



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.

1. APPLICANT INFORMATION

A. Individuals

Applicant: Mike Peila
First Last
Mailing address: P.O. Box 537
Hines OR 97738
City State Zip
Phone: 541-573-7665
Home Work Other
*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: N/A
Name and title of person applying: _____
Mailing address of organization: _____

City State Zip
Phone: _____
Day Evening
*Fax: _____ *E-Mail address: _____

* Optional information

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

2. PROPERTY OWNERSHIP

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

☒ Yes (Skip to section 3 "Ground water Development.")

☐ 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.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: 5:1vies River

Distance from well(s) to nearest stream or lake: 1) 3 miles

2) _____ 3) _____ 4) _____

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

2) _____ 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: Tim Riley

Address: Hines OR 97738

Completion date: 2-14-2007

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
3	14 12	14" Steel 12" Steel	100' 15'		20	30'	90'	2" P.P.	115

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:

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**

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)
3	30-115	IRR	1500	648,000	1050

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 3 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: MAR 1 - OCT 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: 240 acres
(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): 50 HP Turbin
☐ Other means (describe): _____

B. Transport

How will you transport water to your place of use?

- ☒ Ditch or canal (give average width and depth):
Width 5' Depth 3'
Is the ditch or canal to be lined? ☐ Yes ☒ No
☐ Pipe (give diameter and total length):
Diameter _____ Length _____
☐ Other (describe) _____

C. Application/Distribution Method

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

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

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.

The well will only be used when the crop requires
water.

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: 11- 2007

Proposed date construction will be completed: 6- 2008

Proposed date beneficial water use will begin: 3- 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.

3-C The plan is to install center pivots at a later
date

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:



Signature of Applicant *(If more than one applicant, all must sign.)*

10-15-08

Date

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.



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: 80 ~~240~~ Acres

Secondary: 160 Acres

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

mb 11-04-08

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

- | | | |
|-----------------------------|---|---|
| 1. <u>ALFALFA - Pasture</u> | ☒ Full season | ☐ Partial season (from: <u>3-1</u> to <u>10-31</u>) |
| 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:

720 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: when the crop requires water



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: Mike Peila
Mailing Address: P.O. Box 537
City: Hines State: OR Zip: 97738 Day Phone: 541-573-7665

This application is related to a Measure 37 claim. ☐ Yes ☒ 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.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>24-S</u>	<u>30-E</u>	<u>36</u>	<u>5 1/2</u>	<u>2200</u>		☒ Diverted ☒ Conveyed ☒ Used	<u>IRE</u>
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 3.0 ☒ 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: Pump into a ditch for flood irrigation

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

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): FFLV-2.

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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ 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: Brandon McMillen Title: Planning Director
Signature: [Signature] Phone: 541-573-0605 Date: 4-8-08
Government Entity: Harney County Planning

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: _____

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EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 31 E., W.M.:

Sec. 29: SE $\frac{1}{4}$, N $\frac{1}{4}$, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded Aug. 18, 1959, in Book 66, Page 563, Deed Records.

Sec. 30: E $\frac{1}{4}$.

A parcel of land lying entirely within Sections 25, 26, 35 and 36 of Twp. 24 S., R. 30 E., W.M., and within Lots 3 and 4 of Section 1, Twp. 25 S., R. 30 E., W.M., which is more particularly described as follows:

Beginning at the Southeast corner of said Sec. 36;

thence N. 02° 21' 56" W. 2422.26 feet to a point which is accepted as the East one-quarter section corner of said Sec. 36;

thence N. 00° 30' 47" E. 2646.89 feet to the Northeast corner of said Sec. 36;

thence N. 00° 01' 55" E. 2663.26 feet to the accepted East one-quarter section corner of said Sec. 25;

thence N. 87° 51' 28" W. 1217.93 feet;

thence N. 85° 25' 03" W. 1098.22 feet;

thence S. 81° 35' 57" W. 333.90 feet;

thence N. 77° 47' 32" W. 508.40 feet;

thence N. 66° 17' 26" W. 630.11 feet;

thence N. 55° 29' 56" W. 279.98 feet;

thence S. 84° 31' 15" W. 156.81 feet;

thence S. 60° 02' 38" W. 455.35 feet;

thence S. 52° 18' 49" E. 604.45 feet;

thence S. 45° 53' 52" E. 216.22 feet;

thence S. 27° 02' 59" W. 231.29 feet;

thence S. 60° 17' 23" W. 272.38 feet;

thence N. 88° 48' 48" W. 328.05 feet;

thence N. 81° 55' 00" W. 265.60 feet;

thence N. 43° 44' 39" W. 415.55 feet to the West line of said

Sec. 25, said point being S. 04° 45' 16" W. 356.68 feet from the one-quarter section corner common to said Sec. 25 and 26;

thence continuing N. 43° 44' 39" W. 701.79 feet into said Sec. 26;

thence N. 46° 44' 27" W. 677.01 feet;

thence N. 68° 48' 13" W. 1273.85 feet, said point being S. 60° 56' 43" E. 3676.32 feet from the Northwest corner of said Sec. 26;

thence S. 73° 30' 00" W. 516.67 feet;

thence S. 44° 30' 00" E. 557.87 feet;

thence S. 05° 42' 33" E. 1016.85 feet;

thence S. 36° 05' 17" E. 383.42 feet;

thence S. 34° 05' 41" E. 582.07 feet;

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thence S. 04° 23' 25" E. 685.88 feet;
thence S. 25° 40' 26" W. 530.56 feet;
thence S. 82° 13' 56" W. 1003.84 feet;
thence S. 01° 48' 38" W. 59.01 feet to the South line of
said Sec. 26, said point being S. 89° 55' 35" E. 2668.07
feet from the Southwest corner of said Sec. 26;
thence continuing S. 01° 48' 38" W. 349.50 feet into said
Sec. 35;
thence S. 21° 23' 29" W. 97.67 feet;
thence S. 60° 35' 08" W. 233.36 feet;
thence S. 50° 28' 10" W. 468.83 feet;
thence S. 84° 00' 00" E. 700.00 feet;
thence N. 87° 38' 29" E. 167.90 feet;
thence S. 87° 59' 27" E. 276.18 feet;
thence S. 53° 47' 54" E. 364.20 feet;
thence S. 43° 39' 43" E. 162.26 feet;
thence S. 06° 21' 31" E. 487.65 feet;
thence S. 06° 46' 47" E. 399.01 feet;
thence S. 08° 55' 14" E. 308.48 feet;
thence S. 01° 00' 00" E. 173.17 feet;
thence S. 21° 47' 50" W. 581.56 feet;
thence S. 03° 19' 20" W. 243.83 feet;
thence N. 60° 00' 00" E. 300.00 feet;
thence N. 54° 41' 57" E. 234.40 feet;
thence N. 59° 35' 47" E. 318.80 feet;
thence S. 75° 32' 52" E. 654.51 feet;
thence S. 74° 56' 39" E. 456.73 feet to the East line of
said Sec. 35;
thence S. 01° 00' 25" E., along said East line, 2062.99
feet to the Southwest corner of Sec. 36;
thence East, along the South line of said Sec., 290.00 feet;
thence S. 29° 00' 00" E. 420 feet into said Sec. 1;
thence S. 06° 30' 00" E. 430.00 feet;
thence S. 88° 47' 56" E. 605.34 feet;
thence S. 78° 15' 00" E. 980.00 feet;
thence N. 23° 45' 00" E. 1100.00 feet, more or less, to
the South line of said Sec. 36;
thence East, along the South line of said Sec., 2705.51 feet,
more or less, to the point of beginning, SAVE & EXCEPT the
SW¼SW¼, SE¼SE¼ of said Sec. 36. ALSO, SAVE & EXCEPT that
portion of the SW¼ of said Sec. 25 which is described as
follows:
Beginning at the West one-quarter section corner of said
Sec. 25;
thence S. 04° 45' 16" W., along the section line, 356.68
feet;
thence S. 43° 44' 39" E. 415.55 feet;
thence S. 81° 55' 00" E. 265.60 feet;
thence S. 88° 48' 48" E. 328.05 feet to the TRUE POINT
OF BEGINNING;

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thence S. 07° 48' 41" E. 545.94 feet;
thence N. 75° 40' 30" E. 386.20 feet;
thence N. 20° 03' 08" W. 617.77 feet;
thence S. 60° 17' 23" W. 272.38 feet, more or less, to
the TRUE POINT OF BEGINNING.

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WARRANTY DEED

DANNY A. NICHOLS and GRETCHEN R. NICHOLS, husband and wife, called Grantors herein, hereby convey and warrant to JOHN MICHAEL PEILA, III and SALLIE M. PEILA, husband and wife, called Grantees herein, the following described real property in Harney County, Oregon:

See attached "Exhibit A";

together with a 1977 Statler mobile home; Serial No. 70286849;

The above described property has been assessed for ad valorem tax purposes under the Farm Deferral method and Grantees covenant and agree that should they fail to make application to continue the Farm Deferral method or should the property hereafter fail to qualify for Farm Deferral tax treatment or if for any reason a retroactive assessment of taxes with respect to the property is made, Grantees shall pay the same and shall hold Grantors and Grantors' predecessors harmless from any claim and demand for payment arising out of such retroactive assessment of taxes with respect to the property, whether or not such additional taxes, penalties or interest apply to tax years prior to the date of this deed.

SUBJECT TO: MINERALS RESERVED by Earl H. Switzer and Margaret A. Switzer, his wife, as to full interest therein, in Deed recorded July 5, 1962, in Book 71. Page 443 of Deeds, and all rights of said Earl H. Switzer and Margaret A. Switzer, his wife, and their successors in interest, as owners thereof; all other easements, reservations and restrictions of record.

Tax: Code 30-2, 4-2 Map No's. 24S, 30E, 31E Lots 300, 2200, 2700, 2800, 2900,
Ref. No's. 37070, 37066, 37069, 37057, 23030.

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.

The true consideration for this transfer is: conveyance pursuant to tax deferred exchange by Grantor..

Dated: June 4, 1999

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Until further notice, send all tax statements to: WATER RESOURCES DEPT
SALEM, OREGON

John Michael Peila, III

P.O. Box 537

Hines, OR 97738

Danny A. Nichols
Danny A. Nichols

Gretchen R. Nichols
Gretchen R. Nichols

STATE OF OREGON)

) ss

County of Harney)

Personally appeared the above named Danny A. Nichols and Gretchen R. Nichols and acknowledged the foregoing instrument to be their voluntary act.
Before me:

Terrill J. Morgan
Notary Public for Oregon

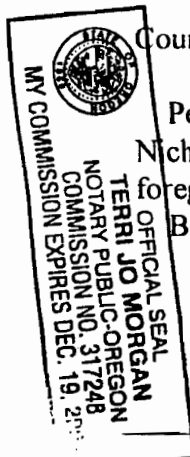
My commission expires: 12-19-02

(FOR RECORDER'S USE)

STATE OF OREGON }
County of Harney } ss

I certify that the within instrument was received for record on the 19th day of June, 1999 at 9:30 A.M. and recorded Microfilm 1999-163 of said County.

By Danni Robinson Deputy



Prepared by
STEPHEN D. FINLAYSON, P.C. ATTORNEY
709 Ponderosa Village
Burns OR 97720 541 573-2151

Return to
John Michael Peila, III
P.O. Box 537
Hines, OR 97738