

# Minimum Requirements Checklist

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

## Include this checklist with the application

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

- SECTION 1: applicant information and signature Both Sign
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: 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.
- Fees - Amount enclosed: \$  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

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

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



# 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 <i>Mike and Wendy Falk</i>			PHONE (HM) <i>541-426-5706</i>
PHONE (WK)	CELL <i>541-263-2739</i>	FAX	
ADDRESS <i>66495 Reppinger Lane</i>			
CITY <i>Enterprise</i>	STATE <i>Oregon</i>	ZIP <i>97028</i>	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			PHONE	FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL *	

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

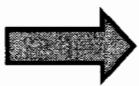
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### By my signature below I confirm that I understand:

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- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

*Wendy Falk*  
Applicant Signature

*Mike Falk*  
Applicant Signature

*Wendy Falk - Owner/Operator*  
Print Name and title if applicable

*MIKE FALK*  
Print Name and title if applicable

*02-25-2015*  
Date

*02-25-15*  
Date

Revise	App. No. <u><i>C-88054</i></u>	For Department Use Permit No. _____	Date _____
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**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

- There are no encumbrances.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

No

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- Water is to be diverted, conveyed, and/or used only on federal lands.

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

*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 Tributary to: Grande Ronde 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).

**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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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	3.5 ac-ft/yr for 75.3 ac	May 1 - Sept 30	264 <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: 75.3 Acres  
List the Permit or Certificate number of the underlying primary water right(s): 57312 41374  
Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 264

- 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): 20HP. BAIDOR

Other means (describe): \_\_\_\_\_

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

**B. Application Method**

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

**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. TO WATER CROPS. AND MAKE SURE WE HAVE NO LEAKS ON LINES.

**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: HAUL SCREEN ON PUMP INTAKE.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: FARMERS DITCH DOES ALL MAINTENANCE

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: FARMERS DITCH CO. TURNS OFF WATER TO MAINTAIN DITCH

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

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: August 1, 2014

Date construction will be completed: August 15, 2014

Date beneficial water use will begin: August 15, 2014, when permit is received

**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 Associated Ditch Company	Address 65196 Dobbin Rd	
City Joseph,	State Oregon	Zip 97846

**SECTION 9: REMARKS**

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

David Bates, Dist. 7 Watermaster helped review this 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: Mike & Wendy Falk  
First Last

Mailing Address: 66495 Reppinger Lane

Enterprise Oregon 97028 Daytime Phone: 541-426-5706  
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:
1S	R45E	27	SWSW SESW NWSEW	2901	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	AG + Irrigation
1S	R45E	34	SWSW	2901	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	AG + Irrigation
						<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 Co. RECEIVED BY OWRD  
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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: 264     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 irrigation of 75.3 acres in T 1S, R45E (see attached map) using stored water from Wallowa Lake via Farmers Ditch and existing mainlines

**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. →  
Surface Water/9

# 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): ARTICLE 15 WEDA

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.

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Name: HAROLD M. BLACK Title: PLANNING DIRECTOR  
 Signature: [Signature] Phone: 503-291-5153 x1109 Date: 7/29/14  
 Government Entity: WALBWA 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: \_\_\_\_\_

5-88054



Application for stored Water Rights

The Associated Ditch Company hereby grants Mike Falk and Wendy Falk the right to use 3.5 acre feet of water per year in perpetuity for water stored in the Wallowa Lake Reservoir. This water is owned by the Associated Ditch Company under Water Right Certificate 9310. This water is intended as irrigation for 75.3 acres located in sections 27 and 34 within existing township #01; and with an existing primary water right record, certificate # 38944 and 41527.

Tom Butterfield  
Associated Ditch President

Tom Butterfield Date 4-15-14

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SALEM, OR

P-88054

Date \_\_\_\_\_

(For staff use only)



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

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- SECTION 1: \_\_\_\_\_
- SECTION 2: \_\_\_\_\_
- SECTION 3: \_\_\_\_\_
- SECTION 4: \_\_\_\_\_
- SECTION 5: \_\_\_\_\_
- SECTION 6: \_\_\_\_\_
- SECTION 7: \_\_\_\_\_
- SECTION 8: \_\_\_\_\_
- SECTION 9: \_\_\_\_\_
- Land Use Information Form \_\_\_\_\_
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees \_\_\_\_\_

**MAP**

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- 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)
- 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MAR 02 2015

SALEM, OR

*S-08054*

**STATUTORY WARRANTY DEED**

GORBETT RANCH, LLC, an Oregon limited liability company, Grantor, conveys and warrants to MICHAEL FALK and WENDY FALK, husband and wife, Grantees, all of its interest in the real property, free of encumbrances except easements and restrictions of record, as specifically set forth and described as follows:

A tract of land situated in SW¼, Section 27 and the NE¼, Section 33, and the W½, Section 34, Township 1 South, Range 45 East of the Willamette Meridian, Wallowa County, Oregon, designated as UNSURVEYED PARCEL 2 on Minor Land Partition No. 2007-57047, on file and of record in the Office of the County Clerk of said County and State, more particularly described as follows:

Township 1 South, Range 45 East of the Willamette Meridian,  
Wallowa County, Oregon.

Section 27: S½SW¼

Section 34: NW¼

ALSO, all that portion lying East of a fence line located generally along the East line of Section 33 and the West line of Section 34, T1S, R45 EWM, as conveyed in Boundary Line Agreement recorded as Microfiche No. 2006-55556.

EXCEPTING THEREFROM all that portion lying West of a fence line located generally along the East line of Section 33 and the West line of Section 34, T1S, R45 EWM, as conveyed in Boundary Line Agreement recorded as Microfiche No. 2006-55556.

INCLUDING the mobile home, identification no. 300564 situate on said property. INCLUDING transfer of all water rights, as well as one share in the Farmers Water Ditch Company. SUBJECT TO requirements and provisions of ORS 311.280 pertaining to mobile home taxes becoming liens on real property.

The true and actual consideration for this conveyance is \$450,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

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WATER RESOURCES DEPT  
SALEM, OREGON

S-88054

058912

Until a change is requested, all tax statements are to be sent to the following address: Michael Falk and Wendy Falk, 307 South St., Enterprise, OR 97828.

DATED this ~~3rd~~ day of ~~November~~ <sup>December</sup>, 2007.

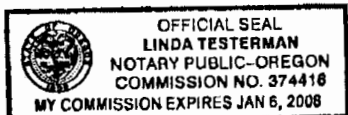
GORBETT RANCH, LLC

by Wes Gorbett  
Wes Gorbett, Manager

by Kathleen Gorbett  
Kathleen Gorbett,  
Sole Member/Manager

STATE OF OREGON        )  
                                  ) ss.  
County of Willowa     )

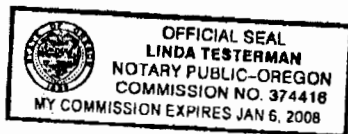
Personally appeared before me this ~~3rd~~ day of ~~November~~ <sup>December</sup>, 2007, the above-named Wes Gorbett, manager of Gorbett Ranch, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My commission expires: 1/6/2008

STATE OF OREGON        )  
                                  ) ss.  
County of Willowa     )

Personally appeared before me this ~~3rd~~ day of ~~November~~ <sup>December</sup>, 2007, the above-named Kathleen Gorbett, Sole Member/Manager of Gorbett Ranch, LLC, and acknowledged the foregoing instrument to be her voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My commission expires: 1/6/2008

STATE OF OREGON        )  
County of Willowa     ) ss.

I certify that the within instrument was received for recording on the 4 day of December, 2007, at 1:53 P.M., and received in fee/file/ DEEDS 07-58912 Records of County of Willowa of said County.  
Anne Melville  
County Clerk/Deputy

**AFTER RECORDING, PLEASE RETURN TO:**  
D. Rahn Hostetter, PC  
Attorneys at Law  
P.O. Box 400  
Enterprise, OR 97828

Receipt # 64212                      # 25<sup>00</sup>

**RECEIVED**

MAR 3 2015

WATER RESOURCES DEPT  
SALEM, OREGON