



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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WATER RESOURCES DEPT
SALEM, OREGON

Application for a Permit to Use

Surface 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. Applicants

Applicant: (See section "B" below)
First Last

Mailing Address:
City State Zip

Phone: Home Work Other

\*Fax: \*Email Address:

B. Organizations

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

Name of Organization: Laughlin Orchards, Inc.

Name and Title of Person Applying: Robert Laughlin

Mailing Address or Organization: P.O. Box 399
Carlton OR 97111
City State Zip

Phone: 503-852-6347
Day Evening

\*Fax: 503-852-6784 \*Email Address: rlaugh@laughlincartrell.com

\*Optional

For Department Use
App. No. Permit No. Date

2. SOURCE AND PROPERTY OWNERSHIP

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A. The Proposed Source of Water

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Provide the commonly used name of the water body from which water will be diverted, and the stream or lake it flows into. If unnamed, say so:

Source 1:	<u>Sheet Flow/Run-off</u>	Tributary to:	<u>Unnamed trib. to Hawn Crk.</u>
Source 2:	<u>Bonnie Jean Reservoir</u>	Tributary to:	<u>Unnamed trib. to Hawn Crk.</u>
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).

A concurrent reservoir application is being submitted for Bonnie Jean Reservoir.

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.

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**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.

**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**

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**B. Amount of Water**

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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
Sht Flw/Run-off	Irrigation	0.75 <input checked="" type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
Sht Flw/Run-off	Reservoir Maintenance	0.09 <input checked="" type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
Bonnie Jean Res	Irrigation	9.1 <input type="radio"/> cfs <input type="radio"/> gpm <input checked="" type="radio"/> af
	(See Remarks on page 7)	<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: Mar. 1 - Oct. 31

*(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: 166.5 acres

*(This number should be consistent with your application map.)*

**4. WATER MANAGEMENT**

**A. Diversion**

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

- Pump (give horsepower and pump type): 25 HP electric centrifugal (typical)
- 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**

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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 6" main lines Length ~ 4800'

other, describe: Lengths are estimated. Irrig. system not designed.

**D. Application/Distribution Method**

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

Drip irrigation will be the predominant method of water application. Hand lines and low pressure sprinklers may also be used where appropriate.

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

- Flood
- Drip
- Hand Lines
- Siphon tubes or gated pipe with furrows
- other, describe: \_\_\_\_\_
- High pressure sprinkler
- Water Cannons
- Wheel Lines
- Low pressure sprinkler
- Center pivot system

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.

The majority of water use will be via drip irrigation which is normally a conservative use of water. Low pressure sprinklers will only be used as needed.

5. RESOURCE PROTECTION

A. Protection Practices

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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:

N/A - No fish present.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

N/A - No streams or channels affected.

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

N/A - No water body is associated with this project.

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

A DEQ 1200-C stormwater (erosion control) permit will be obtained and followed.

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: June 2009

Proposed date construction will be completed: June 2014

Proposed date beneficial water use will begin: March 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.*

A concurrent "alternate review" reservoir application is being submitted for Bonnie Jean Reservoir. Depending on the rotation of irrigation, not all acres will necessarily be irrigated each year. The water use amount proposed for reservoir maintenance is 0.01 cfs per acre-foot of proposed storage.

## 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:

- o I am asking to use water specifically as described in this application.
- o Evaluation of this application will be based on information provided in the application packet.
- o I cannot legally use water until the Water Resources Department issues a permit to me.
- o If I get a permit, I must not waste water.
- o If development of the water use is not according to the terms of the permit, the permit can be canceled.
- o The water use must be compatible with local comprehensive land use plans.
- o 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:

Rob T.S. Zanghi, Pres Laughlin Orchards Inc 12/15/2008  
Signature of Applicant (If more than one applicant, all must sign.) Date

Before you submit your application be sure you have:

- o Answered each question completely.
- o Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- o Included a Land Use Information Form or receipt stub signed by a local official.
- o 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.
- o 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 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: Robert Laughlin
Mailing Address: P.O. Box 399
City: Carlton State: OR Zip: 97111 Day Phone: 503-852-2228

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.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use.

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

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) Unbuilt Reservoir

Estimated quantity of water needed: 415 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: Submitting water right application to Oregon Water Resources Department for permits to use surface water and to store water for irrigation for land zoned in EF-80 district.

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.

## 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): ADZ OF Y.C.Z.O.

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.

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Name: Martin Christ-Maslin Title: ASSOC. PLANNER  
 Signature: [Handwritten Signature] Phone: 503-434-7516 Date: 12-8-08  
 Government Entity: YAMHILL 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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FORM I

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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:            166.5            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. Vineyard crops             Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

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:

9.1            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: \_\_\_\_\_

After recording, return to:  
Walter R. Gowell, Attorney  
P.O. Box 480  
McMinnville, OR 97128  
Send Tax Statements to:

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK  
200721769  
\$36.00  
00283172200700217690030036  
10/02/2007 02:46:35 PM  
DMR-DDMR Cnt=1 Stn=2 ANITA  
\$15.00 \$10.00 \$11.00

No Change

WARRANTY DEED

Laughlin Orchards, Inc., an Oregon Corporation, "Grantor", hereby conveys and warrants to Laughlin Orchard, Inc., an Oregon Corporation, as "Grantee", the following real property, free of encumbrances except for matters of public record:

See Attached Exhibit "A".

The true consideration for this conveyance is the sum of \$-0-.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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 TITLED TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 197.352.

DATED this 1 day of Oct, 2007.

Robert S. Laughlin  
Robert S. Laughlin  
President, Laughlin Orchards, Inc.  
An Oregon Corporation

STATE OF OREGON,  
COUNTY OF YAMHILL )

The foregoing instrument was acknowledged before me on this 1<sup>st</sup> day of October, 2007, By Robert S. Laughlin, as President of Laughlin Orchards, Inc., an Oregon Corporation, on behalf of the corporation.

Before me:



Diann Conner  
Notary Public for Oregon  
My Commission Expires: 5-19-2009

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**EXHIBIT "A"**

**Parcel #1**

Being a part of the Donation Land Claim of James Scott and wife, Claim No. 50 in Township 3 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon, said part being more particularly bounded and described as follows, to-wit

Beginning on the West boundary line of said Donation Land Claim at a point 1707 feet South 5°45' West from the Northwest corner of said Claim, and running thence South 86°10' East 1699 feet to the center of the County Road now there; thence in a Southwesterly direction along the center of said County Road 50 chains, more or less, to the South boundary line of said D.L.C.; thence North 85° West 1065 feet to the Southwest corner of said D.L.C.; thence North 5° 45' East along the West boundary line of said Donation Land Claim 48.10 chains to the place of beginning

SAVE AND EXCEPTING there from,  
All that part of the above-described property lying North of Intervale Road (County Road # 311):

SUBJECT TO: The rights of the public in streets, roads, and highways.

**Parcel #2**

All that part of the following described property lying North of Intervale Road (county Road #311):

Being a part of the Donation Land Claim of James Scott and wife, Claim No. 50 in Township 3 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon, said part being more particularly bounded and described as follows, to-wit:

Beginning on the West boundary line of said Donation Land Claim at a point 1707 feet South 5°45' West from the Northwest corner of said Claim, and running thence South 86°10' East 1699 feet to the center of the County Road now there; thence in a Southwesterly direction along the center of said County Road 50 chains, more or less, to the South boundary line of said D.L.C; thence North 85° West 1065 feet to the Southwest corner of said D.L.C; thence North 5° 45' East long the West boundary line of said Donation Land Claim 48.10 chains to the place of beginning.

SUBJECT TO: The right of the public in streets, roads, and highways.

**Parcel #3**

Beginning at the Southeast corner of the Abijah S. Hendrix Donation Land Claim, Notification NO. 1529, Claim NO. 63, in Township 3 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon; thence North 89°43' West along the South line of said Claim 21.42 chains to a stake; thence North 19.76 chains to a stake in center the county road; thence South 61°50' East along the center of said road 25.203 chains; thence South 5°45' West 8.00 chains to the place of beginning, containing 30 acres, more or less.

SUBJECT TO: The right of the public in streets, roads, and highways.

**Parcel #4**

Being a part of that Donation Land Claim of William Smith in Township 3 South of Range 3 and 4 of the Willamette Meridian in the County of Yamhill, State of Oregon, and said part being bounded as follows, to-wit: Beginning at the Northeast corner of lands formerly owned by George M. Perkins, and sold and conveyed by him to Elizabeth Harrington; thence running South 5° 45' West 15.80 chains to corner of lands formerly owned by Edna S. Green; thence West 25.00 chains to the Southwest corner of the tract of land hereby conveyed to stake from which the Northwest corner of the James Green Donation Land Claim bears West 125 links distant, thence running North 15.72 chains to the North line of said William Smith Donation Land Claim, and North line of the land formerly owned by George M. Perkins; thence running East to the place of beginning, containing 40 acres by measurement, as made by County Surveyor, C.E. Branson, of Yamhill County, Oregon on March 2<sup>nd</sup>, 1895. Said premise being

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same premises a described in deed and conveyed by deed executed by George M. Perkins, to Elizabeth Harrington of date of October 19<sup>th</sup>, 1895, and recorded at page No. 375 of Volume No. 31 of Records of Deeds for said Yamhill County, Oregon.

SUBJECT TO: The rights of the public in streets, roads, and highways.

This conveyance is given pursuant to lot line adjustment approvals as set forth in Yamhill County Department of Planning and Development file no L-62-07, making no change to the boundaries of current tax lot 3319-400.

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