will use, individually or in combination, to apply water to the place of use. If you are not applying water to land, leave it blank.
- C. **Conservation:** Explain any methods you will employ to conserve water. For example: special irrigation systems, soil moisture measurements, lined irrigation canals, water audits, or retrofitting more efficient fixtures. To stay within the limits of your water right, you should consider some way to measure the amount of water you are taking on a daily basis during the period of use allowed in your permit. Indicate how you will measure the water you have diverted. Note: your permit, when issued, may require and specify the type of measurement you will need.

SECTION 7: PROJECT SCHEDULE

List the projected dates of your intended progress for construction of the water system and actual use of the water. If the Department issues a permit to use water, it will include time limits to complete construction and begin water use, generally within five years from the date of the permit. A substantial portion of the development must occur within one year of issuance of the permit.

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SEP 12 2024

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterways or streamside areas. Use this section of the application form to describe planned actions to protect water quality, or additional permits that may be required for project implementation.

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SEP 16 2024

SECTION 9: WITHIN A DISTRICT

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

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SECTION 10: REMARKS

You may want to elaborate on circumstances, methods, or systems for your proposed water use. If you need additional space, attach a sheet to your application form and indicate the specific item you are addressing.

Map Requirements

In order to properly examine your application, the Department must have an accurate map that shows the location of the proposed water source and area(s) of use. The maps submitted shall meet the following criteria:

The map shall be of permanent quality and drawn clearly in ink on good quality paper.

Maps should be submitted on 8.5 x 11 inch paper. If a map is larger than 11 x 17 inches, submit four copies or draw on tracing vellum or mylar.

The map must be drawn to a standard, even scale of not less than 4 inches = 1 mile. Standard scales include 1"-400'; 1"-1320". Use only whole numbers. U.S.G.S Quad maps, title company maps or aerial photo maps will not be accepted.

Each copy of the map must clearly show the elements of the proposed appropriation:

- The location of main canals, ditches, pipelines or flumes. Place of use should be indicated if appropriate. Example: cross-hatching or shading. Maps for irrigation use must indicate the number of acres per quarter-quarter section and include shading or cross-hatching to identify the place of use.
- The section number, township, range, tax lot lines and numbers, nearest quarter- quarter section, and a north directional symbol.
- A platted and recorded subdivision map, deed description survey map or a county assessor tax lot map may be submitted as the application map if all the required information is clearly shown on each print.

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SEP 16 2024

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SEP 12 2024

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Minimum Application Requirements Checklist:

Use the minimum application requirements checklist on Page 9 of the application form to assist you in making sure that all required elements are submitted to the Department along with the application form. Before submitting the application, be sure you include all the necessary items below:

- **Properly completed application form:** Completed application form signed and dated in ink by all applicants. If there is more than one applicant, be sure that all applicants sign the application (Page 1).
- **Land Use Information Form:** Include a Land Use Information Form approved and signed (must be original) or a Land Use Information Form receipt signed by a representative of the local planning agency having jurisdiction (i.e., county or city planning).
- **Property description:** A legal description of (1) the property from which water is to be appropriated (well location), (2) any property crossed by the proposed ditch, canal, or other work, and (3), any property on which the groundwater is to be used, must accompany the application. Photocopies of the legal description in the deed, title insurance, or land sales contract would fulfill this requirement.

Payment: Exam Fees are due when you submit your application. See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900 for assistance in determining your examination fees. Submit a check or money order made out to WRD for the examination fee. Recording fees may be paid later, if you wish. Your application will be returned if all necessary examination fees are not received.

- **Legible and accurate application map:** A map of the proposed development must accompany each application for a permit. See Minimum Requirements Checklist on Page 9 for map requirements.
- **Additional materials:** For existing well(s), submit a copy of the well log. For municipal or quasi-municipal use, submit Form M.

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