



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

I. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: Tygh Valley Orchards, LLC

Name and title of person applying: _____

Mailing address of organization: 11805 SW Lynnfield Lane

Portland OR 97223
City State Zip

Phone: 503-644-1208
Day Evening

*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. _____	Permit No. _____	Date _____

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WATER RESOURCES DEPT
SALEM, OREGON

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (Please check appropriate box below then skip to section 3 ("Ground water Development"))

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below.)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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.

List the names and mailing addresses of all affected landowners.

Tygh Valley Orchards, LLC is made up of James Miller and Laurie (Hesla) Miller.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: [1] Unnamed drainage, trib to [2] Threemile Creek

Distance from well(s) to nearest stream or lake: 1) [1] 990 feet

2) [2] 3696 feet 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) [1] 30 feet

2) [2] 270 feet 3) _____ 4) _____

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: unknown at this time

Address: _____

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Completion date: _____

Please provide a description of your well development. *(Attach additional sheets if needed.)*

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	8" or 10"	steel	min 20' to '100'		min 20' to '100'	~300'	~300'		~300' to ~400'

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

Not expected

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1		Suppl Irrigation	448.8	106,240,134	448.8

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 1 cfs
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 to October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 108.68
(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

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

- Pump (give horsepower and pump type): 60 to 70hp submersible and centrifugal pumps
- Other means (describe): _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length):
Diameter 10", 6", 4" Length 10000 feet mainline and lateral
- Other (describe) _____

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C. Application/Distribution Method

What equipment will you use to apply water to your place of use? The open fields will be irrigated with hand line and wheel lines systems, the Orchard will be solid set micro sprinklers

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe microsprinklers

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

meter, using microsprinklers where possible

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: 10/1/2009

Proposed date construction will be completed: 10/1/2010

Proposed date beneficial water use will begin: 10/1/2010

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Agent for Tygh Valley Orchards, LLC is Tenneson Engineering Corp
Agent: Larry Toll
409 Lincoln Street
The Dalles, OR 97058
541-296-9177

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8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

James Miller President Tygh Valley Orchards 6/22/08
 Signature of Applicant (If more than one applicant, all must sign.) Date
James Miller Sec. Treas. Tygh Valley Richards LLC 6/22/08

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

FEE
 \$500 Base
 200 1st ets
 300 Recording
 \$1000 Total

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SALEM OREGON**



Oregon Water Resources Department

FORM I
FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 0 Acres

Secondary: 108.68 Acres

List the permit or certificate number of the primary water right: No. Permit 50066

Cert. 9017 (T-4957), 46530, 82973, 82974, 82980, Permit 50066

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Wheat Full season Partial season
2. alfalfa Full season Partial season
3. orchard Full season Partial season
4. Full season Partial season

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

up to 326 acre-feet
(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
Two or three times weekly during daytime Two or three times weekly during nighttime
Weekly, during daytime hours Weekly, during nighttime hours
Other, explain:

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Last revision: October 31, 1996

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SALEM OREGON

Grantor's Name and Address: Miller/Hesla
Grantee's Name and Address: AmeriTitle
Until requested otherwise, send all tax statements to (Name, Address, Zip): McAllister, Miller & Hesla

STATE OF OREGON, } ss.

Wasco County Official Records 2006-003982
DEED-D 07/13/2006 11:18 AM
\$5.00 \$11.00 \$10.00 \$26.00



SPACE RESERV FOR RECORDER'S U
I, Karen LeBreton Coats, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

By _____, Deputy.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that WILLIAM R. McALLISTER

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by JAMES A. MILLER AND LAURIE M. HESLA, tenants by the entirety. hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in WASCO County, State of Oregon, described as follows, to-wit:

PARCELS 1 AND 2 OF PARTITION PLAT NUMBER 2006-34, RECORDED JUNE 20, 2006 UNDER MICROFILM NO. 2006003566 RECORDS OF WASCO COUNTY, STATE OF OREGON, BEING A PORTION OF SECTION 7 AND 8, TOWNSHIP 4 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF WASCO, STATE OF OREGON. BEING A RE-PLAT OF PARCEL 2 OF PARTITION PLAT 2005-0044.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): except those of record, if any.

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is CONTRACT SUFFICIENT OF / XXXXXXXXXX

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument this on July 13, 2006; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

X William R. McAllister
William R. McAllister

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON, County of Wasco) ss.
This instrument was acknowledged before me on July 13, 2006

by William R. McAllister
This instrument was acknowledged before me on

by
as



Notary Public for Oregon
My commission expires

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WATER RESOURCES DEPT
SALEM OREGON

AMERITITLE 23717 TE

AD 23717

LETTER OF TRANSMITTAL

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

Date: 06/25/2008	Work Order 12796
Attention	Water Rights
RE:	New Application

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1 set	(7 pgs) GROUNDWATER APPLICATION PLUS FROM I
1	APPLICATION MAP
1	CHECK FOR \$1,000.00
1 set	(4 pgs) LAND USE FORM PLUS ASSESSOR'S MAP
1 set	(3 pgs) LEGAL DESCRIPTION

THESE ARE TRANSMITTED (as checked below)

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> For approval | <input type="checkbox"/> As requested | <input checked="" type="checkbox"/> Filing/Recording |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> For your review & approval |

Remarks: <div style="text-align: center;"> <p>RECEIVED</p> <p>JUN 27 2008</p> <p>WATER RESOURCES DEPT SALEM, OREGON</p> </div>	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:
 DELIVERED BY:
 COPY TO: Tygh Valley Orchards, LLC w/ 1 of each

BY: Larry M. Toll, C.W.R.E
 ltoll@tennesoneng.com



Oregon Water Resources Department
Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Tygh Valley Orchards, LLC
Mailing Address: 11805 SW Lynnfield Lane
City: Portland State: OR Zip: 97223 Day Phone: 503-644-1208

This application is related to a Measure 37 claim. [] Yes [x] No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (Irrigation). Rows include tax lots 1300 in sections 7 and 8.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Wasco County

B. Description of Proposed Use

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

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

Source of water: [] Reservoir/Pond [x] Ground Water [] Surface Water (name)

Estimated quantity of water needed: 1 cubic feet per second [] gallons per minute [] acre-feet

Intended use of water: [x] Irrigation [] Commercial [] Industrial [] Domestic for household(s)
[] Municipal [] Quasi-municipal [] Instream [] Other

Briefly describe: Propose to add a supplemental source of water to land currently irrigated through the Badger Ditch

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

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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WATER RESOURCES DEPT
SALEM, OREGON

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.210.B.1.

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

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<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: A. Gary Nychyk Title: Senior Planner
 Signature: [Signature] Phone: 541-506-2560 Date: 5/14/08
 Government Entity: Wasco 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.

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Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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 SALEM, OREGON**