

Application for a Permit to Use Ground Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-7766
(503) 986-6900
www.wrd.state.or.us

FEB 9 2012

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

WATER RESOURCES DEPT
SALEM, OREGON

Applicant Information

NAME Don Nienke		PHONE (HM) 503-702-2094	
PHONE (WK) 503-702-2094	CELL 503-702-2094	FAX 503-638-2402	
ADDRESS 21765 SW 78th Ave			
CITY Tualatin	STATE OR	ZIP 97062	E-MAIL* DNienke AT AOL.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		PHONE		FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL*	

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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.



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

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. 6-17531	Permit No. _____	Date _____

Revised 3/4/2010

Ground Water

WR

SECTION 2: PROPERTY OWNERSHIP

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Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used. FEB 9 2012

☒ Yes

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☒ 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
CF 1	Donner und Blitzen River		
CF 2	Donner und Blitzen River		
CF 3	Donner und Blitzen River		
CF 4	Donner und Blitzen River		
CF 5	Donner und Blitzen River		
CF 6	Donner und Blitzen River		
CF 7	Donner und Blitzen River		

CF 8 Donner und Blitzen River

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*).

SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: _____

Total maximum rate requested: 2000 gpm (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)
CF 1	☒	☐		☐	14"	41-100	100-160	0-20	UNKNOWN	ALLUVIAL ? VOLCANIC ?	160	9730	3900 AF
CF 2	☒	☐		☐	14"	41-100	100-160	0-20	UNKNOWN	"	160	9730	3900 AF
CF 3	☒	☐		☐	14"	41-100	100-160	0-20	UNKNOWN	"	160	9730	3900 AF
CF 4	☒	☐		☐	14"	41-100	100-160	0-20	UNKNOWN	"	160	9730	3900 AF
CF 5	☒	☐		☐	14"	41-100	100-160	0-20	UNKNOWN	"	160	9730	3900 AF
CF 6	☒	☐		☐	14"	41-100	100-160	0-20	UNKNOWN	"	160	9730	3900 AF
CF 7	☒	☐		☐	14"	41-100	100-160	0-20	UNKNOWN	"	160	9730	3900 AF
CF 8	☒	☐		☐	14"	41-100	100-160	0-20	UNKNOWN	"	160	9730	3900 AF

* 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 attach a Well ID to 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 to the well.

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

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	April - October	3900 AF

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: 1304 Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 3900 AF

- 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: _____

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

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☒ Pump (give horsepower and type): 50 - 125 HP Turbine

☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Turbine Pumps PVC Pipelines center Pivot Systems

B. Application Method

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

Center Pivot Systems 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.

ALFALFA Production Requires Between 2 and 3 Acre Ft of water Per Season The water use will be metered, No Aquatic Life are Present on the Proposed Use Area, No water Distributed will leave the Farm

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*). ,

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Reservoir name: _____ Acreage inundated by reservoir: FEB 9 2012

Use(s): _____ WATER RESOURCES DEPT
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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: 5-2012

Date construction will be completed: 5-2017

Date beneficial water use will begin: 7-2012

SECTION 9: WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

THIS Property HAS BEEN Purchased From
GAREN MOON By Don Nienke the Property is
currently in Escrow with closing Anticipated
By March 10th-2012 Enclosed is An Authorization
From GAREN MOON permitting This Permitting
Action

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P.S.

Due to operational needs of the
Pivots AND IRRIGATION Practice I Plan on
using a Higher Instantaneous Rate But a
Low annual Q As I will not Be Irrigating
ALL Acres Each Year! in Summary I
will use 18 CFS AT A Limit of $\frac{1}{60}$ TH CFS
Per Acre

 2-9-2012

Land Use

Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
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NOTE TO APPLICANTS

WATER RESOURCES DEPT
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In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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TER RESOURCES DEPT
SALEM, OREGON

Form No. 100-Information of Land Sale Contract

930277

MEMORANDUM OF LAND SALE CONTRACT

KNOW ALL MEN BY THESE PRESENTS, that on FEBRUARY 15, 1993,
HELEN LOUISE MOON, as vendor(s), and
GAREN MOON, as vendee(s),
made and entered into a certain land sale contract, wherein the vendor(s) agreed to sell to the vendee(s) and the
latter agreed to purchase from the vendor(s) the fee simple title in and to the following described real property in
Harney County, State of Oregon, to-wit:

The real property which is more particularly described in Exhibit
"A", herewith attached and by this reference incorporated herein.

The true and actual consideration for the transfer, set forth in the contract, is \$150,000.00, payable \$ 20,000.00
down on the signing of the contract and the balance payable in ☐ monthly, ☐ quarterly, ☐ semi-annual, ☒ annual
installments (indicate which) of not less than \$ 36,000.00 each. All deferred payments shall bear interest at the
rate of 4 % per annum from the date of the contract until paid.

In Witness Whereof the vendor(s) has executed this memorandum on FEBRUARY 22, 1993
If the vendor is a corporation, it has caused its name to be signed and its seal, if any, attested by an officer or other
person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DE-
SCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND
USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING
THIS INSTRUMENT, THE PERSON ACQUIRING FEED TITLE TO THE
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR
COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

NOTE: The foregoing memorandum "shall be recorded by the recorder
not later than 15 days after the instrument is executed and the parties
are bound thereby." ORS 92.011.

STATE OF OREGON, County of Harney) ss.
This instrument was acknowledged before me on February 22, 1993
Helen Louise Moon
This instrument was acknowledged before me on _____, 19____



Phonile M. Glerup
Notary Public for Oregon
My commission expires 4-21-93

Helen Louise Moon
P.O. Box 875
BURNS, OR 97720
Vendor's Name and Address
GAREN MOON
P.O. Box 875
BURNS, OR 97720
Vendor's Name and Address
After recording please to Return Address, If:
CRAMER & MALLON
This instrument and all attachments to be returned to (Name, Address, City)
GAREN MOON
P.O. Box 875
BURNS, OR 97720



STATE OF OREGON,) ss.
County of Harney
I certify that the within instrument
was accepted for record on the 23 day
of February, 1993, at
2:22 o'clock P.M., and recorded in
book real/valued No. _____ on page
_____ and/or as the title/instru-
ment/instrument/exception No. 930277
Record of Deeds of said County.
Witness my hand and seal of
County attested.
Dolores Spink Clerk
By Phonile M. Glerup Deputy

6-1757

Exhibit #1

930277

EXHIBIT "A"

Land in County of Harney, State of Oregon, to-wit:

In Twp. 24 S., Range 29 E., W.M.:

Sec. 16: NE1/4NW1.

In Twp. 27 S., Range 30 E., W.M.:

Sec. 34: SE1/4 S1/2NE1/4.

Sec. 35: S1/2, S1/2NW1/4.

In Twp. 28 S., Range 30 E., W.M.:

Sec. 1: All.

Sec. 2: All.

Sec. 3: E1/2E1/2; Lot 2.

Sec. 11: NE1/4NW1/4; N1/2NE1/4.

Sec. 12: N1/2NW1/4.

In Twp. 28 S., Range 31 E., W.M.:

Sec. 6: Lots 6 & 7; E1/2SW1/4; W1/2SE1/4.

Sec. 7: Lot 1.

Consisting of 2711.66 acres, more or less.

Code 30-2	Map No. 24-29	Tax Lot 1500	Ref. No. 37021
Code 4-2	Map No. 27-30	Tax Lot 2000	Ref. No. 45110
Code 4-2	Map No. 28-30	Tax Lot 100	Ref. No. 45113
Code 4-2	Map No. 28-31	Tax Lot 200	Ref. No. 46384

Burns, OR 97720

By *Michael J. Haggan*, Deputy

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SALEM, OREGON

67-17531

Land Use

Information Form



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Oregon Water Resources Department
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Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us
FEB 9 2012

WATER RESOURCES DEPT
SALEM, OREGON

Applicant: DON Nienke
First Last

Mailing Address: 21765 SW 78th Ave

TUALATIN Or. 97062 Daytime Phone: 503-702-2094
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), 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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
275	30E	34	SE 1/4	200	Farm	☐ Diverted	☐ Conveyed	☒ Used	Farm
275	30E	35	S 3/4	200	Farm	☐ Diverted	☐ Conveyed	☒ Used	Farm
285	30E	2	ALL	100	Farm	☐ Diverted	☐ Conveyed	☒ Used	Farm
285	30E	1	ALL	100	Farm	☐ Diverted	☐ Conveyed	☒ Used	Farm

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

285	30E	3	NE 1/4	100	Farm	X	Farm
285	30E	11	NE 1/4	100	Farm	X	Farm
285	30E	12	NW 1/4	100	Farm	X	Farm
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 ☐ 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: 3900 ☐ 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:

2650+- Acre Farm to Be Developed with 1304 IRRIGATED
ACRES AS SUBMITTED

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.

See bottom of Page 3. →

For Local Government Use Only

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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.

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Please check the appropriate box below and provide the requested information

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☒ 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): EPD 4-1/2 3.010 §3.020

☐ 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.

Name: Brandon McMillon Title: Planning Director

Signature: [Signature] Phone: (541) 573-6055 Date: 2/2/2012

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: _____

February 9, 2012

To: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

From: Geren R. Moon
PO Box 712
Hines, OR 97738
541-493-2393

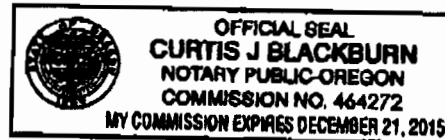
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I, Geren R. Moon, owner of the real property described in Exhibit "A" give Don Nienke permission to apply for water rights in my behalf.

Geren Moon



G-1753

Exhibit "A"

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Land in Harney County, Oregon, as follows:

FEB 9 2012

In Twp. 27 S., R. 30 E., W.M.:

Sec. 34: SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.Sec. 35: SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.WATER RESOURCES DEPT
SALEM, OREGON

In Twp. 28 S., R. 30 E., W.M.:

Sec. 1: Lots 1, 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$. SAVE & EXCEPT highway right of way as conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded September 17, 1963, in Book 74, Page 84, and recorded November 4, 1963, in Book 74, Page 272, and recorded December 3, 1963, in Book 74, Page 367, Deed Records.Sec. 2: Lots 1, 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$.Sec. 3: Lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.Sec. 11: NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.Sec. 12: NW $\frac{1}{4}$. SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded October 22, 1963, in Book 74, Page 217, and recorded November 4, 1963, in Book 74, Page 272, Deed Records.

In Twp. 28 S., R. 31 E., W.M.:

Sec. 6: Lots 6 and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 7: Lot 1.

Vestee:

G-17531

Total P.002