

Application for a Permit to Use Ground 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 JONATHAN E FREE AND DIANE L FREE		PHONE (HM) 541-898-2166	
PHONE (WK)	CELL 541-786-5522		FAX
ADDRESS P O BOX 224			
CITY NORTH POWDER	STATE OR	ZIP 97867	E-MAIL * JDFREE4ETERNITY@GMAIL.COM

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Organization Information

NAME		PHONE	FAX SALEM, OR
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 NANCY RORICK DBA NANCY RORICK CONSULTING		PHONE 541-519-3644	FAX
ADDRESS 645 L LOOP		CELL	
CITY BAKER CITY	STATE OR	ZIP 97814	E-MAIL * NRORICK@YAHOO.COM

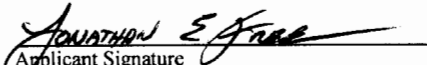
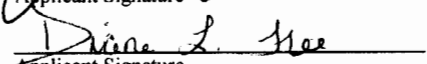
Note: Attach multiple copies as needed

* 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.)

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

Applicant Signature

Jonathon E. Free
Print Name and title if applicable

3-11-14
Date

Diane L. Free
Print Name and title if applicable

3-11-14
Date

For Department Use		
App. No. <u>G-17840</u>	Permit No. _____	Date _____

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.

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List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

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: 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
Well 1	Jimmy Creek	0.16 miles	30 feet

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*).

The proposed well is located 0.16 miles from Jimmy Creek and is subject to Division 9 rules on groundwater interference. The well will be continuously cased and sealed to a depth of 100 hundred feet to avoid groundwater interference or as determined by the Department's hydrogeologist. The elevation of the proposed well at land surface is 3,405 feet. The elevation of Jimmy Creek downstream and one mile from the proposed well is 3,310 feet. This is a difference of 95 feet. Screen and casing to a depth of 100 feet would diminish the well's influence on any water bearing units that intercept and discharge to Jimmy Creek.

If a significant clay layer is encountered at a shallower depth and if this clay layer is underlain by a water bearing unit; the permit holder or his representative will contact the Oregon Water Resources Department and request permission to screen the well in the water bearing unit. See section 10 for a discussion of geology.

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 2.5 cfs (1122 GPM) (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the 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 to obtain the necessary information.

0181-19

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 INTERVAL S (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)
Well 1	☒	☐		☐	12-16 inches	0-100+ feet	To be determined	0-100+	n/a	basalt	To be determined	1122	452.7 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 request a Well ID for 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 of the well.

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

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 – October 1	452.7 AF (3 acre feet per acre)

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: 132.9 Acres

Supplemental: 18 Acres

List the Permit or Certificate number of the underlying primary water right(s): n/a

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 452.7 AF

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: n/a

If the use is **mining**, describe what is being mined and the method(s) of extraction: n/a

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 100 HP and submersible

☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water from well 1 will be pumped into a 10-inch, 2,745-foot-long buried PVC mainline. The 10-inch mainline branches into three 6-inch mainlines: one 575 feet long, one 1446 feet long and one 275 feet long. The mainlines are shown on the permit map.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
The property will be irrigated with wheel lines, hand lines and a hard hose traveler.

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.

Water will be applied to the crops when needed, and will be based on soil moisture testing. The most water efficient method of irrigation will be used to for the crop being irrigated.

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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**WATER RESOURCES DEPT
SALEM, OREGON**

Reservoir name: n/a Acreage inundated by reservoir: n/a

Use(s): n/a

Volume of Reservoir (acre-feet): n/a Dam height (feet, if excavated, write "zero"): n/a

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): n/a

USE OF STORED GROUND WATER	PERIOD OF USE
n/a	

SECTION 8: PROJECT SCHEDULE

Date construction will begin: May 1, 2014

Date construction will be completed: March 1, 2015

Date beneficial water use will begin: March 1, 2015

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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 n/a	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*).

Irrigation rate

The applicant is requesting a rate of 1/60 of one CFS per acre. This rate is necessary to operate the sprinkler system at peak efficiency. Due to the topography on the farm it's not feasible to irrigate with a pivot, therefore the applicant will use wheel lines and a hard hose traveler. Due to the high clay content in the soil, PGG (the irrigation contractor) advised using a higher rate to thoroughly wet the soil in a shorter period of time. This will maximize hay production.

Geology

The applicant is proposing to irrigate 150.9 acres in a narrow valley occupied by Jimmy Creek. The attached geologic map shows that the valley floor sediments are mapped as Quaternary alluvium and the bedrock is mapped as Tertiary basalts (Ma, et al., 2009).

There are only logs two wells in the Department's data base that are located within 1.5 miles of the proposed well locations (map 1). The wells are both domestic: the applicant's well (UNIO 50697) is located 1.1 miles to the west and the neighbor's domestic well UNIO 51684 is located 1.2 miles to the northwest (well logs attached). The applicant's domestic well obtains water from layers of "broken rock" and "fractured rock" at a depth 290 feet below land surface. The "broken rock" is overlain by "broken rock and clay." The "broken rock and clay" layer appears to act as a confining unit because the static water level rises 90 feet above the top of the "broken rock" layer. The water bearing rocks are likely basalts. The neighbor's domestic well to the northwest (UNIO 51684) obtains water from a confined fractured basalt at a depth of 24 feet. The confining unit is described as yellow clay. The well is artesian.

The value of using the two existing well logs to interpret the geology at the proposed well locations is limited due to the distance of the existing wells from the proposed well locations. The applicant is proposing to discover and screen the well in a confined fractured basalt aquifer.

Ma, et al., 2009, Oregon Geologic Data Compilation Release 5 (Statewide), Oregon Department of Geology and Mineral Industries, on CD.

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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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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: Jonathon and Diane
First

Free
Last

Mailing Address: P.O. Box 224

North Powder
City

OR
State

97867 Daytime Phone: 541-898-2166
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:
5S	39E	23	NE SE	2900	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Farm
5S	39E	24	NW SW	2900	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Farm
5S	39E	24	SW SW	2900	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Farm
5S	39E	24	SE SW	2900	Exclusive Farm Use	☒ Diverted	☒ Conveyed	☐ Used	Farm
5S	39E	25	NW NW	2900	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Farm
5S	39E	25	NE NW	2900	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Farm
5S	39E	25	SW NW	2900	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Farm
5S	39E	25	SE NW	2900	Exclusive Farm Use	☐ Diverted	☒ Conveyed	☒ Used	Farm

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

Union 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: 2.5 ☒ 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:

The applicant is proposing to install a well to irrigate 150.9 acres.



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. →

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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:	
UCZPSO Sect. 24.01 →		☒ 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.

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Name: Scott Hartell Associate Planner

Signature: Scott Hartell Phone: 541 963 1014 Date: 3-11-14

Government Entity: Union 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: _____

Instructions for completing this report are on the last page of this form.

WELL I.D. # L 23711
START CARD # 103485

Signed Curt D. Felt WWF Number 499 Date 5-17-68

SALEM, OR

After Recording Return to:
Jonathan Free
PO Box 224
North Powder, Oregon 97867

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QUITCLAIM DEED

SALEM, OR

Delmar E. Free and Elfrida M. Free, Grantors, release and quitclaim to Jonathan E. Free and Diane L. Free, husband and wife, Grantees, all right, title, and interest in and to the following-described real property:

The South half of the South half of Section 23; The South half of the Southwest quarter of Section 24, and the South half of the Northeast quarter; The Northwest quarter, and the East half of the Southeast quarter; All in Section 25, Township 5 South, Range 39 East of the Willamette Meridian.

The South half of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 23; The Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 24; All in Township 5 South, Range 39 East of Willamette Meridian, containing 200 acres more or less;

Also: The West half of the Southeast quarter of Section 25 in Township 5 South, Range 39 East of the Willamette Meridian containing 80 acres more or less.

The true and actual consideration for this conveyance is: Love and affection.

Until a change is requested, all tax statements are to be sent to the following address:

Jonathan Free
PO Box 224
North Powder, Oregon 97867

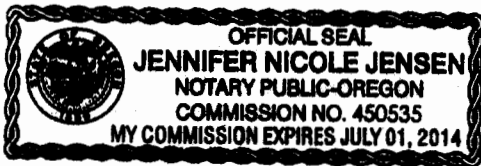
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

GRANTOR:

Elfrida M. Free
Elfrida M. Free

STATE of OREGON)
) ss.
County of Union)

Subscribed and sworn to before me this 10th day of December, 2010 by Elfrida M. Free who acknowledged the foregoing instrument to be her voluntary act and deed.



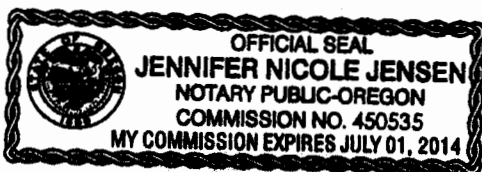
J. Nicole Jensen
Notary Public of Oregon
My Commission Expires: 7/1/14

GRANTOR:

Delmar E. Free
Delmar E. Free

STATE of OREGON)
) ss.
County of Union)

Subscribed and sworn to before me this 10th day of December, 2010 by Delmar E. Free who acknowledged the foregoing instrument to be his voluntary act and deed.



J. Nicole Jensen
Notary Public of Oregon
My Commission Expires: 7/1/14

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SALEM, OR

Application for a Permit to Use Ground Water



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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). 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 issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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