

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 Brantwood, LLC		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS P.O. Box 459			
CITY Enterprise	STATE OR	ZIP 97828	E-MAIL *

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 Kevin Melville		PHONE (541) 426-3724	FAX (541) 426-3724
ADDRESS 64575 Rancho Road		CELL	
CITY Joseph	STATE OR	ZIP 97846	E-MAIL * knkmel@secon.com

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.

SALEM, OR



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

Applicant Signature

Print Name and title if applicable
RICHARD FRASCH, PRESIDENT

Date
5-23-13

Applicant Signature

Print Name and title if applicable

Date

Revised

App. No. 5-87944	For Department Use	Date
Permit No.		

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).

Project is using existing infrastructure belonging to the Associated Ditch Company and Big Bend Ditch Company.

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

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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** Member of Ditch Company that owns Dam.*

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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	Irrigation	May 1 - Oct 1	<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: 181 Acres

List the Permit or Certificate number of the underlying primary water right(s): 38986

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 30 af/acre

- 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 source?

Pump (give horsepower and type): _____

Other means (describe): _____

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

— Conveyed through multi-user open ditch system to property

B. Application Method

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

— Center Pivot/Wheelines/Handlines

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.

— Currently using most efficient application method available.

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: _____

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: _____

* using existing infrastructure (Big Bend Ditch)

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: _____

Date construction will be completed: _____

Date beneficial water use will begin: _____

Upon approval. Infrastructure already exists

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 <i>Associated Ditch Company</i>	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 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: Brantwood, LLC
First Last

Mailing Address: P.O. Box 459

Enterprise OR 97828 Daytime Phone: (541) 263-0306
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:
2S	4SE	10		3200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Form
2S	4SE	15		3900		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Form
						<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

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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: 633.5
 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:

Supplemental water right to existing irrigated farm ground.

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.

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: HARLOW BUNCH Title: PLANNING DIRECTOR
 Signature: [Signature] Phone: 503/224-4513 Date: 3/29/13
 Government Entity: WALLOWA 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 is compatible with local comprehensive plans.

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Receipt for Request for Land Use Information

NOV 25 2013

Applicant name: _____ SALEM, OR _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That --JIM PETTY

of Rt. 1, Box 110, Joseph, State of Oregon, 97846, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Wallowa River

a tributary of Grande Ronde River for the purpose of irrigation of 181.0 acres

under Permit No. 38986 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 8, 1974

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.7 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 NE 1/4, Section 31, T. 2 S., R. 45 E., W. M., 550 feet South and 800 feet West from the NE Corner, Section 31

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 6.9 acres SE 1/4 SW 1/4
- 25.8 acres NW 1/4 SE 1/4
- 41.2 acres SW 1/4 SE 1/4
- Section 10
- 41.2 acres NW 1/4 NE 1/4
- 39.6 acres SW 1/4 NE 1/4
- 10.0 acres NE 1/4 NW 1/4
- 7.6 acres SE 1/4 NW 1/4
- 8.7 acres NW 1/4 SE 1/4
- Section 15
- T. 2 S., R. 45 E., W. M.

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. January 29, 1979

James E. Severson
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 40, page 47326

JULY 1, 2012 TO JUNE 30, 2013 REAL
 WALLOWA COUNTY
 TAX COLLECTOR
 101 S RIVER ST RM 103
 ENTERPRISE, OR 97828
 (541)-426-7755
 (541)-426-7753

PROPERTY TAX STATEMENT ACCT NO: 2502
 PROPERTY ADDRESS:
 64575 RANCHO RD
 COUNTY

LOAN INFO:

LAST YEAR'S TAX 4,256.84
 See back for explanation of taxes marked with (+)

Handwritten signature

PROP CLASS: 551
 CODE: 214 ACRES: 119.10
 MAP: 02S450000 3200

RANCHO AND RANGE LAND, LLC
 PO BOX 459
 ENTERPRISE OR 97828

VALUES:	LAST YEAR	THIS YEAR
SPECIALLY ASSESSED (M5-VALUE)		
LAND	205,100	184,600
STRUCTURES	360,230	360,230
LESS EXEMP		
TOTAL VALUE	565,330	544,830
ASSESSED	360,459	371,110
NET TAXABLE:	360,459	371,110

SD#21	625.53
ESD	1,403.02
EDUCATION TOTAL:	2,028.55

COUNTY-GEN	941.36
WEED CONTROL	70.51
WCHCD	389.55
WCHCD-LO	223.48
ANIMAL CONTR	21.04
4H/EXTENSION	60.31
JOSEPH CEM	20.82
GENERAL GOVT TOTAL:	1,727.07

TOTAL 2012-2013 TAX	3,755.62

*EFU FARM USE-POTENTIAL ADD TAX

If a mortgage company pays your taxes,
 This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount	TOTAL TAX (After Discount)
3,642.95	2,453.67	1,251.87	3,642.95

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JULY 1, 2012 TO JUNE 30, 2013 REAL
 WALLOWA COUNTY
 TAX COLLECTOR
 101 S RIVER ST RM 103
 ENTERPRISE, OR 97828
 (541)-426-7755
 (541)-426-7753

PROPERTY TAX STATEMENT ACCT NO: 2513

LOAN INFO:

LAST YEAR'S TAX 940.19

See back for explanation of taxes marked with (*)

Handwritten: Rancho - UNIT
 SOUTH

PROP CLASS: 550
 CODE: 214 ACRES: 238.20
 MAP: 02S450000 3900

RANCHO AND RANGE LAND, LLC
 PO BOX 459
 ENTERPRISE OR 97828

VALUES:	LAST YEAR	THIS YEAR
SPECIALLY ASSESSED (M5-VALUE)		
LAND	550,240	495,220
STRUCTURES		
LESS EXEMP		
TOTAL VALUE	550,240	495,220
ASSESSED	79,613	82,000
NET TAXABLE:	79,613	82,000

SD#21	138.67
ESD	311.03
EDUCATION TOTAL:	449.70
COUNTY-GEN	208.00
WEED CONTROL	15.58
WCHCD	86.08
WCHCD-LO	49.38
ANIMAL CONTR	4.65
4H/EXTENSION	13.33
JOSEPH CEM	4.60
GENERAL GOVT TOTAL:	381.62
TOTAL 2012-2013 TAX	831.32

*EFU FARM USE-POTENTIAL ADD TAX

If a mortgage company pays your taxes,
 This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount	TOTAL TAX (After Discount)	
806.38	543.13	277.11	806.38	

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The Associated Ditch Company hereby grants to Brantwood, LLC the right to use 540 acre feet of water per year, in perpetuity, from water stored in the Wallowa Lake Reservoir. This water is owned by the Associated Ditch Company under Water Right Certificate Number 9310. This water is intended as supplemental irrigation water for 181 acres located in Sections 10 and 15 of Township 2 South, Range 45 East, with an existing primary water right recorded in Water Right Certificate Number 47326.

Signed by: Tom Butterfield

Date: 12-5-13

Tom Butterfield, President

Associated Ditch Company

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DEC 06 2013

WATER RESOURCES DEPT
SALEM, OREGON

Fax Cover sheet

Date: December 6, 2013

To: Audra Martin, Oregon Water Resources Department (503-986-0901)

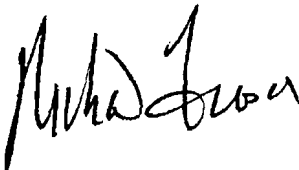
From: Richard Frasch (fax: 541-426-7890)

Subject: Water Right Application for Brantwood LLC

Number of pages (including this cover sheet) 7

Here is the information you requested from Kevin Melville. If you have any questions please call Kevin at his cell phone number of 541-263-0306

Regards,



Richard Frasch, Cell 541-263-2459

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WATER RESOURCES DEPT
SALEM, OREGON

Legal description of properties for Brantwood, LLC application.

Wallowa Lake Dam is located in the N.E. 1/4 N.W.1/4, Section 5, Township 3 South, Range 45 East, W.M.

Tax Lots in N.E. 1/4 N.W.1/4, Section 5, Township 3 South, Range 45 East, W.M.

1700 500

Tax Lots in N.W. 1/4 N.W. 1/4, Section 5, Township 3 South, Range 45 East, W.M.

1700 500 100 200 400 300

Section 6, Township 3 South, Range 45 East, W.M.

Tax Lots in N.E. 1/4 N.E. 1/4, Section 6, Township 3 South, Range 45 East, W.M.

200 400 100

Section 31, Township 2 South, Range 45 East, W.M.

Tax Lots in S.E. 1/4 S.E. 1/4

2601 2600 3102 3300 2606

Tax Lots in S.W. 1/4 S.E. 1/4

1500 2600 2604 2400

Tax Lots in N.W. 1/4 S.E. 1/4

1500 2400 2500 2000

Tax Lots in S.W. 1/4 N.E. 1/4

1500

Tax Lots in S.E. 1/4 N.E. 1/4

1200 1100 1000

Tax Lots in N.E. 1/4 N.E. 1/4

1100 4300 4400 4500 2600 2700 2900 3000 3001 3200 3300 3400

3600 4200

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Section 30, Township 2 South , Range 45 East, W.M.

Tax Lots in S.E. ¼ S.E. ¼

4100 4300 4600 4400 4500 3100 1500 1700 1701 1600 1800 2000

Section 29, Township 2 South, Range 45 East, W.M.

Tax Lots in S.W. ¼ S.W. ¼

1300 1601 1200 1500 1600 1000 701 100

Tax Lots in N.E. ¼ S.W. ¼

103 402 400 401

Tax Lots in N.W. ¼ S.W. ¼

2301 200 1900 1901 2000 1902 1801 1700 102

Tax Lots in S.E. ¼ S.W. ¼

502 500

Tax Lots in N.W. ¼ S.E. ¼

1104 1105 1103 1106 1114 1113 1111 1300

Tax Lots in N.E. ¼ S.E. ¼

1300

Section 28, Township 2 South, Range 45 East, W.M.

Tax Lots in N.W. ¼ S.W. ¼

900 1000

Tax Lots in S.W. ¼ N.W. ¼

1700 600

Tax Lots in S.E. ¼ N.W. ¼

600 500

Tax Lots in N.W. ¼ N.E. ¼

300 200

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SALEM, OREGON

Section 21, Township 2 South, Range 45 East, W.M.

Tax Lots in S. $\frac{1}{2}$ S.E. $\frac{1}{4}$

6600

Section 22, Township 2 South, Range 45 East, W.M.

Tax Lots in S.W. $\frac{1}{4}$

6800 6900

Tax Lots in N.E. $\frac{1}{4}$

6701 4000

Section 15, Township 2 South, Range 45 East, W.M.

Tax Lots in S.E. $\frac{1}{4}$

4000

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WATER RESOURCES DEPT
SALEM, OREGON

5-87944

Audra Martin

From: Kevin & Kerrie Melville <knkmel95@eoni.com>
Sent: Wednesday, December 04, 2013 7:49 AM
To: 'Audra Martin'
Subject: RE: Application for Permit to use Surface Water- Brantwood, LLC

Audra,

Here are the mailing addresses that you requested.

Associated Ditch Company
65196 Dobbin Road
Joseph, OR 97846

Big Bend Ditch Company
P.O. Box 478
Enterprise, OR 97828

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WATER RESOURCES DEPT
SALEM, OREGON

I have also contacted the president of the Associated Ditch Company and will be getting him to sign a stored water agreement as you requested. I also have revised the maps as you have requested and I am getting the legal description and tax lots for all properties crossed. Should be able to get this faxed down to you by Friday.

Kevin Melville

From: Audra Martin [<mailto:audra.martin@state.or.us>]
Sent: Monday, December 02, 2013 5:12 PM
To: knkmel95@eoni.com
Subject: Application for Permit to use Surface Water- Brantwood, LLC

Good evening Kevin,

I am doing an intake review of the application submitted for Brantwood, LLC. I appear to need a little more information to complete the application.

1. Mailing address of affected landowners--Associated Ditch Company and Big Bend Ditch Company
2. A non-expired agreement for stored water between Brantwood and the owner of the reservoir (Wallowa Lake) for the amount of stored water requested.
3. The fees submitted allude to you wanting a total of 540 total acre feet per irrigation season. Can you confirm? *(yes)*
4. A legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. *Copies of tax bills are not acceptable.*
5. You've submitted four different maps, which complicates the application review process. Maps 1 and 2 are fine because of the detail shown in each. Two minor additions would greatly enhance your maps: on map 1, show the dam and give the location in reference to a recognized public land survey corner; on map 2, indicate the taxlot numbers. This information is found on map 3 and the taxlot map. By combining the information, it makes the application much easier for us to process.

Let me know if you have any questions. I will need this information next **Monday, Dec. 9** at the absolute latest. Otherwise I'll have to return the application and fees while we work to get all the information.

If you have any questions, please give me a call at the number below.

Thanks,

Audra Martin

Water Right Information Services

Oregon Water Resources Dept.

725 Summer Street NE, Suite A

Salem, OR 97301

Ph: 503-986-0801

Fax: 503-986-0901