

Application for a Permit to Use Surface 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 Dan and Lori Butterfield		PHONE (HM) 541-432-6355	
PHONE (WK) 541-432-6355	CELL 541-263-0320	FAX —	
ADDRESS 61901 Prairie Creek Road			
CITY Joseph	STATE OR	ZIP 97846	E-MAIL * butterfieldfarms@live.com

Organization Information

NAME N A		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 N A		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.)

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By my signature below I confirm that I understand:

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- 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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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.

Dan Butterfield
Applicant Signature

Dan BUTTERFIELD
Print Name and title if applicable

9-15-13
Date

Lori Butterfield
Applicant Signature

Lori Butterfield
Print Name and title if applicable

9-15-13
Date

Revised	App. No. <u>587936</u>	For Department Use Permit No. _____	Date _____
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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- n/A SECTION 8: within a district
- SECTION 9: remarks

Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- 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.
- Fees - Amount enclosed: \$ 983,00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- n/A Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

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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*).

See attached sheet

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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

Source 1: Wallowa Lake cert # 9310 Tributary to: Wallowa River

Source 2: _____ Tributary to: _____

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).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A 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.)

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Section 2: Property Owners

Attached sheet on land contract holders for Dan and Lori Butterfield

Frank McCully
640 Bradford Road
El Cajon, CA 92019

Ronald McCully
829 Arcturus Circle
Foster City, CA 94404

Darcy Sexton
3636 Crescent Canyon Street
Las Vegas, NV 89129

Cameron McCully
1721 33rd Avenue
Seattle, WA 98122

Craig McCully
25809 Pebble Creek Drive
Bownita Springs, FL 34135

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If *all* sources listed in item 3A 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.

SECTION 4: WATER USE

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	USE	PERIOD OF USE	AMOUNT
Wallowa Lake cert # 9310	Supplemental Irrig.	May 1 - Oct	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: 36.5 Acres

List the Permit or Certificate number of the underlying primary water right(s): 55334

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 109.5

- 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

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): 75 hp Centrifical

Other means (describe):

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

We would use our existing 75 hp pump and screen delivered by the existing Silver Lake Ditch.

B. Application Method

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

Hand line, impact Sprinkler

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 public uses of affected surface waters.

We are requesting this permit because of our late primary right is not adaguet in short water years. We will not waste water because we are using sprinkles. There is no run off so there shouldn't be any damage.

SECTION 6: RESOURCE PROTECTION

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: Will use screened intake, all excess water goes back into Silver Lake Ditch.

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

Describe planned actions:

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

Describe:

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

Describe: With sprinklers we have no run off.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: All construction is done because we will use

Date construction will be completed: existing system

Date beneficial water use will begin: May 1, 2014

SECTION 8: 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 9: REMARKS

Use this space to clarify any information you have provided in the application.

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Land Use

Revised 2/1/2012

587936

Surface Water/7



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
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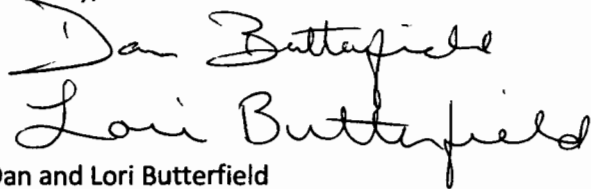
August 27, 2013

Associated Ditch Company
Tom Butterfield, President

Dear Tom,

In regards to filing for a secondary water right on stored water from Wallowa Lake, this is our notification from Dan and Lori Butterfield that we are filing with the Oregon Water Resources on thirty six and a half acres delivered by Silver Lake Ditch.

Sincerely,

Handwritten signatures of Dan Butterfield and Lori Butterfield. The signature of Dan Butterfield is written above the signature of Lori Butterfield.

Dan and Lori Butterfield

61901 Prairie Creek Road

Joseph, OR 97846

1-541-263-0320

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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

Applicant: Dan & Lori BUTTERFIELD
First Last

Mailing Address: 61901 Prairie Creek Road

Joseph OR 97846 Daytime Phone: 541-263-0320
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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
35	45E	3	SW ¼ NE ¼	600		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	AG
			SE ¼ NE ¼			<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
see	attached	sheet				<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, and/or used or developed:

Wallowa 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 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: 73 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:

Applying for a Supplemental right to use stored water from Wallowa Lake Reserve

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 to the Water Resources Department.



Attached sheet for Land and Location

Tax Map 35 45E Diverted: 35 4505B Tax lot 100

Tax Map 25 45E Conveyed: Tax Lot 9300 Section 32

25 45E 32CB Section 32

Tax Lot 9500 Section 32

Tax Lot 9400 Section 32

Tax Lot 10,000 Section 33
10,100

9,700

9,102

9,103

9,801

~~9,802~~

9,803

9,804

9,805

Tax Lot 10,400 Section 34
10,500

Tax Map 35 45 E Tax Lot 700 Section 3
600

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): _____.

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:	
		<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.

Name: MARCO M. BLACK Title: PLANNING DIRECTOR
 Signature: [Signature] Phone: 503 421 4543 x169 Date: 9/24/13
 Government Entity: NALANDA 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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APPLICATION FOR A WATER USE PERMIT

(OAR Chapter 690, Division 310)

Please use our EASY on-line Fee Estimator:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/

I. To Appropriate Ground Water or Surface Water

Surface Water Base.....\$800.00
Ground Water Base.....\$1150.00
PLUS:
1st cubic foot per second (cfs) or fraction thereof.....\$300.00
Each additional cfs or fraction thereof.....\$300.00
Each additional use, point of diversion or well after the 1st\$300.00
Permit Recording Fee See page 3

If also proposing to appropriate stored water under the same application, add the following:

Each acre foot (af) or fraction thereof up to 20 af\$30.00
Each additional af or fraction thereof\$1.00

II. To Appropriate Surface Water for STORAGE

Surface Water Base.....\$800.00
PLUS:
Each acre foot (af) or fraction thereof up to 20 af\$30.00
Each additional af or fraction thereof\$1.00
Each additional storage location after the 1st\$125.00
Permit Recording Fee See page 3

III. To Appropriate ONLY Stored Surface Water

Base.....\$450.00
PLUS:
Each acre foot (af) or fraction thereof up to 20 af\$30.00
Each additional af or fraction thereof\$1.00
Permit Recording Fee 4.50 See page 3

450.00

+ 53 = 83.00

450.00

983.00

73

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Print
 Copy
 Paste
 Cut
 Recv
 STVIEWER

10/03/13 11:25
TAX LOT/JOURNAL VOUCHERS
 REF # 3649 03S450000 600 U I BUTTERFIELD, DANIEL & LORI--C PG 1
 CODE AREA: 63

2/24/99 1038R45EWM 8603
 LOTS 1-2 160.00 AC
 LESS: CO RD -3.60 AC 156.40 AC

PROBATE # 1736
 MEMO 1-14-91 18301
 WD 10-13-92 22158
 DEED 10-13-92 22159
 CONT 7-21-94 26763

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OCT 04 2013

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00076763 = ENTER TO ATTACH NEW DOC AUTH# = UCJV =
 F2 PRT F5-DEED F7 E0J F8 CLR F13 (LAST LINE + 1) F20 DOCUMENT

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