

Application for a Permit to Use Ground Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME OTLEY BROTHERS, INC			PHONE (HM) (541) 493-2702
PHONE (WK) (541) 493-2469	CELL (541) 589-2143		FAX
ADDRESS 40926 S DIAMOND LANE			
CITY DIAMOND	STATE OR	ZIP 97722	E-MAIL fredotley@hotmail.com

Organization Information

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME JACOB DAVIS		PHONE	FAX
ADDRESS 37630 Sodhouse Ln, Princeton Or, 97721 PO Box 945		CELL 541-589-0306	
CITY BURNS	STATE OR	ZIP 97720	E-MAIL

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Note: Attach multiple copies as needed

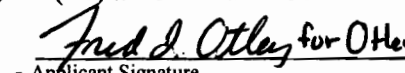
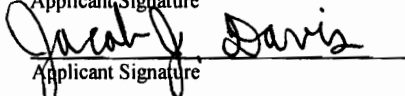
JAN 05 2012

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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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 cancelled.
- 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.

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I (we) affirm that the information contained in this application is true and accurate.


Applicant Signature

Applicant Signature

Fred I. Otley for Otley Brothers Inc. Fred I. Otley, President
Print Name and title if applicable
Jacob J. Davis
Print Name and title if applicable

1-02-2012

Date

1-02-2012

Date

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For Department Use		
App. No. <u>G-17524</u>	Permit No. _____	Date <u>JAN 19 2012</u>

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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ Yes

☒ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

☐ 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 irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	Donner Und Blitzen River	+/- 2 Miles	
2	"	"	
3	"	"	

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

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G-17524

SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: UNK

Total maximum rate requested: 2430 (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	☒	☐	N/A	☐	16"	UNK	UNK	0 - 18'	N/A	Basin Fill	UNK	2430	972
2	☒	☐	N/A	☐	16"	UNK	UNK	0 - 18'	N/A	Basin Fill	UNK	2430	972
3	☒	☐	N/A	☐	16"	UNK	UNK	0 - 18'	N/A	Basin Fill	UNK	2430	972
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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Revised 3/4/2010

Ground Water/5

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 - October 31	972

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 324 Acres Supplemental: N/A Acres

List the Permit or Certificate number of the underlying primary water right(s): N/A

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 972

- If the use is **municipal or quasi-municipal**, attach **Form M**
 - If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): UNK

☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Buried mainline from wells to center pivots

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Center pivots with low pressure sprinklers

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

The amount requested is that amount required to meet peak evapotranspiration requirements of crops grown.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: _____ Acreage inundated by reservoir: _____

Use(s): _____

Volume of Reservoir (acre-feet): _____ Dam height (feet, if excavated, write "zero"): _____

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Spring 2013

Date construction will be completed: Summer 2017

Date beneficial water use will begin: Spring 2013

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SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

Please note that the amount of water requested is completely necessary to meet peak evapotranspiration demands of crops grown.

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Land Use Information Form



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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Applicant: Otley Brothers, INC

First

JAN 05 2012

Last

Mailing Address: 40926 S Diamond Lane

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SALEM, OREGON

Diamond

City

OR

State

97722

Zip

Daytime Phone: _____

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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:
27 S	31 E			2200		☒ Diverted	☒ Conveyed	☒ Used	AG
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Rural Harney County, OR

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

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

Estimated quantity of water needed: ~~2500~~ **2535** ☐ 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:

Application for permit to pump groundwater for agricultural 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 at the bottom of the next page and include it with the application filed with the Water Resources Department.

G-17524

See bottom of Page 3. →

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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): HC20-2010 (EFCU-1)
- ☐ Land uses to be served by the 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

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: Brandon McMillen Title: Planning Director

Signature: [Signature] Phone: 541-523-6655 Date: 1/4/2012

Government Entity: Harney 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

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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2200/124
275100 6

20020685

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100 Form 1860-9
1100/125 (January 1988)
OR 56174 FD

The United States of America

To all to whom these presents shall come, Greeting:

275200 3,4

WHEREAS

100/154

293100 1

OTLEY BROS., INC., AN OREGON CORPORATION

100/155

is entitled to a Land Patent pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000, Public Law 106-399, and Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), as amended, for the following described lands in Harney County, Oregon:

293200 1

400/170

303200 1

700/171

303300 1

Willamette Meridian, Oregon

T. 27 S., R. 31 E.,

sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$;

sec. 25, all;

sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$;

sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 29 S., R. 31 E.,

sec. 5, SE $\frac{1}{4}$;

sec. 8, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;

sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$.

T. 27 S., R. 32 E.,

sec. 19, lot 1, and, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 29 S., R. 32 E.,

sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;

sec. 32, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 30 S., R. 32 E.,

sec. 5, lot 1.

T. 30 S., R. 33 E.,

sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;

sec. 9, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;

sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ and SE $\frac{1}{4}$;

sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$;

sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$;

sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$;

sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$.

STATE OF OREGON } ss
County of Harney }

I certify that the within instrument was received
for record on the 5 day of April

2002, at 2:57 clock P.M. and

recorded Microfilm number 20020685

Records of said County.

Maria Iturriga, County Clerk

By: [Signature] Deputy

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PATENT NUMBER: 36-2002-0014

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T. 31 S., R. 33 E.,

sec. 3, lots 2, 3, 4, 6, 7 and 8;
sec. 10, E $\frac{1}{2}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
sec. 11, lots 2, 3, 6 and 7;
sec. 14, lots 2 - 8, inclusive;
sec. 15, E $\frac{1}{2}$ E $\frac{1}{2}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$;
sec. 23, lots 1 - 8, inclusive;
sec. 26, lots 1 - 8, inclusive;
sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 35, lots 1 - 6, inclusive.

T. 32 S., R. 33 E.,

sec. 11, lots 3 and 6;
sec. 14, lot 2.

T. 31 S., R. 34 E.,

sec. 5, N $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 6, lots 2, 5, and 6, and SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 6,898.07 acres, according to the official plats of the survey of the said lands, on file in the Bureau of Land management.

NOW KNOW YE, that the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Acts of Congress, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said OTLEY BROS., INC., an Oregon corporation the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said OTLEY BROS., INC., an Oregon corporation, its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945); and
2. The right to itself, its permittees or licensees to enter upon, occupy, and use any part or all of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 25, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 26, T. 30 S., R. 33 E., W.M., Oregon, necessary in the judgment of the Federal Energy Regulatory Commission, for purposes of Part 1 of the Federal Power Act of August 26, 1935, as amended (16 U.S.C. 818); and no claim for right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of Part 1 of the Federal Power Act upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or

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upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the Federal Energy Regulatory Commission.

SUBJECT TO:

1. Those rights for electrical transmission line purposes granted to Harney Electric Cooperative, Inc., its successors or assigns, by right-of-way No. ORE 05183, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961), as to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 29, T. 29 S., R. 32 E., W.M.; and, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 22, T. 30 S., R. 33 E., W.M.;
2. Those rights for aerial telephone line purposes granted to CenturyTel of Oregon, Inc., its successors or assigns, by right-of-way No. ORE 018562, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961), as to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 29, T. 29 S., R. 32 E., W.M.; and SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 22, T. 30 S., R. 33 E., W.M.;
3. Those rights for buried telephone line purposes granted to CenturyTel of Oregon, Inc., its successors or assigns, by right-of-way No. OR 45329, pursuant to the Act of October 21, 1976, (43 U.S.C. 1761), as to the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 29, T. 29 S., R. 32 E., W.M.; and
4. Those rights for public road and highway purposes granted to Harney County, its successors or assigns, by right-of-way No. OR 56285, pursuant to the Act of October 21, 1976, (43 U.S.C. 1761), as to the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 29, T. 29 S., R. 32 E., W.M.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Portland, Oregon
the first day of April in the
year of our Lord two thousand and two and of the Independence
of the United States the two hundred and twenty-sixth.

By *Robert S. DeVries*
Chief, Branch of Realty and Records Services

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To Whom It May Concern:

Please note that the application map and associated application forms have changed in order to reflect proposed irrigated area only within Tax Lot 2200 Harney County, OR. Therefore, the irrigated acres per quarter quarter has been updated.

In addition, one additional proposed well has been added to the application and map. All of the wells are at least 2 miles from the Donner Und Blitzen River and have not been drilled to date; therefore, well construction information will not be available until a licensed driller is consulted with. This won't happen until after a permit is issued.

Please send copies of correspondence to both the applicant and agent.

Signed,



Jacob Davis

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