

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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.oar). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Surface Water/1

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Application for a Permit to Use Surface Water

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(503) 986-0900
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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME Karl + Karen Patton		PHONE (HM) 541 432 4521	
PHONE (WK) 541 432 4521	CELL 541 263 0997	FAX	
ADDRESS 86977 Bicentennial Ln			
CITY Joseph	STATE OR	ZIP 97846	E-MAIL *

Organization Information

NAME NA		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 NA		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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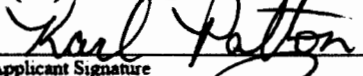
By my signature below I confirm that I understand:

MAR 27 2014

- 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.

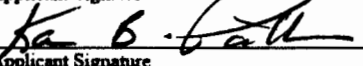
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I (we) affirm that the information contained in this application is true and accurate.


Applicant Signature

Karl Patton
Print Name and title if applicable

3-2-14
Date


Applicant Signature

Karen B. Patton
Print Name and title if applicable

3-2-14
Date

Revised



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 titled, "Affected Landowners/Contract Holders"

You must 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.

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
Cent # 9310

Tributary to:

Wallowa River

Source 2:

Tributary to:

Source 3:

Tributary to:

Source 4:

Tributary to:

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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).

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B. Applications to Use Stored Water

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

Yes.

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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.)

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: 52.6 Acres
 List the Permit or Certificate number of the underlying primary water right(s): S-35044 C-3473
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 184.1

- 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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Surface Water/5

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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): 60 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.

Use 60 hp pump + screen, delivered by the existing Farmers Ditch

B. Application Method

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

wheel 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~~ requesting this permit, because of our late primary right is not adaguet in short water years. Using sprinklers there is no run off

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: All excess water goes back into Farmers Ditch

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

Describe planned actions:

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

Describe:

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

Describe: With sprinklers we have no run off.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: *all construction is ^{complete} done because we will use existing system*

Date construction will be completed:

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 Information Form



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

NOTE TO APPLICANTS

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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MAR 27 2014

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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
RECEIVED BY OWRD	RECEIVED BY OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
APR 17 2014	MAR 27 2014	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
SALEM, OR	SALEM, OR	<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: HAROLD M. BRACK Title: PLANNING DIRECTOR
 Signature: [Signature] Phone: 541-426-4513 Date: 3/19/14
 Government Entity: WALTON 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: _____

Karl & Karen Patton
86977 Bicentennial Lane
Joseph, Oregon 97846
February 8, 2014

Tom Butterfield
President
Associated Ditch Company
Bicentennial Lane
Joseph, Oregon 97846

Dear Tom:

In regards to filing for a secondary water right on stored water from Wallowa Lake, this is notification from Karl & Karen Patton that we are filing with Oregon Water Resources on fifty-two and six tenths (52.6) acres delivered by Farmers Ditch.

Sincerely,



Karl & Karen Patton
541-263-0997
541-432-4521
kpatton311@gmail.com

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S-87972

March 2, 2014

To whom it may concern,

The Associated Ditch Company hereby grants to Karl and Karen Patton for their property on tax lots 6901, 7000 located on Bicentennial Lane in Wallowa County the right to use 2 acre feet per acre on 52.6 acres additional water per year in perpetuity from stored water in Wallowa Lake. I have seen the enclosed map and agree with it. This water is owned by The Associated Ditch Company under water certificate #9310. This water is intended as supplemental irrigation water right for the property located at T2S.R45E Section 23 with an existing primary water right recorded in Water Right Certificate # 35044 and Certificate #3473.

Tom Butterfield
President
Associated Ditch Company

Tom Butterfield

3-3-14

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5-87972

Affected Landowners/Contract Holders

**Northwest Farm Credit Services
3370 10th St., Suite B
Baker City, Oregon 97814**

**Karl & Karen Patton
86977 Bicentennial Lane
Joseph, Oregon 97846**

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S-87972

**Surface Water Permit Application
Land/Location List
Karl & Karen Patton**

In regards to application for a permit to use surface water via Wallowa Lake stored water permit R-#347 certificate 9310. The proceeding is a comprehensive list of all tax lots, physical descriptions and county maps that said water travels through en route to proposed permit acres. This list begins at the source, being Wallowa Lake dam, and proceeds downstream to diversion point at 2S45Section 27 (map of diversion point attached). The beneficial use of this water is to be used on tax lot 6901, 7000, which has an existing irrigation system in place.

Water travels from Wallowa Lake dam through the following:

- Tax lots 500 (point of diversion), 12, 100, 200 & 400 @ T03S.R45E.NW1/4 Section 05;
- Tax lots 100 @ T03S.R45ENE1/4 Section 06;
- Tax lots 9300, 9500, 9400 @ T02S.R45E Section 32;
- Tax lots 10000, 9102, 9800, 9802 @ T02S.R45E Section 33;
- Tax lots 1100, 1200 @ T02S.R45E Section 28;
- Tax lots 8600, 8501, 6902, 8000 @ T02S.R45E Section 27 (diverted from Farmer's Ditch to private pipeline in tax lot 8000)
- Ending at tax lots 6901, 7000 @T02S.R45E Sections 27, 22 & 23.

copy of our property
where its used.

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S-87972

Legal Description where
water is diverted, crossed
and used
33007 441

PAGE 1 OF 1

EXHIBIT "A"

PARCEL A

TOWNSHIP 2 SOUTH, RANGE 45 EAST OF THE WILLAMETTE MERIDIAN

Section 22: E1/2SE1/4
Section 23: SW1/4
Section 26: NW1/4NW1/4
Section 27: NE1/4NE1/4

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EXCEPTING therefrom the following tract conveyed to Liberty Grange #613 by Deed recorded in Book 42 of Deeds, Page 26; Beginning at the Northeast corner of the SE1/4SW1/4 of Section 23; running thence West along the subdivision line 246 feet; thence South and parallel with the East line of said subdivision 300 feet; thence East and parallel with the North line of said subdivision 246 feet to the East line of said subdivision; thence North along said subdivision line 300 feet to the place of beginning.

Tax Account Nos. 2S 45 TL#6901 & 2S 45 TL#7000.

PARCEL B:

TOWNSHIP 2 SOUTH, RANGE 45 EAST OF THE WILLAMETTE MERIDIAN

Section 22: S1/2NE1/4

EXCEPTING THEREFROM Beginning at the Southwest corner of the NE1/4; thence East along the County Road a distance of 114 feet; thence North to the Big Bend Ditch; thence along the Big Bend Ditch in a Northeasterly direction to the intersection of the Big Bend Ditch and the North line of the SW1/4NE1/4; thence West along the North line of the SW1/4NE1/4 to the corner of the SW1/4NE1/4; thence South along the West line of the SW1/4NE1/4 to the point of beginning.

ALSO EXCEPTING the East 600 feet of the S1/2NE1/4.

Tax Account No. 2S 45 TL#6701.

Together with a 50 HP US electric motor with a Gould centrifugal pump; a 60 HP Century electric motor with a Berkeley centrifugal pump; a 30 HP Westinghouse electric motor with a Gould centrifugal pump; approximately 5,100 feet of sizes 4 inch through 10 inch steel and PVC mainline; and any replacements thereof, all of which are hereby declared to be appurtenant thereto. ✓

INITIALS: ZP, KSP, TTB, MS.

STATE OF OREGON
COUNTY OF WALLOWA

S-87972

STATE OF OREGON
COUNTY OF WALLOWA

corner of the SE1/4SW1/4 of Section 23; running thence West along the subdivision line 246 feet; thence South and parallel with the East line of said subdivision 300 feet; thence East and parallel with the North line of said subdivision 246 feet to the East line of said subdivision; thence North along said subdivision line 300 feet to the place of beginning.

Tax Account Nos. 2S 45 TL#6901 & 2S 45 TL#7000.

PARCEL B:

TOWNSHIP 2 SOUTH, RANGE 45 EAST OF THE WILLAMETTE MERIDIAN

Section 22: S1/2NE1/4

EXCEPTING THEREFROM Beginning at the Southwest corner of the NE1/4; thence East along the County Road a distance of 114 feet; thence North to the Big Bend Ditch; thence along the Big Bend Ditch in a Northeasterly direction to the intersection of the Big Bend Ditch and the North line of the SW1/4NE1/4; thence West along the North line of the SW1/4NE1/4 to the corner of the SW1/4NE1/4; thence South along the West line of the SW1/4NE1/4 to the point of beginning.

ALSO EXCEPTING the East 600 feet of the S1/2NE1/4.

Tax Account No. 2S 45 TL#6701.

Together with a 50 HP US electric motor with a Gould centrifugal pump; a 60 HP Century electric motor with a Berkeley centrifugal pump; a 30 HP Westinghouse electric motor with a Gould centrifugal pump; approximately 5,100 feet of sizes 4 inch through 10 inch steel and PVC mainline; and any replacements thereof, all of which are hereby declared to be appurtenant thereto. ✓

INITIALS: XP, KSP, TPB, MS.

STATE OF OREGON
COUNTY OF WALLOWA

I certify that this instrument was received and recorded in the book of records of said county.

CHARLOTTE MCIVER
Wallowa County Clerk
by: Dana Roberts
County Clerk/Deputy.

Doc#: 2002-45461-A
Rcpt: 44206 25.00
04/09/2002 3:27 pm

WALLOWA TITLE COMPANY

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STATE OF OREGON
COUNTY OF WALLOWA

I certify that this instrument was received and recorded in the book of records of said county.

CHARLOTTE MCIVER
Wallowa County Clerk
by: Dana Roberts
County Clerk/Deputy.
Doc#: 2002-45461-B
Rcpt: 44207 5.00
04/09/2002 3:27 pm

S-87972

045461A-B

Dear Jerry Sauter,

April 14, 2014

Please find the following enclosed with this letter:

1. The original stored water application;
2. Corrected payment amount;
3. The legal description for the property where the water will be diverted, crossed and used.

Sincerely,

Karl Patton
Karl Patton
Karen Patton
Karen Patton
Applicants

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S-87972