

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME H. MICHAEL AND ANNETTE LATHROP			PHONE (HM) <b>Received</b>
PHONE (WK) 541-398-0645	CELL		FAX <b>MAY 14 2025</b>
ADDRESS 6564 STEEN RD			<b>OWRD</b>
CITY JOSEPH	STATE OR	ZIP 97846	E-MAIL *

### Organization

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

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

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

Note: Attach multiple copies as needed

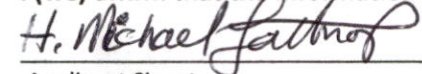
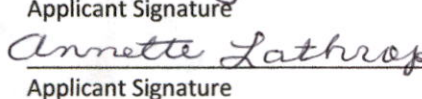
\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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**MAR 03 2025**  
**OWRD**

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

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

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

 Applicant Signature	<u>H. Michael Lathrop</u> Print Name and Title if applicable	<u>2/26/2025</u> Date
 Applicant Signature	<u>Annette Lathrop</u> Print Name and Title if applicable	<u>2/26/2025</u> 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.

**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*).

Wallowa Lake Irrigation District

**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: SOURCE OF WATER

### A. Proposed Source of Water

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

Source 1: Wallowa Lake Reservoir	Tributary to: Wallowa River
TRSQQ of POD: T3SR45E Sec5 NENW	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Permit R347, Certificate 9310

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## B. Applications to Use Stored Water

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

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

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

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

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

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

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

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

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

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

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

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

☒ Yes ☐ No

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

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If yes,

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

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

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

☐ Yes ☒ No

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

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

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

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

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

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

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

☒ Yes ☐ No

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

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## SECTION 5: WATER USE

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

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
R347	Irrigation	May1 – Sep30	<del>0.435</del> <u>52.2</u> <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 17.4 Acres

Supplemental:    Acres

Nursery Use:        Acres

If supplemental acres are listed, provide 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: 52.2

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

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

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

- ☒ Pump (give horsepower and type): 30 HP with suction from Lower Alder Slope Ditch
- ☐ Other means (describe):

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

Sprinklers

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### B. Application Method

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

High pressure sprinklers

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### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters. Approx. 7 gpm sprinkler nozzles on wheel lines, and pivots



## SECTION 7: RESOURCE PROTECTION

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

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

Describe planned actions: Local ODWF office review

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

**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required – no excavation is needed for this project.

Describe planned actions and additional permits required for project implementation: no excavation of ditch banks will be needed.

- ☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe planned actions and additional permits required for project implementation: N/A

- ☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe planned actions: N/A

- ☐ List other federal and state permits or contracts to be obtained, if a water right permit is granted.

N/A

## SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: already started  
b) Date construction will be completed: already completed  
c) Date beneficial water use will begin: once permit is issued

## SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name Wallowa Lake Irrigation District	Address 65196 Dobbin Rd		
City Joseph	State OR	Zip 97846	

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## SECTION 10: REMARKS

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

Local Watermaster approached us and said we did not have a water right on a portion of our irrigated ground.

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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: Source of Water
- ☐ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☐ SECTION 5: Water Use
- ☐ SECTION 6: Water Management
- ☐ SECTION 7: Resource Protection
- ☐ SECTION 8: Project Schedule
- ☐ SECTION 9: Within a District
- ☐ SECTION 10: Remarks

#### Include the following additional items:

- ☐ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☐ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☐ Fees - Amount enclosed: \$\_\_\_\_\_
 

See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- ☐ Map that includes the following items:

- ☐ Permanent quality and drawn in ink
- ☐ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☐ North Directional Symbol
- ☐ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☐ Reference corner on map
- ☐ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☐ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
- ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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# Water-Use Permit Application Processing

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## 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.

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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.

## 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.



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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

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# Land Use Information Form



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

Applicant(s): H. Michael Lathrop  
Mailing Address: 65264 Steen Rd  
City: Joseph State: OR Zip Code: 97846 Daytime Phone: 541 398 0645

## 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:
02S	44	24		200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	sprinkler 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:

Walla Walla County

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## B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) Walla Walla Lake

Estimated quantity of water needed: 52.2 ☐ 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:

H. Michael Lathrop



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

See bottom of Page 3. →



## For Local Government Use Only

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

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

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

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>Received</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>MAY 14 2025</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Franz Gobel Title: Planning Director  
 Signature: [Signature] Phone: 541-426-7710 Date: 4-1-25  
 Government Entity: Wallowa County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Date 1/17/2025

Reference: Stored Water Application from Wallowa Lake

Dear WLID Board, this letter is to inform you of my intention to file an application for the use of stored water for Irrigation on Tax Lot 200 as shown in my draft Application. This notice is required per the OWRD Surface Water application.

Sincerely,

H. Michael Lathrop

WLID Representative Signature:

Signed

Don Butterfield

Received

MAR 03 2025

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Received

MAY 14 2025

OWRD





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100-100-100

100-100-100

100-100-100

100-100-100

100-100-100



OK

## SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That LLOYD M. THOMPSON and MARY I. THOMPSON, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto MICHAEL H. LATHROP and ANNETTE C. LATHROP, husband and wife, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Wallowa, State of Oregon, described as follows, to-wit:

Township 2 South, Range 44 East, of the Willamette Meridian

Section 24: SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , that part of NE $\frac{1}{4}$  lying West of the right of way of the OW&N Company Railroad as recorded in Book H of Deeds, page 322.

SUBJECT to right of way deeds to the City of Enterprise as recorded in Book Q of Deeds, pages 247 and 285, and Book 53 of Deeds, pages 97 and 98.

SUBJECT to right of way privileges for drainage outlet to W.D. Zurcher and Charles E. Crow by Contract recorded in Book E of Contracts, page 192.

RESERVING unto Dean M. Sprague an easement for water pipeline and ditch right of way together with ingress and egress for repair and maintenance across the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 24, T2S, R44 EWM.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And the grantor hereby covenants to and with the said grantee and grantee's heirs, successors and assigns that said real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ TRADE. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.) In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 25th day of April, 1986; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON,

County of Wallowa ss.April 25, 19 86.

Personally appeared the above named LLOYD M. THOMPSON and MARY I. THOMPSON, husband and wife,

and acknowledged the foregoing instrument as their voluntary act and deed.

Notary Public for Oregon  
My commission expires 11-18-88

STATE OF OREGON, County of Wallowa ss.April 19, 19 86.

Personally appeared Lloyd M. Thompson and Mary I. Thompson and Michael H. Lathrop and Annette C. Lathrop, who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:  
Notary Public for Oregon  
My commission expires:

(OFFICIAL SEAL)

(If executed by a corporation, affix corporate seal)

Lloyd M. Thompson, et ux  
P.O. Box 131  
Joseph, OR 97846

GRANTOR'S NAME AND ADDRESS  
Michael H. Lathrop, et ux  
Flora Route, Box 13A  
Enterprise, OR 97828

GRANTEE'S NAME AND ADDRESS  
NAME, ADDRESS, ZIP

After recording return to:

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

Michael H. Lathrop  
Flora Route, Box 13A  
Enterprise, OR 97828  
NAME, ADDRESS, ZIP

16524

STATE OF OREGON,

County of Wallowa ss.

I certify that the within instrument was received for record on the 22 day of December, 19 89, at 4:35 o'clock P.M., and recorded in book/reel/volume No. 106 on page 197 or as fee/file/instrument/microfilm/reception No. 16524, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE  
By Maury Shuck Deputy

CHARLOTTE WALLOWA COUNTY CLERK

16524

Recorded December 22, 1989 at 4:35 P.M.

BY Maury Shuck DEPUTY

199

Received

Received

MAR 03 2025

MAY 14 2025

OWRD

OWRD



STATE OF OREGON  
COUNTY OF WALLOWA

# CERTIFICATE OF WATER RIGHT

This is to Certify, That STATE LAND BOARD

of Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Wallowa River a tributary of Grande Ronde River for the purpose of Irrigation under Permit No. 7362 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 25, 1926;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.37 cubic foot per second;

The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, Township 2S, Range 44E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and 10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 24, Township 2 South, Range 44 East of the Willamette Meridian in Wallowa County, Oregon.

Received

MAY 14 2025

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Received

MAR 03 2025

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The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

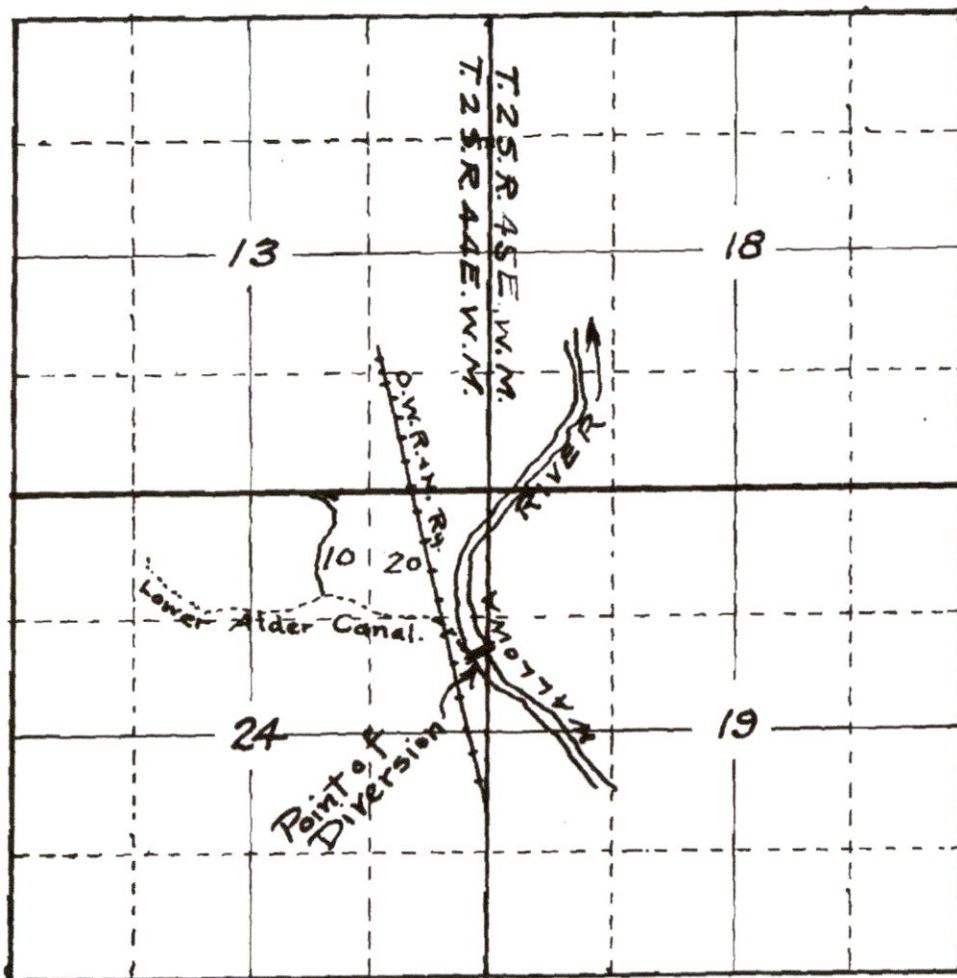
After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 28th day  
of November 0, 19 30

Chas. E. Stricklin

State Engineer.



MAP

Accompanying Application  
of the State Land Board  
for a Permit to appropriate  
Water.

Received  
MAR 03 2025

OWRD  
Received  
MAY 14 2025

Report No. **OWRD** 10800  
 Report No. 7362



\*Permit No. 7362

APPLICATION FOR A PERMIT

CERTIFICATE NO. 8878

## To Appropriate the Public Waters of the State of Oregon

### STATE LAND BOARD

I, \_\_\_\_\_  
(Name of applicant)  
of Salem, County of Marion,  
(Postoffice)  
State of Oregon, do hereby make application for a permit to appropriate the  
following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation \_\_\_\_\_

1. The source of the proposed appropriation is Wallowa River  
(Name of stream)  
tributary of Grande Ronde River

2. The amount of water which the applicant intends to apply to beneficial use is  
0.37 cubic feet per second.

3. The use to which the water is to be applied is Irrigation  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located No survey  
(Give distance and bearing to section corner)

being within the SE 1/4 NW 1/4 of Sec. 24, Tp. 2 South,  
(Give smallest legal subdivision) (No. N. or S.)  
R. 44 East, W. M., in the county of Wallowa  
(No. E. or W.)

5. The canal to be one-half  
(Main ditch, canal or pipe line)  
miles in length, terminating in the NW 1/4 NE 1/4 of Sec. 24, Tp. 2 South,  
(Smallest legal subdivision) (No. N. or S.)  
R. 44 East, W. M., the proposed location being shown throughout on the accompanying map.  
(No. E. or W.)

6. The name of the ditch, canal or other works is Lower Alder Ditch

### DESCRIPTION OF WORKS

#### DIVERSION WORKS—

7. (a) Height of dam 4 feet, length on top 20 feet, length at bottom  
15 feet; material to be used and character of construction Log crib  
(Loose rock, concrete, masonry,  
rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Timber, one 8-foot opening.  
(Timber, concrete, etc., number and size of openings)

\* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

Received

MAY 14 2025

OWRD

Received

MAR 03 2025

OWRD

7362(a)

CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: Width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

For data regarding dimensions and grade of canal, see Permits  
Nos. 6723 and 6724.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR  
IRRIGATION—

9. The land to be irrigated has a total area of ..... 30 ..... acres, located in each  
smallest legal subdivision, as follows:

(Give area of land in each smallest legal subdivision which you intend to irrigate)

20 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$

10 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$

Section 24, Township 2 South, Range 44 E.W.M.

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed ..... theoretical horsepower.

(b) Total fall to be utilized ..... feet.

(Head)

(c) The nature of the works by means of which the power is to be developed .....

(d) Such works to be located in ..... of Sec. ....

(Legal subdivision)

Tp. ...., R. ...., W. M.

(No. N. or S.)

(No. E. or W.)

(e) Is water to be returned to any stream? .....

(Yes or No)

(f) If so, name stream and locate point of return .....

Sec. ....

Tp. ....

(No. N. or S.)

R. ....

(No. E. or W.)

W. M.

(g) The use to which power is to be applied is .....

(h) The nature of the mines to be served .....

Received  
MAY 14 2025

OWRD

Received  
MAR 03 2025

OWRD



## MUNICIPAL SUPPLY—

11. To supply the city of .....  
 ..... County, having a present population of .....  
 (Name of)  
 and an estimated population of ..... in 192.....

(Answer questions 12, 13, 14, and 15 in all cases)

12. Estimated cost of proposed works, \$.....  
 13. Construction work will begin on or before ..... Has been begun  
 14. Construction work will be completed on or before ..... Two years from date of approval.  
 15. The water will be completely applied to the proposed use on or before .....  
 ..... Three years from date of approval.

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the  
 State Engineer, accompany this application.

STATE LAND BOARD

(Name of applicant)

by C. G. Brown,

Clerk of the State Land Board.

Signed in the presence of us as witnesses:

(1) .....  
 (Name) (Address of witness)

(2) .....  
 (Name) (Address of witness)

Remarks:

no individual construction work is contemplated  
 under this permit but the applicant will buy stock in the  
 Alger Slope Ditch Company to obtain a right to use its ca-  
 nal which is now under construction.

STATE OF OREGON, }  
 County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying  
 maps and data, and return the same for correction or completion, as follows: .....

In order to retain its priority, this application must be returned to the State Engineer, with  
 corrections, on or before ....., 192.....

WITNESS my hand this ..... day of ....., 192.....

STATE ENGINEER

Received  
 MAR 03 2025

OWRD

Received  
 MAY 14 2025  
 OWRD

Application No. 10800

Permit No. 7362

**PERMIT**  
TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE  
OF OREGON

District No. ....

*This instrument was first received in the  
office of the State Engineer at Salem, Oregon,*

on the 25 day of May,

1926, at 8:30 o'clock A.M.

Returned to applicant for correction:

Corrected application received:

Approved:

June 14th, 1926.

Recorded in Book No. 25 of  
Permits, on page 7362

RHEA LUPER

STATE ENGINEER.

1 map AQFP

STATE OF OREGON, }  
County of Marion, } ss.

\$7.50

*This is to certify that I have examined the foregoing application and do hereby grant the same,  
subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited  
to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject  
to such reasonable rotation system as may be ordered by the proper state officer.*

The right herein granted is limited to the appropriation of water from Wallowa  
River for irrigation purposes.

The amount of water appropriated shall be limited to the amount which can be applied to bene-  
ficial use and not to exceed 0.37 cubic feet per second, or its equivalent in case of  
rotation. The priority date of this permit is May 25, 1926.

Actual construction work shall begin on or before June 14, 1927 and shall  
thereafter be prosecuted with reasonable diligence and be completed on or before  
June 1, 1928

Complete application of the water to the proposed use shall be made on or before  
October 1, 1929

WITNESS my hand this 14th day of June, 1926.

Rhea Luper

STATE ENGINEER.

Permits for power development are subject to the limitation of franchise as provided in Section 5728, Oregon Laws, and the  
payment of annual fees as provided in Section 5803, Oregon Laws.

This form approved by the State Water Board, March 11, 1909.

Received  
MAY 14 2025

OWRD  
Received  
MAR 03 2025

OWRD



STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That R. F. STURGEFIELD

of Enterprise, State of Oregon has a right to the use of the waters of Wallowa River, a tributary of the Grande Ronde River, and Spring Creek, a tributary of the Wallowa River

for the purpose of the irrigation of 17 acres of land, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County, and the said decree entered of record at Salem, in the Order Record of the State Water Board of the State of Oregon, in Volume 5, at page 196; that the priority of the right hereby confirmed dates from 1890

that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1 1/2 acre feet per acre during any period of 30 days prior to July 31st of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 12 1/2 acres in the NE 1/4 NE 1/4 and 4 1/2 acres in the NE 1/4 NE 1/4 of Section 23, Township 2 South, Range 44 East of Willamette Meridian, in Wallowa County, Oregon.

Received Received  
MAR 03 2025 MAY 14 2025  
OWRD OWRD

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State Water Board, affixed this 2nd day of April, 1921  
STATE WATER BOARD

(Seal of State Water Board)

By HERCY A. GUPPER  
State Engineer, President

Attest:

H. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3160

Oregon Water Resources Department  
Stored Water Only Applications - Expedited Secondary

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

Today's Date: Wednesday, February 26, 2025

Base Application Fee.		\$610.00
Acre feet of Stored Water to be diverted.	52.2	\$866.20
Subtotal:		\$1,476.20
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,086.20

Received  
MAY 14 2025  
OWRD

Received  
MAR 03 2025  
OWRD