

# Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

Yes No

This is the checklist used by WRD staff

Application G-17787 County BAKER Priority Date 3-6-14

Township 9S Range 39E Section 2 + 11

Amount 0.37 cfs Use IR WM Dist. # 8

Applicant Name JOHN A. + KATHRYN M. ROHNER

Receipt No. Ø Caseworker Assigned:  Mary  Kim  Jeana

Contact info: Applicant/Organization Name and Mailing Address

Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).

Property ownership: Does the applicant own all the land for the proposed project? (Y) / N

If No:

The affected landowner's name and mailing address must be listed

A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

~~N/A~~ For a SW Application: Source of water must be indicated.

If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

*NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2).*

If for stored water not under contract, is the source authorized under a permit, certificate, or decree?

Permit or Certificate issued? Y / N Permit or Certificate # \_\_\_\_\_

For a GW Application: Well Development Tables completed and/or a well log report included (if existing)

Proposed water use

Amount of water from each source in GPM, CFS, or AF

Period of use indicated

~~N/A~~ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed (Primary and Supplemental Irrigation counts as 2 uses)

Water Management Section (Estimates if the water system has not been designed)

~~N/A~~ Resource Protection Section (N/A for Groundwater)

~~NA~~ For all standard reservoir applications: Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir.

Project schedule (If system is already completed, indicate "existing.")

~~NA~~ Supplemental data sheets enclosed (if needed)

- Form M (Municipal or Quasi-Municipal)
- Spring Description Sheet (if source is a spring)

A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*

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. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

The proposed source **IS / IS NOT** (circle one) restricted or withdrawn from further appropriation. *NOTE: If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.*

The **map** must meet all the minimum requirements of OAR 690-310-0050.

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- Place of use, 1/4-1/4's and tax lot clearly identified
- Even map scale not less than 4" = 1 mile (1"= 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
- Location of *each* diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
- Reference corner on map
- North Directional Symbol
- Number of acres per 1/4-1/4 if for irrigation, nursery, or agriculture

~~NA~~ For a standard reservoir application to store  $\geq 9.2$  acre feet AND having a dam height  $\geq 10$  feet, map must be prepared by a CWRE

Fees:

Base Fee	<u>FEES</u>	<u>WAIVED</u>	<u>PER ATTACHED CORRESPONDENCE</u>	Permit Recording Fees	\$ _____
1 <sup>st</sup> CFS or AF		\$ _____			
Addnl CFS/AF _____	= \$ _____			Mitigation Fee	\$ _____
Addnl Use/POD/POA _____	= \$ _____			Amount Paid	\$ _____
Addnl Reservoir _____	= \$ _____			Total Due	\$ _____
Other _____	= \$ _____			Amount Returned	\$ _____
Exam Fee Total	\$ _____				

Reviewed by:

Scott . CSG

Date:

3-7-14

# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

## 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: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: within a district
- SECTION 10: remarks

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### 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. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$0 (see attached letters)  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

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### 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
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- 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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MAR 06 2014

SALEM, OR

**Nancy Rorick Consulting**

Hydrogeology, GIS and Water Rights

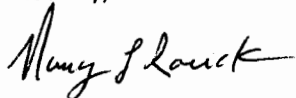
645 L Loop  
Baker City, OR 97814  
541-519-3644  
nrorick@yahoo.com

March 4, 2013

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-0900

Enclosed is a permit application that I am submitting on behalf of John and Kate Rohner. The permit application is being submitted to correct errors made by the Department. Enclosed is an email from Dwight French waiving the application fee. Also enclosed is the supporting documentation for the fee waiver.

Sincerely,



Nancy L. Rorick, RG, CWRE

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SALEM, OR

G-17707

## Nancy Rorick

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**From:** FRENCH Dwight W <dwight.w.french@state.or.us>  
**Sent:** Tuesday, February 25, 2014 2:58 PM  
**To:** dwight.w.french@state.or.us; Nancy Rorick  
**Cc:** Kate Rohner; LUSK Rick M  
**Subject:** RE: Rohner's water rights in Baker County

Nancy,  
Thanks for forwarding this request. The Department looks forward to this opportunity to correct these errors. Please print this email and submit it along with a copy of the John and Kate Rohner letter as evidence of my approval to waive the fees for your new application.

It would be a good idea for you to let me know when you have filed the application.

Let me know if you have any questions.  
Dwight

*Dwight French*  
Water Right Services Division Administrator  
Oregon Water Resources Department  
503-986-0819

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**From:** Nancy Rorick [<mailto:nrorick@yahoo.com>]  
**Sent:** Tuesday, February 25, 2014 2:04 PM  
**To:** [dwight.w.french@state.or.us](mailto:dwight.w.french@state.or.us)  
**Cc:** LUSK Rick M; Kate Rohner  
**Subject:** Rohner's water rights in Baker County

Dear Dwight,

I have attached a letter on behalf of John and Kate Rohner requesting a fee waiver for their permit application. Please call me should you have any questions.

Sincerely,  
Nancy Rorick

Nancy Rorick, RG, CWRE  
645 L Loop  
Baker City, OR 97814  
541-519-3644  
nlr-water.com

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G-17707

John and Kate Rohner  
40535 Pocahontas Road  
Baker City, OR 97814  
February 25, 2014

Dwight French  
Water Right Services Division Administrator  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Dear Mr. French:

In the attached letter our consultant Nancy Rorick (RG, CWRE) describes the issues associated with two permits: G12625 and G16009. In both cases the Department mistakenly issued supplemental water rights when the applicant had applied for primary water rights. After consulting with the Department, we are submitting a groundwater permit application. The purpose of submitting the application is to correct the Department's errors by applying for groundwater rights so that the lands that currently have only supplemental water rights will also have primary water rights.

We are requesting that the Department waive the fee for this permit application because the Department erred by issuing supplemental water rights when we had applied for primary water rights. We don't believe that it is fair for the Department to collect fees to process a new application that wouldn't be required if the Department had correctly processed the original applications.

We would like to thank you for addressing this issue. If you have any more questions about the permit please contact Ms. Rorick at 541-519-3644.

Sincerely



John A. Rohner



Kathryn M. Rohner

CC: Rick Lusk, Water Master  
Nancy Rorick, RG, CWRE

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G-17787

**Nancy Rorick Consulting**  
Hydrogeology, GIS and Water Rights

645 L Loop  
Baker City, OR 97814  
541-519-3644  
nrorick@yahoo.com

February 18, 2014

Rick Lusk  
Water Master  
Baker County Courthouse  
1995 3rd Street, Suite 180  
Baker City, Oregon 97814

Dear Mr. Lusk:

This letter provides background information that you requested on the issues associated with John and Kate Rohner's water rights. I was asked by the Rohners to prepare a COBU for permit G16009. While researching the project, I discovered three issues with the Rohners' water rights.

Issue 1

The lands in SE¼ NE¼, Section 11, T9S, R39E have supplemental water rights that are not covered with primary water rights. The water rights in the portion of the ¼ ¼ north of Pocahontas road area are listed below (maps attached).

- Certificate 7914 (priority July 1, 1924) – 20 acres of supplemental water right from an unnamed spring.
- Permit G12625 (priority March 20, 1995) – 20.5 acres of supplemental water right and 5.5 acres of primary water right from a sump.
- Permit G16009 (priority April 13, 2006) – 25.5 acres of supplemental water right from a well.

The original application for permit G12625 (attached) shows that the applicant requested 26 acres of primary water right in the SE¼ NE¼ of section 11. However, permit G12625 was issued for 5.5 acres of primary and 20.5 acres of supplemental water right. The supplemental and primary acreages were also switched in the plat card report<sup>1</sup>. This is probably why Permit G16009 was issued for 25.5 acres of supplemental water right in the SE¼ NE¼ of section 11.

Issue 2

In the NE¼ NE¼ of section 11 permit G16009 was issued for 40 acres of supplemental water right, but there are only 38 acres of primary water right in the ¼ ¼. The water rights in the ¼ ¼ are listed below.

- Certificate 4161 (priority 1875) – 37.5 acres of primary water right from Washington Gulch.

<sup>1</sup> The plat card report showed 5.5 acres of supplemental water right and 20.5 acres of primary water right. Gerry Clark reported in an email dated 1/23/2014 that the plat card report has been corrected.

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G-17797

- Permit G 12625 (priority March 20, 1995) – 0.5 acres of primary water right and 39.5 acres of supplemental water right from a sump.
- Permit G16009 (priority April 13, 2006) – 40 acres of supplemental water right from a well.

The permit map for G16009 that I downloaded from Water Rights Information System (WRIS) shows that 38 acres of supplemental water rights in the  $\frac{1}{4}$   $\frac{1}{4}$  and 2 acres of primary water right. These were crossed out and change to 40 acres of supplemental water rights (map attached). I don't know who made this change.

### Issue 3

The final proof map (attached) that I downloaded from WRIS for permit G12625 has two acreage errors.

- The map shows only 11 acres of supplemental water right in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11 north of Pocahontas road. The Rohner's irrigate the entire  $\frac{1}{4}$   $\frac{1}{4}$  north of Pocahontas Road an area of about 27 acres.
- The map shows 14 acres of primary water right on the north side of Pocahontas Road in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of section 11. This is too much; the final proof map should show about 10 acres in this area.

### Corrective Action

I've discussed how to remedy these water right issues with Rick Lusk (Water Master) and Gerry Clark in Salem. We've developed the following series of steps.

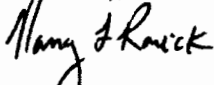
1. The Rohners will submit an application for a primary water right using water from their well for 27.3 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 2 acres in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of section 11

They will wait for the permit to be issued before completing the next two steps.

1. The Rohners will submit the COBU for G16009 which will not prove up on the area permitted under the new permit.
2. The Rohners will submit a COBU for G12625 that will supersede the one on file with the Department. This will correct the mistakes contained in the original one.

I would like to thank you for your help with this project. Please contact me if you have any more questions.

Sincerely,



Nancy L. Rorick, RG, CWRE

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G-17707



47777

**ROHNER'S DAIRY, Inc.**  
**JOHN A. ROHNER, Applicant**

*Work  
copy*





Map for permit G16009

**T9S, R39E, Sec. 2 & 11**  
**Baker County, Oregon**

Scale 1" = 1320'

**RECEIVED**  
APR 13 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

**LEGEND**

-  Existing mainline
-  Proposed mainline
-  Supplemental irrigation
-  Primary irrigation

**Well(s) legal description:**

1<sup>st</sup> site choice location: 2600'N 3045'W of section corner 1, 2, 11, 12 T9S, R39E, WM

2<sup>nd</sup> site choice location: 2600'N 2331'W of section corner 1, 2, 11, 12 T9S, R39E, WM

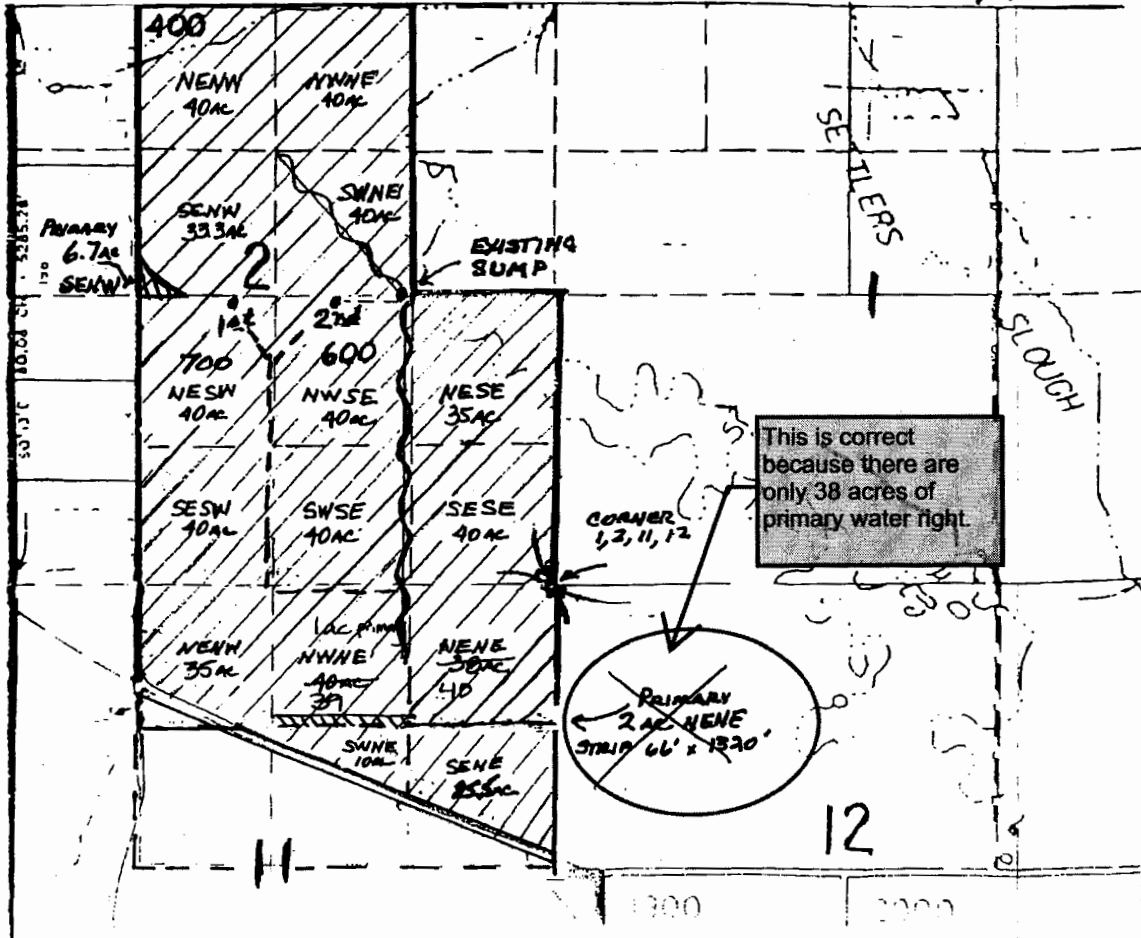
See Attachment – Rohner Water Rights

*app # G 16438*

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MAR 06 2014

SALEM, OR



Application No. G14009  
Permit No. G12625

MAR 6 0 1995

RECEIVED WATER RESOURCES DE  
SALEM, OREGON

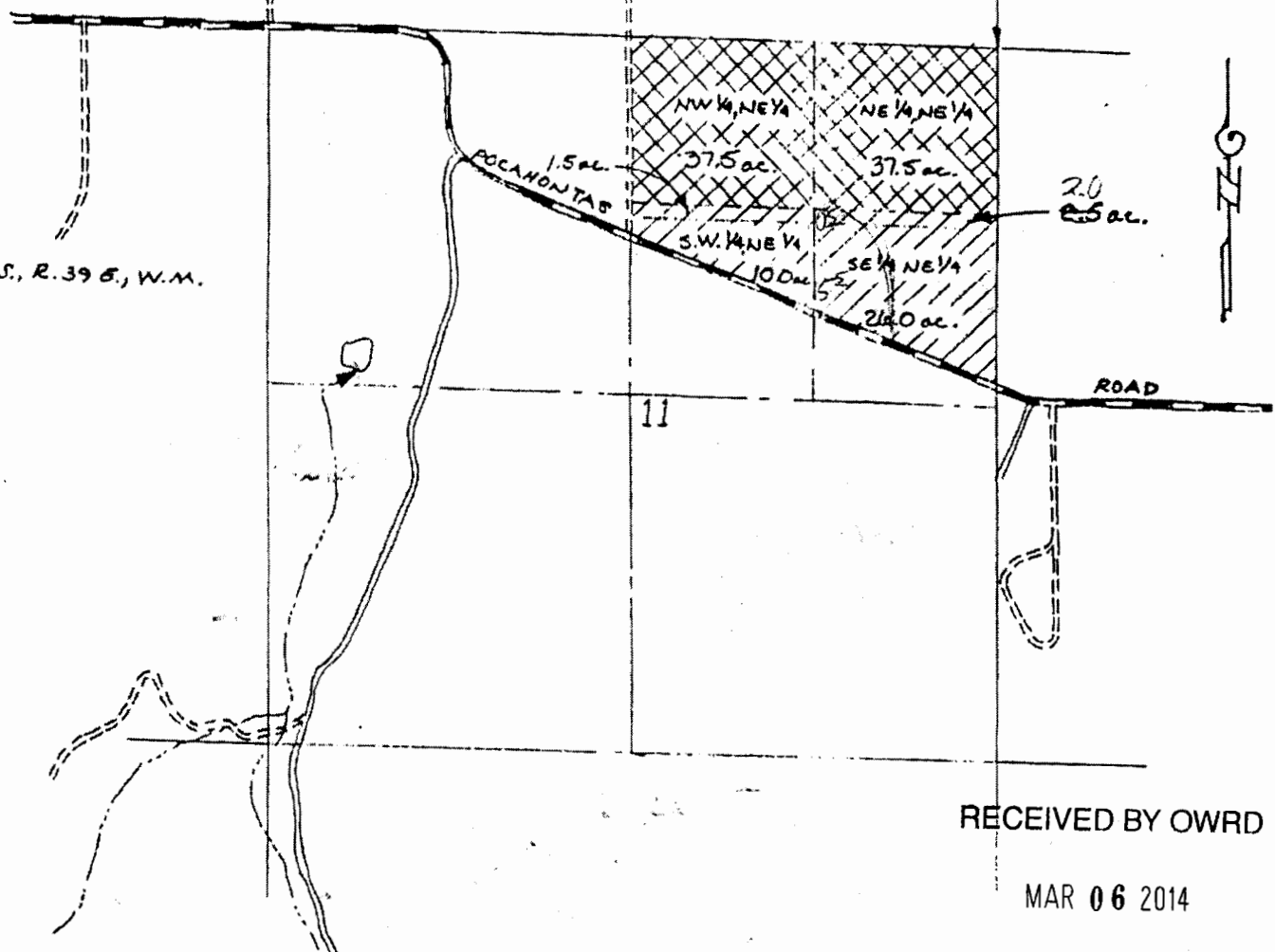
JAN - 8 1995

WATER RES  
SALEM, OREGON

This is the  
original map for  
permit G12625.

POINT OF  
DIVERSION

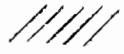

T. 9 S., R. 39 E., W.M.



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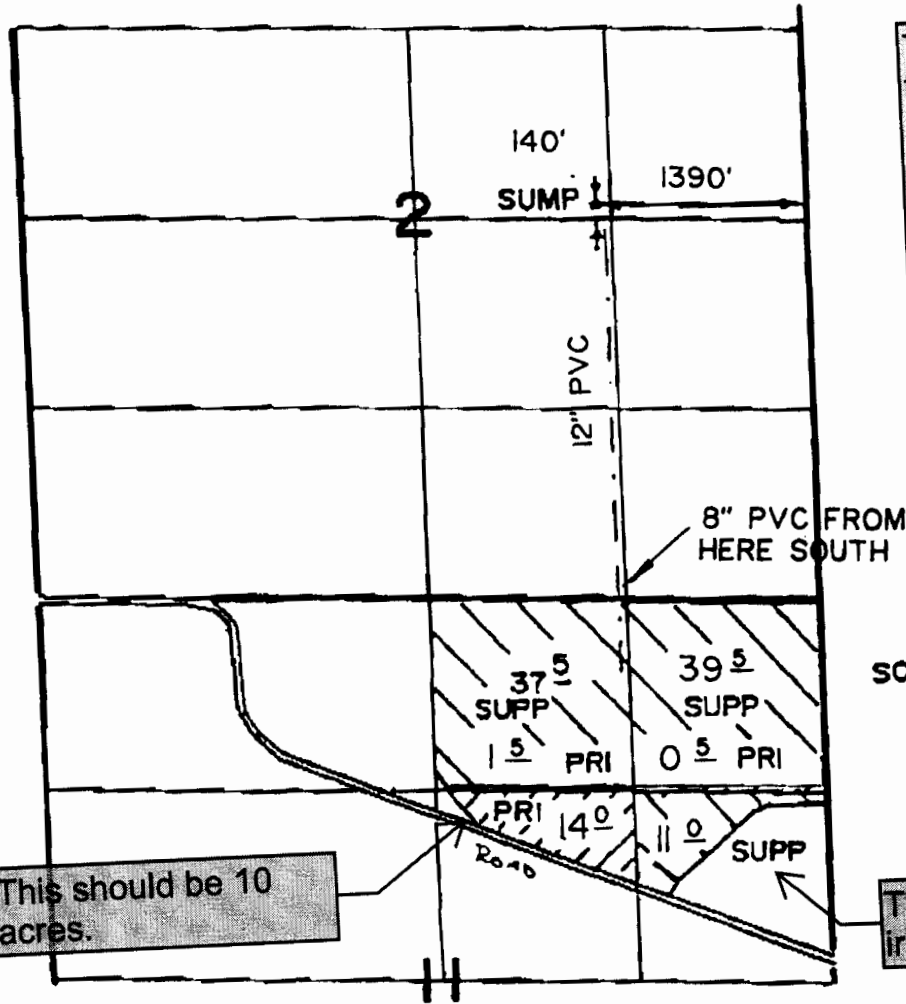
MAR 06 2014

SALEM, OR

LEGEND:  PRIMARY APPLIC.  
 SUPPLEMENTAL APPLIC.

G-17787 ADD TO ACCOUNT

T. 9S., R. 39E., W.M.



This is the final proof map for G12625.



SCALE 1" = 1320'

This should be 10 acres.

This entire area is irrigated.

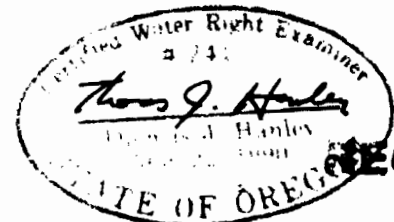
The purpose of this map is for identifying the location of the water right only and is not intended to provide legal dimensions of property ownership lines.

# FINAL PROOF SURVEY

APPL. G-14009 PER. G-12625  
IN NAME OF

ROHNER'S DAIRY INC.

Surveyed Aug. 25, 2000



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SEP 07 2000

MAR 06 2014

WATER RESOURCES DEPT.  
SALEM, OREGON

SALEM, OR

Applicant No. 9080  
Parcel No.

This is the only map  
in WRIS for  
Certificate 7914.

Applicant No. 9080  
Parcel No. 557



STATE ENGINEER  
RECEIVED  
JUL 1 1984  
SALEM, OREGON

RECEIVED BY CARD  
MAR 05 1984  
SALEM, OR

