

Carolyn & Dan Van Otten  
8130 SW Broadmead Road  
Amity, OR 97101

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**AUG 04 2008**

WATER RESOURCES DEPT  
SALEM, OREGON

August 2, 2008

Jim & Heidi Harper  
11120 McCann Road  
Amity, OR 97101

Dear Jim and Heidi,

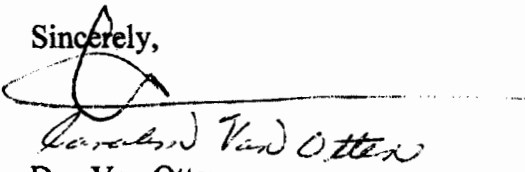
Dan and Jim spoke this morning about our intent to file for a permit to use 9.25 acre/feet of water from Salt Creek for irrigation.

We have written this letter to you as the operators of the Van Otten-Walker Reservoir so that we can attach a copy of the letter to our Application for a Permit to Use Surface Water to the State of Oregon.

As Jim suggested, we will also be contacting Boatright Engineering for information on water right applications.

We appreciate your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Van Otten", is written over a horizontal line. The signature is stylized and cursive.

Dan Van Otten  
Carolyn Van Otten



2. SOURCE AND PROPERTY OWNERSHIP

A. The 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:

Source 1: Salt Creek Tributary to: Yamhill River  
 Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
 Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
 Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

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).

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B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

Yes

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If all sources listed in item 2A 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.

**C. 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 'Water Use')

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.

SEE ATTACHED LETTER

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**3. 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**

**B. Amount of Water**

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	Type of use	Amount
Salt Creek	Irrigation	9.25 <input type="radio"/> cfs <input type="radio"/> gpm <input checked="" type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af

**C. Period of Use**

Indicate the time of year you propose to use the water: April 15 - Sept. 30  
*(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)*

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

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**4. WATER MANAGEMENT**

**A. Diversion**

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): 5hp CDS - John Blue  
(SP-3220 - ESD 3B)
- Head-gate (give dimensions): \_\_\_\_\_
- other means (describe): \_\_\_\_\_

**B. Monitoring**

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling

other means (describe): \_\_\_\_\_

**C. Transport**

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width \_\_\_\_\_

Depth \_\_\_\_\_

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Is the ditch or canal to be lined?  Yes  No

Pipe (give diameter and total length):

Diameter 2"

Length 700'

other, describe: \_\_\_\_\_

**D. Application/Distribution Method**

What equipment will you use to apply water to your place of use?

\_\_\_\_\_

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: \_\_\_\_\_

Distribution method

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

**E. Conservation**

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

Low pressure sprinklers reduce run off and are appropriate for hay crops

5. RESOURCE PROTECTION

A. Protection Practices

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 to prevent uptake of fish and other aquatic life. Describe planned actions:

Screen at/on pump intake	<p><b>RECEIVED</b></p> <p>AUG 04 2008</p> <p>WATER RESOURCES DEPT SALEM, OREGON</p>
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Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

No excavation will be needed
------------------------------

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

Carp, crappie and bull frogs are main aquatic life in Salt Creek during irrigation season and pump intake will be screened to protect them
--

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

No chemicals are used on our land. Cover crops and low pressure sprinklers will reduce run-off
--

Other:

--

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: April 1, 2009

Proposed date construction will be completed: April 20, 2009

Proposed date beneficial water use will begin: May 1, 2009

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.*

Any drainage from irrigation will be recaptured in Salt Creek or adjacent wet lands

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 points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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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, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

*David Van Otter* \_\_\_\_\_ *Aug 1, 2008*  
 Signature of Applicant (If more than one applicant, all must sign.) Date

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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](http://www.wrd.state.or.us) or call (503) 986-0900.

**WRD on the web:**  
[www.wrd.state.or.us](http://www.wrd.state.or.us)



# Oregon Water Resources Department Land Use Information Form

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This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

## To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

### A. Applicant

Name: Dan Van Otten  
Address: 8130 SW Broadmead Rd  
City: Amity State: OR Zip: 97101 (Day Phone: (503) 835-0471)

### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>6.5.14-309</u>	<u>Agriculture</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" 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 counties and cities where water is proposed to be diverted, conveyed, or used. Polk

### C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation  
Briefly describe: Clover field for hay and pasture area

### D. Source

Indicate the source for the proposed water use:

Reservoir/Pond  Ground Water  Surface Water Salt Creek  
(source)

### E. Quantity

Indicate the estimated quantity of water the use will require:

9.25  CFS  GPM  Acre-Feet



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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:          6          Acres

Secondary:     \_\_\_\_\_        Acres

List the permit or certificate number of the primary water right:        No. \_\_\_\_\_

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

- 1. \_\_\_\_\_     Full season     Partial season (from: ~~March~~ to Oct. 31)
- 2. \_\_\_\_\_     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 3. \_\_\_\_\_     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 4. \_\_\_\_\_     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

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

  9.5          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: \_\_\_\_\_

feet; thence North 28°55'35" West, 43.42 feet; thence North 73°22'45" West, 69.92 feet; thence South 70°46'10" West, 45.54 feet; thence South 10°24'28" West, 49.82 feet; thence South 60°49'57" West, 49.24 feet; thence North 60°01'06" West, 60.03 feet; thence South 77°07'30" West, 35.90 feet; thence South 10°23'20" West, 61.00 feet; thence South 35°08'03" West, 66.03 feet; thence South 18°48'00" West, 49.65 feet; thence South 73°51'20" West, 39.56 feet; thence North 54°20'35" West, 105.99 feet to the most Easterly corner of that tract of land conveyed to Polk County by deed recorded May 5, 1986 in Book 193, Page 2259, Book of Records Polk County, Oregon, thence South 54°51'55" West, 57.61 feet to the Northerly line of the County Road right-of-way; thence leaving said center of said creek and running thence South 64°08'40" East, 91.62 feet to an iron pipe; on said right-of-way line; thence along the arc of a 602.96 foot radius curve to the right (the long chord of which bears South 55°47'51" East, 175.10 feet) an arc distance of 175.72 feet to a point where said right-of-way line intersects the South line of said Eades Claim; thence along the arc of said 602.96 foot radius curve to the right (the long chord of which bears South 32°56'31" East, 302.01 feet) an arc distance of 305.26 feet; thence North 00°17'26" West, 253.99 feet to an iron rod on the South line of said Eades Claim; thence North 89°48'42" East, 552.78 feet, more or less, to the point of beginning.

SAVE AND EXCEPT that portion conveyed to Robert K. Tracey by Deed recorded January 12, 1989 in Book 219, Page 1378, Book of Records for Polk County, Oregon.

FURTHER SAVE AND EXCEPT that portion conveyed to Edwin John and Marilyn L. Yoder, by deed recorded July 16, 1992 in Book 256, Page 43, Book of Records for Polk County, Oregon.

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Exhibit "A"

Beginning at an iron pipe at the Southeast corner of the John Eades Donation Land Claim No. 47 in Township 6 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence North 89°48'42" East, 81.10 feet to an iron pipe at the Southwest corner of that tract of land conveyed to Leroy Gilson by that deed recorded November 24, 1997 in Book 344, Page 1969, Book of Records for Polk County, Oregon; thence North 00°30'35" East, 878.52 feet to an iron pipe on the West line of said Gilson tract of land; thence North 39°05'39" West, 252.48 feet to an iron rod; thence North 59°24'52" West, 96.26 feet to an iron rod; thence North 78°10'11" West, 236.47 feet to an iron rod; thence North 63°00'07" West, 388.30 feet to an iron rod; thence North 75°07'53" West, 338.50 feet to an iron rod; thence North 70°26'51" West, 341.52 feet to an iron rod; thence South 88°41'11" West, 159.88 feet to an iron rod; thence North 50°49'50" West, 42.96 feet to an iron rod; thence North 15°23'35" West, 282.06 feet to an iron rod; thence North 14°50'08" East, 90.39 feet to an iron rod; thence North 69°29'51" East, 57.36 feet to an iron rod; thence North 36°36'23" West, 340.55 feet to a point in the center of Salt Creek; thence running Southeasterly and upstream along the center of said Salt Creek the following courses: thence South 78°36'12" West, 164.18 feet; thence South 02°28'05" West, 348.32 feet; thence South 24°09'38" East, 100.21 feet; thence South 43°00'54" East, 73.27 feet; thence South 26°17'42" East, 94.81 feet; thence South 02°51'45" East, 100.13 feet; thence South 22°53'26" East, 97.69 feet; thence South 51°29'58" East, 31.13 feet; thence South 51°29'01" East, 20.01 feet; thence South 59°07'16" East, 13.97 feet; thence North 41°03'17" East, 41.11 feet; thence North 61°41'57" East, 73.82 feet; thence North 80°21'45" East, 107.52 feet; thence North 85°18'51" East, 122.41 feet; thence South 76°36'27" East, 43.17 feet; thence South 62°58'09" East, 55.01 feet; thence South 16°41'57" East, 31.32 feet; thence South 24°02'39" West, 71.17 feet; thence South 10°26'15" East, 38.64; thence South 47°43'24" East, 89.72 feet; thence South 47°15'45" East, 71.65 feet; thence South 61°00'15" East, 94.90 feet; thence South 80°32'16" East, 109.49 feet; thence North 67°45'04" East, 47.54 feet; thence North 37°12'29" East, 135.60 feet; thence North 88°18'55" East, 68.03 feet; thence South 30°34'45" East, 25.55 feet; thence South 00°42'26" East, 81.01 feet; thence South 21°11'39" East, 157.66 feet; thence North 72°31'31" East, 56.61 feet; thence South 71°04'31" East, 37.00 feet; thence South 25°20'46" East, 21.02 feet; thence South 19°39'14" West, 44.60 feet; thence South 18°26'06" East, 31.62 feet; thence South 60°38'32" East, 36.71 feet; thence North 70°17'31" East, 71.17 feet; thence South 80°04'26" East, 40.61 feet; thence South 18°26'06" East, 63.25 feet; thence South 56°18'36" East, 32.45 feet; thence North 70°38'28" East, 39.22 feet; thence North 17°11'55" East, 43.97 feet; thence North 36°19'37" East, 84.40 feet; thence North 13°23'23" East, 43.17 feet; thence North 48°48'51" East, 63.78 feet; thence North 81°28'09" East, 40.45 feet; thence South 60°27'13" East, 214.95 feet; thence South 48°05'05" East, 118.26 feet; thence South 05°11'40" East, 77.32 feet; thence North 86°11'09" West, 30.07 feet; thence North 48°16'14" West, 49.58 feet; thence South 78°20'27" West, 64.33 feet; thence North 61°55'39" West, 17.00 feet; thence North 34°30'31" West, 38.83 feet; thence North 46°23'50" West, 29.00 feet; thence North 78°13'54" West, 24.52 feet; thence South 49°38'08" West, 26.25 feet; thence South 20°33'22" West, 42.72 feet; thence South 46°06'32" West, 109.62 feet; thence South 05°11'40" West, 44.18 feet; thence South 55°18'17" East, 31.62 feet; thence North 48°34'35" East, 45.34 feet; thence North 69°43'03" East, 49.04 feet; thence South 74°17'29" East, 33.24 feet; thence South 34°59'31" East, 24.41 feet; thence South 12°27'30" West, 88.07 feet; thence South 09°50'01" East, 76.12 feet; thence South 02°33'50" West, 67.07 feet; thence South 55°24'28" West, 35.23 feet; thence North 89°09'27" West, 68.01 feet; thence North 59°47'19" West, 91.42 feet; thence South 49°23'55" West, 46.10 feet; thence South 19°50'49" East, 179.67 feet; thence South 01°35'28" East, 36.01 feet; thence South 43°40'04" West 30.41 feet; thence North 70°25'37" West, 95.52