



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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

### A. Individuals

Applicant: \_\_\_\_\_  
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: Kellogg Kin, Inc.

Name and Title of Person Applying: Dan Kellogg

Mailing Address or Organization: 2312 Sardine Creek Road  
Gold Hill Oregon 97525  
City State Zip

Phone : 541-855-9638  
Day Evening

\*Fax: \_\_\_\_\_ \*Email Address: dskellogg@gmail.com

\*Optional

For Department Use		
App. No. <u>G-17287</u>	Permit No. _____	Date _____

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Last Updated: 3/31/2009

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WR

Ground Water/1

WATER RESOURCES DEPT  
SALEM, OREGON

### 2. PROPERTY OWNERSHIP

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.

Kellogg Kin, Inc.

### 3. GROUND WATER DEVELOPMENT

#### A. Well Information

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Number of well(s): 1

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Name of nearest surface water body: Sardine Creek

WATER RESOURCES DIVISION  
SALEM, OREGON

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

1) 662 feet 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

1) 58 feet 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:

Well presently exists

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

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
n/a		SEE WELL LOG							

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:

n/a

**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: n/a 2 - existing
- 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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WATER RESOURCES DEPARTMENT  
SALES & SERVICE

**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)
57292		Irrigation	50		

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 50 gpm  
 (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, indicate the total number of acres where water will be applied or used: 8.2  
 (This number should be consistent with your application map.)

**5. WATER MANAGEMENT**

**A. Diversion**

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

- Pump (give horsepower and pump type): 5hp submersible pump
- 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 3 and 2 inch Length 420 feet

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

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WATER SUPPLY DEPT

**C. 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):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Flood                                   | <input checked="" type="checkbox"/> High pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip                                    | <input type="checkbox"/> Water Cannons                      | <input type="checkbox"/> Center pivot system    |
| <input checked="" type="checkbox"/> Hand Lines                   | <input type="checkbox"/> Wheel Lines                        |   |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows |   |   |
| <input type="checkbox"/> other, describe: _____                  |   |   |

Distribution method

- |   |   |                                     |
|---|---|-------------------------------------|
| <input checked="" type="checkbox"/> Direct pipe from source | <input type="checkbox"/> In-line storage (tank or pond) | <input type="checkbox"/> 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 system being installed will be monitored to operate a peak efficiency to avoid excessive watering. Rates will be varied in accordance with evapotranspiration rates.

**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: October 2010

Proposed date construction will be completed: October 2012

Proposed date beneficial water use will begin: March 2013

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)  Yes  No

**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.*

This application is accompanied by an instream transfer for mitigation of the hydraulic connection to Sardine Creek per Ivan Gall's Memo of June 14, 2007, and Tim Wallin's letter dated May 29, 2008. Both Attached.

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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, 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:

Daniel D Kellogg, President Kellogg Kin Inc 11-10-09  
 Signature of Applicant (If more than one applicant, all must sign.) 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](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)

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WATER RESOURCES DEPARTMENT  
 SALEM, OREGON

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OCT 29 1993

36s/3w/4

STATE OF OREGON WATER WELL REPORT (as required by ORS 537.765)

Jaek 2837 21244

WATER RESOURCES DEPT SALEM, OREGON

(START CARD) # 57292

(1) OWNER:

Name Dan Kellog Well Number Address 2132 Sardine Cr. Rd. City Gold Hill State OR Zip 97525

(2) TYPE OF WORK:

[X] New Well [ ] Deepen [ ] Recondition [ ] Abandon

(3) DRILL METHOD:

[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Other

(4) PROPOSED USE:

[X] Domestic [ ] Community [ ] Industrial [ ] Irrigation [ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval [ ] Yes [X] No Depth of Completed Well 70 ft. Explosives used [ ] Yes [X] No Type Amount

Table with columns: HOLE Diameter, SEAL Material, Amount sacks or pounds. Row 1: 10, 0, 50, Bentonite, 0, 18, 9 sacks

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E [ ] Other poured

Backfill placed from 18 ft. to 50 ft. Material Gravel placed from 18 ft. to 50 ft. Size of gravel P 1/2

(6) CASING/LINER:

Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Casing: 6, +2, 50, 1/2, [X], [ ], [X], [ ]. Liner: Recommended

Final location of shoe(s) 50

PERFORATIONS/SCREENS:

[X] Perforations Method Air Perforator [ ] Screens Type Holt Material

Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Row 1: 35, 46, 2, 60, 1/8, [X], [ ]

(8) WELL TESTS: Minimum testing time is 1 hour.

[ ] Pump [ ] Bailor [X] Air [ ] Flowing Artesian

Table with columns: Yield gal/min, Drawdown, Drill stem at, Time. Row 1: 90, 69, 1 hr.

Temperature of Water 57 Depth Artesian Flow Found

Was a water analysis done? [ ] Yes By whom

Did any strata contain water not suitable for intended use? [ ] Too little

[ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other

Depth of strata:

(9) LOCATION OF WELL by legal description:

County Jackson Latitude Longitude Township 36S N or S. Range 3W E or W. WM. Section 04 Tax Lot 500 Lot Block Subdivision Street Address of Well (or nearest address) 2180 Sardine Cr. Rd. Gold Hill OR

(10) STATIC WATER LEVEL:

20 ft. below land surface. Date 10/20/93 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 37

Table with columns: From, To, Estimated Flow Rate, SWL. Row 1: 37, 46, 12, Row 2: 53, 65, 78, 20

(12) WELL LOG:

Ground elevation

Table with columns: Material, From, To, SWL. Rows: Clay Brown 0 7, Basalt Black 7 31, Basalt Fract. Black 31 65, Basalt Black 65 70 20

Date started 10/20/93 Completed 10/20/93

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed John Strubbe WWC Number 679 Date 10/27/93

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed John Strubbe WWC Number 679 Date 10/27/93



# Oregon Water Resources Department PUMP TEST FORM COVER SHEET

**Well Owner:**

Name DAN KELLOGG  
 Address 2132 SARDINE CREEK RD  
 County JACKSON  
 City, State, Zip OLD HILL, OR 97525

**Well Location:**

Twnshp 36S (N or S), Range 3W (E or W)  
 Section 4 1/4, 1/4, 1/4  
 Well Depth 70 Date Drilled 10-20-93  
 Owners Well No. (if any) \_\_\_\_\_

**Water Right Information:**

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Certificate No. \_\_\_\_\_  
 Does this pump test apply to more than one water right? \_\_\_\_\_ If Yes, fill out numbers below:  
 App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
 App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_

**Pump Test:**

Test conducted by: HYDRO-FLOW INC Well Owner? N (Y/N)  
 Company HYDRO-FLOW INC  
 Address PO BOX 3849 Date of Test 11-9-01  
 City, State, Zip CENTRAL POINT, OR 97502

Method of Discharge Measurement: WATER METER 2"  
 Method of Water Level Measurement: ELECTRIC TAPE  
 Depth of Air Line (if used) \_\_\_\_\_  
 Pump Type: SUBMERSIBLE (5 HP)  
 Was pump test conducted during normal use of the well? N (Y/N)  
 Description of point from which water level was measured: \_\_\_\_\_

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N). If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: \_\_\_\_\_

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)  
 If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approximate distance: \_\_\_\_\_ Approximate elevation difference: \_\_\_\_\_  
 Is well elevation above or below the surface water body? \_\_\_\_\_

**Static water level measurements:** (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>9:20</u>	Depth to Water: <u>22' 4"</u>
Time: <u>9:40</u>	Depth to Water: <u>22' 2"</u>
Time: <u>10:00</u>	Depth to Water: <u>22' 2"</u>

**Discharge Measurements:** (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>10:00am</u>	Discharge Rate: <u>51 GPM</u>
Time: <u>11:00</u>	Discharge Rate: <u>50.5 GPM</u>
Time: <u>12:00P</u>	Discharge Rate: <u>51.3 GPM</u>
Time: <u>1:00</u>	Discharge Rate: <u>51.0 GPM</u>
Time: <u>2:00</u>	Discharge Rate: <u>51.6 GPM</u>

Pump turned on: Date: 11-9-01 Time: 10:00A Pump turned off: Date: 11-9-01 Time: 2:00P  
 Total pumping time: 4 hours, 0 minutes.

Note: Well must be idle for at least 16 hours prior to the test.

64200037 OWRD 6/89

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Handwritten notes and stamps at the bottom right of the page.



STATE OF OREGON WATER RESOURCE DEPARTMENT

# PUMP TEST DATA SHEET

APPLICATION NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

All water level measurements must either be in (1) feet and inches or 2) feet and decimal fractions. (Circle one)

DRAWDOWN DATA							RECOVERY DATA						
DATE	TIME	TIME SINCE PUMP STARTED (minutes)	WATER LEVEL MEASUREMENT	CORRECTION IF ANY	DEPTH TO WATER	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	WATER LEVEL MEASUREMENT	CORRECTION IF ANY	DEPTH TO WATER	COMMENTS
11-9-01	10:02	2	27'	-	27'		11-9-01	2:02	2	36' 4"	-	36' 4"	
	10:04	4	27' 3"	-	27' 3"			2:04	4	35' 4"	-	35' 4"	
	10:06	6	27' 6"	-	27' 6"			2:06	6	34' 7"	-	34' 7"	
	10:08	8	27' 9"	-	27' 9"			2:08	8	34' 1"	-	34' 1"	
	10:10	10	28' 9"	-	28' 9"			2:10	10	33' 9"	-	33' 9"	
	10:15	15	29' 6"	-	29' 6"			2:15	15	32' 9"	-	32' 9"	
	10:20	20	30' 2"	-	30' 2"			2:20	20	32' 1"	-	32' 1"	
	10:25	25	30' 11"	-	30' 11"			2:25	25	31' 7"	-	31' 7"	
	10:30	30	31' 4"	-	31' 4"			2:30	30	31'	-	31'	
	10:45	45	32' 9"	-	32' 9"			2:45	45	30'	-	30'	
	11:00	60	33' 8"	-	33' 8"			3:00	60	29' 3"	-	29' 3"	
	11:15	75	34' 8"	-	34' 8"			3:15	75	28' 8"	-	28' 8"	
	11:30	90	35' 3"	-	35' 3"			3:30	90	28' 2"	-	28' 2"	
	11:45	105	35' 8"	-	35' 8"			3:45	105	27' 11"	-	27' 11"	
	12:00	120	36' 3"	-	36' 3"			4:00	120	27' 7"	-	27' 7"	
	12:15	135	36' 8"	-	36' 8"			4:15	135	27' 5"	-	27' 5"	
	12:30	150	37' 2"	-	37' 2"			4:30	150	27' 2"	-	27' 2"	
	12:45	165	37' 8"	-	37' 8"			4:45	165	27'	-	27'	
	1:00	180	38'	-	38'			5:00	180	26' 10"	-	26' 10"	
	1:15	195	38' 3"	-	38' 3"			5:15	195	26' 7"	-	26' 7"	
	1:30	210	38' 7"	-	38' 7"			5:30	210	26' 5"	-	26' 5"	
	1:45	225	38' 10"	-	38' 10"			5:45	225	26' 3"	-	26' 3"	
	2:00	240	39' 1"	-	39' 1"			6:00	240	26' 1"	-	26' 1"	

# Oregon Water Resources Department

## FORM I FOR IRRIGATION USE

1. Please indicate whether you are requesting a primary or supplemental water right, as well as the number of acres that will be irrigated for each type. The acreages must match those shown on the map submitted with your application.

- Primary: 8.2 Acres
- Supplemental: n/a Acres (supplemental irrigation can be used only when the primary right is not available, and must match the season of the primary right)

List the permit or certificate number of the primary water right that underlies each supplemental right.

Circle one	Season Allowed
Permit/Certificate # _____	_____
Permit/Certificate # _____	_____
Permit/Certificate # _____	_____
Permit/Certificate # _____	_____

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

20.33 acre-feet (typically 2.5 or 3.0 acre-feet per acre)  
(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons)

3. For Limited License applications proposing to use water for irrigation. If for use of stored water, a limited license may be issued for up to one year with a valid contract for stored water per ORS 537.143(9). A limited license may also be issued for irrigation from live flow or groundwater, if the sole purpose is to establish a crop for which no further irrigation will be required after the crop is established per ORS 537.143(6)(a). Please describe the proposed project and indicate if stored water, live flow, or groundwater is to be used. When irrigation is needed to establish a crop, you must justify why more than one year is required.

n/a

Last revision August 4, 2009

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WATER RIGHTS DIVISION  
1000 NE Oregon Street  
Portland, OR 97232



## 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: Kellogg Kin, Inc  
First Last  
 Mailing Address: 2180 Sardine Creek Road  
Gold Hill Oregon 97525 Daytime Phone: 541-855-9638  
City State Zip

### **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	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
36 S	3 W	04	NW SW	500	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU
36 S	3 W	04	SW SW	500	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Jackson 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 of Ground Water Registration Modification

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 50 \_\_\_\_\_  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:

Land presently irrigated by surface water, surface water will be transferred to instream mitigating for the use of ground water.

**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  
 JACOBSON

### 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): Section 4.2 - 1 # 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

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.

Farm use is out right permitted in EFU ( Exclusive Farm Use ) zoning district.

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JACKSON COUNTY  
PLANNING

Name: Youngsook Kim Title: Planner I  
 Signature: *Youngsook Kim* Phone: 774-6946 Date: 9/08/09  
 Government Entity: Jackson County

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

**Receipt for Request for Land Use Information**

RECEIVED

Applicant Name: \_\_\_\_\_ NOV 17 2009  
 City or County: \_\_\_\_\_ Staff Contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

12:13 300

BARGAIN AND SALE DEED

78-28747

O. E. KELLOGG and MARJORIE M. KELLOGG, Grantors,  
convey to KELLOGG KIN, INC., an Oregon corporation, Grantee,  
the following described real property:

The West Half of the Southeast Quarter, and the  
Northeast Quarter of the Southeast Quarter of  
Section 4 in Township 36 South, Range 3 West  
of the Willamette Meridian in Jackson County,  
Oregon.

ALSO

The Southwest Quarter and the Southwest Quarter  
of the Northwest Quarter and the South Half of  
the Northwest Quarter of the Northwest Quarter  
of Section 4, Township 36 South, Range 3 West,  
of the Willamette Meridian in Jackson County,  
Oregon; EXCEPTING THEREFROM the following:  
Beginning 1200 feet South of the Southwest corner  
of the Northwest Quarter of said Section 4 and  
running thence South, 11 rods; thence East, 14  
rods; thence North, 11 rods; thence West 14 rods  
to the place of beginning as said last described  
premises are described in Volume 221 at Page 23  
of the Deed Records of Jackson County, Oregon.

The whole and actual consideration for this conveyance  
consists of other property or value given or promised.

Until a change is requested, send all tax statements  
to the following address:

Kellogg Kin, Inc.  
2180 Sardine Creek Road  
Gold Hill, Oregon 97525

Dated as of January 3, 1978

State of Oregon, County of Jackson--SS.  
The within instrument received and filed at 12:13 o'clock  
m. the 31 day of December 1978  
Recorded in \_\_\_\_\_ Records for Jackson County  
Oregon. \_\_\_\_\_ County Clerk.  
By \_\_\_\_\_ Deputy

O. E. Kellogg  
O. E. Kellogg  
Marjorie M. Kellogg  
Marjorie M. Kellogg

STATE OF OREGON )  
                          ) ss:  
COUNTY OF JACKSON )

On this 14 day of December, 1978, personally  
appeared the above named O.E. Kellogg and Marjorie M. Kellogg,  
husband and wife, who acknowledged the foregoing instrument to  
be their voluntary act and deed.

Before me:

[Signature]  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: June 27, 1980



Bargain and Sale Deed

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NOV 17 1978

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NOV 17 2009

WATER RIGHTS DIVISION  
SARASOTA, FLORIDA

**Date:** June 14, 2007

**To:** Tim Wallin - Water Rights  
Jay Doino - ODFW

**From:** Ivan Gall - Hydrogeologist  
Larry Menteer - Watermaster

**Subject:** Dan Kellogg – 36S/03W-04 Jackson County near Gold Hill, OR  
Sardine Creek, Tributary to the Rogue River

**Water Rights:** *Certificate 16201*, 1859/1885, 1.17 cfs for irrigation of 69.5 acres, 5.0 cfs for placer mining  
*Certificate 32805*, 1908, 0.66 cfs for irrigation of 46.1 acres  
*Certificate 32806*, 1908, 0.30 cfs for irrigation of 21.1 acres  
*Certificate 2326*, 1915, 0.60 cfs for irrigation of 48 acres

**Background:**

Mr. Kellogg and his family have irrigated approximately 70 acres for decades using water from Sardine Creek. As described by Mr. Kellogg, the only ditch used in years has been the "middle" ditch (attached map includes multiple diversion points discussed in this memo and the Kellogg lands). An upper ditch has not been used in decades, and most of the place of use associated with that ditch have not been irrigated. The lower ditch has also not been used in years, nor has a diversion on the left (west) fork of Sardine Creek. Both the lower and middle diversions consist of concrete dams across the stream. ODFW is interested in having the lower dam removed to facilitate fish passage.

Mr. Kellogg is able to irrigate lands from Sardine Creek into the middle to late summer. The variation in the timing of the surface water irrigation appears to be due to the amount of precipitation preceding the irrigation season, which affects run-off and baseflow amounts. Later in the season, streamflow becomes too low, or ceases, to allow irrigation for the full season. Mr. Kellogg would like to use an existing drilled well (JACK 32837) to irrigate 8.2 acres for the full season. Mr. Kellogg withdrew application G-15877 in 2003 following an unfavorable finding of potential for substantial interference (PSI) with Sardine Creek.

Mr. Kellogg would still like the use of the drilled well for full season irrigation of the 8.2 acres but his options are limited. A surface water to groundwater transfer would limit use of the well to available water at the original point of diversion. Full season use would not be allowed because the stream goes dry. Because of the PSI finding, a new groundwater right (either supplemental or primary) can't be issued.

**Mitigation Options:**

The rest of this memo addresses potential mitigation options that could allow issuance of a new primary groundwater permit to Mr. Kellogg for full season irrigation of the 8.2 acres.

1. Voluntary cancellation of appurtenant acreage on Certificate 2326 (18 acres in NESW and 15 acres in SESW of section 4, and some portion of the 15 acres in the SWSW of section 33). This acreage appears to be owned by the Kellogg family. Only about 3-4 of the 15 acres in

the SWSW Section 33 are owned by Kellogg. The POD for 2326 is on the left (west) fork of Sardine Creek and has not been used. Issue a remaining right for the remaining acreage not owned by Kellogg, or seek voluntary cancellation by those landowners.

2. Voluntary diminishment of Certificate 32805. Remove the POD in section 28 (used for the upper ditch) and remove the POD in section 29 (left fork of Sardine Creek, same diversion for Certificate 2326). Cancel the 28.7 acres in the NESW and the 11.0 acres in the SESW of section 4 (these would have been irrigated by the upper ditch). Issue a remaining right for 1.1 acres in the south half of NWNW section 4, 1.8 acres in the NWSW, and 3.5 acres in the SWSW of section 4 from the POD in the SWNW of section 33 (the middle ditch POD).
3. Voluntary diminishment of two PODs on Certificate 32806 in section 28 (used for the upper ditch) and the POD in section 29 (left fork of Sardine Creek). Issue a remaining right for 10.7 acres in the SWSW section 33 and 10.4 acres in NWNW section 4 from the POD in section 33 (the middle ditch).
4. Voluntary cancellation of the 5.0 cfs placer mining right for Tract No. 2 on Certificate 16201. The two PODS for 16201 are the lower diversion dam ODFW would like to remove, and the middle ditch Kellogg has been using (see "Statement & Proof of Claimant" map and reference to "Smith ditches" in Rogue River decree). These 69.5 acres (labeled as Tract 1) are assumed to be valid and subject to transfer, based on Kellogg's ability and practice of irrigating them from the middle diversion.
5. Allow ODFW to remove the lower diversion dam to enhance fish passage.
6. If a new groundwater permit for irrigation of the 8.2 acres can be issued, it shall be conditioned such that a meter is installed on the well, and monthly water use is reported annually to OWRD.

The mitigation for the new 8.2 acre groundwater permit shall include an instream transfer of 8.2 acres and an additional instream transfer for mitigation to cover the extension for the season of use beyond when Sardine Creek goes dry. The mitigation amount was calculated at an additional instream transfer for 5 acres at a rate of 0.017 cfs per acre. The total instream transfer would be 13.2 acres at a total rate of 0.224 cfs from certificate 16201.

The 5-acre mitigation amount was estimated based on the following:

1. The irrigation season for the Rogue Basin is April 1 to October 31. Mr. Kellogg said that on average, Sardine Creek is dry by the end of July, leaving the months of August, September, and October in the irrigation season with no water in the stream. OWRD has no streamflow data for Sardine Creek.
2. An estimated partial-season duty of 1.5 acre-feet for irrigation from August 1-October 31<sup>st</sup> when Sardine Creek would be dry.
3. Irrigation of 8.2 acres using a new groundwater right from August 1-October 31 (when Sardine Creek is dry), results in 12.3 acre-feet of groundwater being used beyond when Sardine Creek is dry.
4. Assuming a seasonal duty of 2.5 acre-feet, the 12.3 acre-feet of groundwater would be volumetrically mitigated by an instream transfer of 5 acres of surface water right. This would help maintain or increase surface water flow in Sardine Creek early in the season, then the creek would naturally go dry, and Mr. Kellogg would be allowed use of his well to irrigate the 8.2 acres for the remainder of the irrigation season.

Please call me if you have any questions.

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Dan Kellogg Sardine Creek mitigation proposal 06/12/2007 draft

6/12/2007

EXISTING									PROPOSED	RESULTS	
Cert	Category	Twn	Rng	Sec	QQ	QQ	Acre	cfs	Action	RR	R cfs
2326	POD	35	3	29	SW	SE		max 0.60	diminishment		0.14
	POU	35	3	33	SW	SW	15	0.19	cancel 4 ac	11 ac	0.14
	POU	36	3	4	NE	SW	18	0.22	cancel 18 ac	0	0
	POU	36	3	4	SE	SW	15	0.19	cancel 15 ac	0	0
32805	POD	35	3	28	SE	NW		max .66	remove		
	POD	35	3	29	SE	SW		max .66	remove		
	POD	35	3	33	SW	NW		max .66	diminishment		0.10
	POU	36	3	4	NW	NW	1.1			1.1 ac	0.02
	POU	36	3	4	NE	SW	28.7		cancel 28.7 ac	0	0
	POU	36	3	4	NW	SW	1.8			1.8 ac	0.03
	POU	36	3	4	SW	SW	3.5			3.5 ac	0.05
32806	POU	36	3	4	SE	SW	11.0		cancel 11.0 ac	0	0
	POD	35	3	28	SE	NW		max .30	remove		
	POD	35	3	29	SE	SW		max .30	remove		
	POD	35	3	33	SW	NW		max .30	retain		0.3
	POU	35	3	33	SW	SW	10.7			10.7 ac	
16201	POU	36	3	4	NW	NW	10.4			10.4 ac	
	POD	TRACT 1	PDate 12/31/1859					max 0.17	remove dam		
	POD	TRACT 1	PDate 12/31/1885					max 1.00	remove dam		
	POD	TRACT 2	PDate 12/31/1885			11/1 to 5/1		max 5.00	cancel 5 cfs	0	0
	POU	36	3	4	NW	NW	2.50			2.5 ac	0.04
	POU	36	3	4	SW	NW	25.50			25.5 ac	0.43
	mitigation	POU	36	3	4	NW	SW	36.00	xfr 13.2 ac (0.224cfs) IS		22.80
mitigation	POU	36	3	4	SW	SW	5.50			5.5 ac	0.09
	POU	36	3	4	SW	NW	mining			0	0
	POD	35	3	33	SW	NW		max 1.17	new/historical POD		
	POD	TRACT 1							remove/ODFW		
	POD	TRACT 2							remove/ODFW		

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104.7 4650

1.35

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JUN 17 2009

WATER DIVISION  
SARAH KELLOGG

WATER DIVISION  
SARAH KELLOGG

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