

# THE CROOKED GATE RANCH, LLC

**Mark & Mechele Poorman, Owners**

**26293 Foster Road**

**Monroe, OR 97456**

**(541) 424-3050**

Oregon Water Resources Dept.

Attn: Kim French

725 Summer St NE, Suite A

Salem, OR 97301-1266

Dear Kim,

Enclosed are the following forms:

Claim of Beneficial Use - Application R-86152

Claim of Beneficial Use - Application R-84517

Claim of Beneficial Use - Application R-86191

Cancellation of Application S-86192, Permit 54198

Application for a Permit to Use Surface Water

The intent of this application packet is as follows:

1) Cancelling the current permit, Application S-86192, Permit 54198. Per my correspondence with Gerry Clark, by cancelling this permit this will allow use of the self certification process for the Claim of Beneficial Use on the permits listed below.

2) Process the Claim of Beneficial Use self certification process for reservoirs storing less than 9.2 acre feet for the following:

Application R-84517, Permit R-13039

Application R-86191, Permit R-14176

Application R-86152, Permit R-14166

3) To obtain a replacement permit for the use of water from the reservoirs previously permitted under the following:

Application R-84517, Permit R-13039

Application R-86191, Permit R-14176

Application R-86152, Permit R-14166

The replacement permit application also updates the acreage irrigated, changing from sprinkler irrigation of pastures in the old permit to the installation of a drip system for a hazelnut orchard on the new permit application.

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In the event that the new permit is issued for the use of the stored water under these permits, I hereby authorize the cancellation of the previous permit as evidenced by the cancellation authorization attached.

If you are unable to issue the replacement permit to use the stored surface water, I hereby withdraw the attached cancellation application, and wish the existing permit remain in effect. I recognize that if the self certification forms for beneficial use will be returned if a new permit cannot be issued.

If you need to contact me, either email at [mpcpa@peak.org](mailto:mpcpa@peak.org) or call my cell phone at 541-602-2108. Thank you for your assistance in this matter.



Mark Poorman

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*Specializing in Grass fed Angus beef,  
Trees for the Future,  
and The Good Life*



Q-88122

# 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 Mark & Mechele Poorman		PHONE (HM) 541-424-3050	
PHONE (WK) 541-847-2070	CELL 541-602-2108	FAX 541-847-2071	
ADDRESS 26293 Foster Road			
CITY Monroe	STATE OR	ZIP 97456	E-MAIL * mpcpa@peak.org

### Organization Information

NAME Mark & Mechele Poorman		PHONE		FAX
ADDRESS 26293 Foster Road			CELL 541-602-2108	
CITY Monroe	STATE OR	ZIP 97456	E-MAIL * mpcpa@peak.org	

**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.)

**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 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.**

	Mark Poorman	8/24/15
Applicant Signature	Print Name and title if applicable	Date
	Mechele Poorman	8/24/15
Applicant Signature	Print Name and title if applicable	Date

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Revise	App. No. <u>S-88122</u>	For Department Use	Permit No. _____	Date <u>AUG 27 2015</u>
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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: Farm Reservoir Tributary to: Larsen Creek  
Permit R13039

Source 2: Farm Reservoir Tributary to: Larsen Creek  
Permit R 14166

Source 3: Farm Reservoir Tributary to: Larsen Creek  
Permit R14176

Source 4: Tributary to:

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

**B. Applications to Use Stored Water**

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

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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
Pond 1 (R13039)	Drip Irrig	May - Sept	3.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Pond 2 (R14166)	Drip Irrig	May - Sept	4.5 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Pond 3 (R14176)	Irrigaion	May - Sept	2.0 <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

**For irrigation use only:**  
Please indicate the number of primary and supplemental acres to be irrigated.  
Primary: 26.1 Acres                      Supplemental: \_\_\_\_\_ Acres  
List the Permit or Certificate number of the underlying primary water right(s): R13039, R14166, R14176  
Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 9.5 af

- 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): Gasoline 5HP

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

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.  
Gasoline pump feeding buried mainline delivering water to drip distribution system. Separate pump feeding hand line sprinklers. No diversion required.

**B. Application Method**

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

Drip irrigation for 22 acres, hand line sprinklers for 4.1 acres.

**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.

Drip irrigation allows for high acres with low water consumption.  
Hazelnut orchard of 22 acres currently under development.

**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 pump intakes will have screen on suction hose.

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

Describe planned actions:

No excavation is anticipated.

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

Describe:

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

Describe:

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: 10/1/2015  
Date construction will be completed: 9/1/2017  
Date beneficial water use will begin: 5/1/2016

**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.

22 Acre hazelnut orchard is currently under development. Utilizing drip irrigation will require lower acre feet consumption than conventional sprinkler irrigation, allowing larger orchard with low water use. 4.1 acres of pasture will be irrigated with hand lines and sprinklers fed by 5hp gasoline pump.

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Mark & Mechele Poorman

Legal Description

Property located 26293 Foster Road, Monroe OR

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**EXHIBIT "ONE"**

Beginning at the intersection of the South line of the Southern Pacific Company railroad right of way with the West line of the H.C. Buckingham Donation Land Claim No. 53, Township 14 South, Range 6 West of the Willamette Meridian, in City of Monroe, County of Benton, State of Oregon; and running thence Easterly on the South line of said right-of-way to the center of Oliver Creek; thence Southeasterly following the meanders of said center line of Oliver Creek to the most Northerly Northwest corner of tract of land deeded to F.M. Brittain and Margarete Brittain by deed recorded in Book 62, Page 220, Deed Records of Benton County, Oregon; thence Westerly on the line of said tract to the most Westerly Northwest corner of said tract; thence Southerly along the West boundary of said tract to the center of County Road No. 228; thence Westerly along the centerline of said County Road to the West line of said H.C. Buckingham Donation Land Claim; thence Northerly on said line to the place of beginning. EXCEPTING THEREFROM that portion thereof within the boundaries of the Southern Pacific Company's Railroad right-of-way.

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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: Mark Poorman  
First Last

Mailing Address: 26293 Foster Road

Monroe OR 97456 Daytime Phone: 541-602-2108  
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:
14S	6W	14	SE NE	188395 800	RR40 EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Agric
14S	6W	14	SE SE	188395 800	RR40 EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Agric
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
14	6	14		800	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Agric.

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

Benton County, Oregon

## 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: 9.5     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:

22 Acre orchard requiring 7.5 acre feet of drip irrigation.  
 4.1 Acres pasture requiring 2.0 acre feet of sprinkle irrigation

**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

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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): BCC SS. 105(1) \* Farm use" is outright permitted.
- 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.

*Orchards and cattle grazing (pasture) are "farm use" and outright permitted under BCC SS. 105(1).*

Name: Kristin Anderson Title: Associate Planner  
 Signature: Kristin Anderson Phone: 541-766-6298 Date: 8/11/15  
 Government Entity: Benton County Community Development

**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: \_\_\_\_\_ **RECEIVED BY OWRD**  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_ **AUG 27 2015**  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_ **SALEM, OR**