



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

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SEP 14 2015

SALEM, OR

Application for a Permit to
Store Water
in a Reservoir
(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: WILLIAM McCLURE
First Last
Mailing Address: 70986 FISH TRAP ROAD
ELGIN OREGON 97827
City State Zip
Phone: 541-437-3031
Home Work Other

Fax: _____ E-Mail Address*: _____

* 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.)

2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

Agent: GREGORY BLACKMAN
First Last
Mailing Address: 126 RIDGE DRIVE
LA GRANDE OREGON 97850
City State Zip
Phone: 541-963-6771 CELL 541-786-2859
Home Work Other

Fax: _____ E-Mail Address*: gtblackman@yahoo.com

* 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.)

3. LOCATION AND SOURCE

A. Reservoir Name: BOO

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.
Source: RUNOFF Tributary to: GRANDE RONDE RIVER

C. County in which diversion occurs: UNION COUNTY

App. No. R-88125 For Department Use
Permit No. _____ Date _____

6. ENVIRONMENTAL IMPACT

- A. Channel:** Is the reservoir: ☐ in-stream or ☒ off channel?
- B. Wetland:** Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know
- C. Existing:** Is this an existing reservoir? ☒ Yes ☐ No
If yes, how long has it been in place? 14 years.
- D. Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.
- E. Partnerships:** Have you been working with other agencies? ☐ Yes ☒ No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. 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

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

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9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

[Signature]
Landowner Signature

9/10/15
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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SALEM, OR

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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SALEM, OR

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: William McClure
First Last

Mailing Address: 70986 FISH TRAP ROAD

Elgin Oregon 97827 Daytime Phone: 541-437-3031
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:
01	39 E	12	SE, SE	200	<i>EFU</i>	X Diverted	X Conveyed	X Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

UNION COUNTY

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

X 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: X Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2.0 af EACH YEAR ☐ cubic feet per second ☐ gallons per minute X acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream X Other Multipurpose

Briefly describe:

This is an existing pond constructed under the permit R-12802. The permit was cancelled and Mr. McClure is Reapplying for a right. This pond is critical to his cattle operation. The water master encouraged us to apply For a multipurpose use.

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:	
ministerial	UCZPSO Sec. 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: Stacy Warren Title: Stacy Warren
 Signature: Associate Planner Phone: 541-963-1014 Date: 8/26/15
 Government Entity: Union County Planning

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: _____

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name:

William McClure

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☐ YES

N/A

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Shad Hottel

Date:

9/8/15

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: William McClure (541) 437-3031

72677 Hwy 82, Elgin, OR 97827

Reservoir Name: Boo Res. Source: Runoff Volume (AF): 1.0

Twp Rng Sec QQ: T1N, R39E N4W ~~SW~~ SE Grange Ranch ☐ in-channel ☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO¹ off channel? ☒ YES ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present? ☐ YES ☒ NO ✓
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan? ☐ YES ☐ NO
b. Is there an ODFW-approved fish-passage waiver or exemption? ☐ YES ☐ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream? ☐ YES ☒ NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- ☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources.
(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain)

☐ YES (select from Menu of Conditions on next page)

ODFW Signature:

Timothy D. Bailey

Print Name:

Timothy D. Bailey

ODFW Title:

District Fish Biologist

Date:

1-16-15

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12

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R-00125

to recording to add exhibit A

20074800

AGREEMENT FOR BOUNDARY LINE ADJUSTMENT

RE RECORDING TO ADD CORRECTED EXHIBIT "A"

20081001

Agreement made, effective as of Aug 28th, 2007 by and between Robert L. Thomas and Donna Sue Thomas, owners of property located at 72675 Highway 82, Elgin, Union County, Oregon, and W. Scott and Kathleen E. Ludwig, owner of property located at 72677 Highway 82, Elgin, Union County, Oregon.

20081001

WHEREAS, Robert L. Thomas and Donna Sue Thomas, husband and wife, are the owners of the property hereinafter referred to as the "Thomas Property," and is described as follows:

Beginning 692 feet West and approximately 40 feet South of the Northeast corner of the Southeast quarter of the Northeast quarter of Section 12, in Township 1 North, Range 39 East of the Willamette Meridian, and being on the South line of old road passing along the subdivision line;

Thence South 616 feet along the line of a division fence now located and in use;

Thence West 500 feet;

Thence North 391 feet;

Thence West 300 feet;

Thence North 225 feet, more or less to the South line of the old road as formerly running along the subdivision line;

Thence East to the beginning;

Together with right to the use of a certain spring located on the hillside South of the tract just above described, and which is now piped to the house situated thereon, and with the right and easement to use the said spring to develop the same and to keep up and maintain the pipeline between the same and the tract last above described with full right of ingress and egress for the purpose of maintaining the same.

Being the same real property and easement conveyed by Warranty Deed dated May 21, 1979, made by Almon Fredrick Church and Audrey Irene Church, to Robert L. Thomas and Rhonda M. Thomas, recorded in the public records of the Clerk of Union County, Oregon, as Microfilm Document No. 964349; being the same real property as that awarded to Robert L. Thomas by Decree Dissolving Marriage, Equity No. 28407, Circuit Court for Union County, Oregon, signed by the Hon. Warner Wasley on October 28, 1983.¹

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¹ AGREEMENT FOR BOUNDARY LINE ADJUSTMENT

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Return to
Scott Ludwig R-88125
72841 Hwy 82 Elgin, OR 97122

WHEREAS, W. Scott and Kathleen E. Ludwig, are the owners of the property hereinafter referred to as the "Ludwig Property," which is adjoining and surrounds the Thomas Property, and is described as follows:

**IN TOWNSHIP 1 NORTH, RANGE 39 EAST OF THE WILLAMETTE
MERIDIAN**

Section 12:

All of that part of the south half of northwest quarter, and that part of the northeast quarter, and that part of the north half of southeast quarter lying south and east of the relocated State Highway No. 82 now in use;
EXCEPTING THEREFROM the parcel of land described as beginning at a point on the south line of the original La Grande-Joseph Highway at a point 692 feet west and approximately 40 feet south of the northeast corner of the southeast quarter of northeast quarter of said section 12; running thence South 616 feet along the line of a division fence; thence West 500 feet; thence North 391 feet; thence West 300 feet; thence North 225 feet, more or less, to the south line of said old highway; thence East to the point of beginning.
ALSO EXCEPTING the permanent right to the use of a certain spring located on the hillside south of the above described tract, and the right and easement for a pipe line from said spring to the parcel so excepted, as provided in the deed to Henry Parsons dated June 22, 1949 (deed book 119 page 353, Union County).

SUBJECT GENERALLY TO rights of way and easements for roads, ditches, pipelines and telephone, telegraph and electric transmission lines as same may now exist or appear of record on and across said premises.

SITUATE IN the County of Union, State of Oregon.

WHEREAS the legal description of the Thomas Property relies in part on a fence line location and said fence no longer exists; and

WHEREAS, the owners of the Thomas Property and the Ludwig Property desire to establish a clear boundary line between the properties by establishing a clear description of the Thomas Property;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. That W. Scott and Kathleen E. Ludwig hereby convey to Robert L Thomas and Donna Sue Thomas, their heirs, grantees, successors, and assigns, all their interest contained within the boundary line described in Exhibit A attached hereto, including all rights in spring, pipeline, roadway and power line easements existing and as previously described in the deeds recorded in the records of Union County on

²

² AGREEMENT FOR BOUNDARY LINE ADJUSTMENT

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October 23, 2003, as Document number 20037239, and January 23, 1979, as Document number 82446.

2. Robert L. Thomas and Donna Sue Thomas hereby convey to W. Scott and Kathleen E. Ludwig, their heirs, grantees, successors, and assigns, all their interest in property which falls outside the boundary line described in Exhibit A attached hereto, excepting all rights in spring, pipeline, roadway and power line easements existing and as previously described in the deeds recorded in the records of Union County on October 23, 2003, as Document number 20037239, and January 23, 1979, as Document number 82446.
3. The parties agree not to sell the property acquired by the parent parcels pursuant to this agreement, separately from the parent parcels.
4. This agreement shall operate as a covenant running with all parcels of the above described land, and shall bind each party, their respective heirs, executors, administrators, and assigns.
5. This document is the entire, final and complete agreement of the parties pertaining to the matters set forth herein, and supercedes and replaces all written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the matters set forth herein are concerned.
6. This agreement may be signed in counterparts with the same effect as is all original signatures were contained in a single original instrument.

IN WITNEESS WHEREOF the parties hereto have executed this Agreement this

28 day of Aug, 2007.

Robert L. Thomas
Robert L. Thomas

Donna Sue Thomas
Donna Sue Thomas

W. Scott Ludwig
W. Scott Ludwig
3

Kathleen E. Ludwig
Kathleen E. Ludwig

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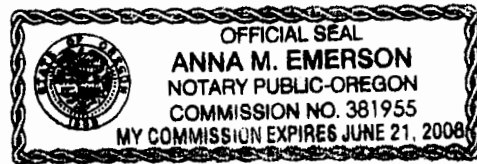
³ AGREEMENT FOR BOUNDARY LINE ADJUSTMENT

SALEM, OR

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STATE OF OREGON)
)ss.
County of Union)

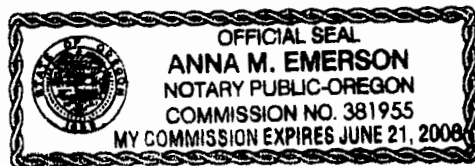
Personally appeared before me the above named Robert L. Thomas and acknowledged the foregoing to be his voluntary act and deed, this 28th day of August 2007.



Anna M. Emerson
Notary Public of Oregon
My commission expires: 6-21-08

STATE OF OREGON)
)ss.
County of Union)

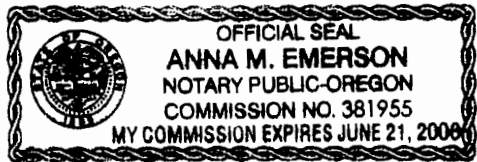
Personally appeared before me the above named Donna Sue Thomas and acknowledged the foregoing to be her voluntary act and deed, this 28th date of August 2007.



Anna M. Emerson
Notary Public of Oregon
My commission expires:

STATE OF OREGON)
)ss.
County of Union)

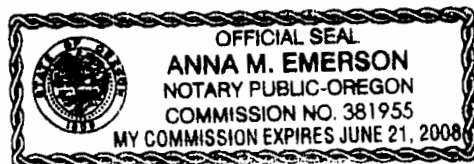
Personally appeared before me the above named W. Scott Ludwig and acknowledged the foregoing to be his voluntary act and deed, this 28th day of August, 2007.



Anna M. Emerson
Notary Public of Oregon
My commission expires: 6-21-08

STATE OF OREGON)
)ss.
County of Union)

Personally appeared before me the above named Kathleen E Ludwig and acknowledged to foregoing to be her voluntary act and deed, this 28th day of August 2007.



Anna M. Emerson
Notary Public of Oregon
My commission expires: ⁴ 6-2 RECEIVED BY OWRD

⁴ AGREEMENT FOR BOUNDARY LINE ADJUSTMENT

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SALEM, OR

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EXHIBIT A
LEGAL DESCRIPTION
BOUNDARY LINE AGREEMENT
THOMAS-LUDWIG

A tract of land situated in the Northeast quarter of Section 12, Township 1 North, Range 39 East of the Willamette Meridian, said tract being more particularly described as follows, with reference to map of survey number 012-2005, as filed in the office of the Union County Surveyor,

Beginning at a point North 60°23'04" East, a distance of 7750.07 feet from the quarter section corner common to Sections 11 and 14 of said Township and Range,

Thence; South 24°50'36" East, a distance of 233.48 feet, to the Point of Curvature of a 222.77 ft. radius curve right,

Thence; Southeasterly around said curve right, a distance of 93.36 feet, (Long Chord bears South 12°50'16" East, a distance of 92.68 feet),

Thence; South 0°49'56" East, a distance of 87.95 feet,

Thence; North 87°28'22" East, a distance of 43.69 feet,

Thence; South 1°04'05" East, a distance of 200.45 feet,

Thence; North 87°14'18" West, a distance of 443.66 feet,

Thence; North 6°36'55" West, a distance of 165.65 feet,

Thence; North 0°53'08" West, a distance of 220.43 feet,

Thence; North 89°29'39" West, a distance of 300.84 feet,

Thence; North 3°34'05" East, a distance of 184.53 feet,

Thence; South 89°33'45" East, a distance of 587.66 feet, to the Point of Beginning of this description.

Said tract containing 6.57 Acres.

STATE OF OREGON

County of Union

SS

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
July 17, 1996

RICK G. ROBINSON
2219

Renewal Date: December 31, 2008

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SALEM, OR

CORRECTED
EXHIBIT A
LEGAL DESCRIPTION
BOUNDARY LINE AGREEMENT
THOMAS-LUDWIG

A tract of land situated in the Northeast quarter of Section 12, Township 1 North, Range 39 East of the Willamette Meridian, said tract being more particularly described as follows, with reference to map of survey number 012-2005, as filed in the office of the Union County Surveyor,

Beginning at a point North 60°23'04" East, a distance of 7750.07 feet from the quarter section corner common to Sections 11 and 14 of said Township and Range,

Thence; South 89°33'45" East, a distance of 587.66 feet,

Thence; South 24°50'36" East, a distance of 233.48 feet, to the Point of Curvature of a 222.77 ft. radius curve right,

Thence; Southeasterly around said curve right, a distance of 93.36 feet, (Long Chord bears South 12°50'16" East, a distance of 92.68 feet),

Thence; South 0°49'56" East, a distance of 87.95 feet,

Thence; North 87°28'26" East, a distance of 43.69 feet,

Thence; South 1°04'05" East, a distance of 200.45 feet,

Thence; North 87°14'18" West, a distance of 443.66 feet,

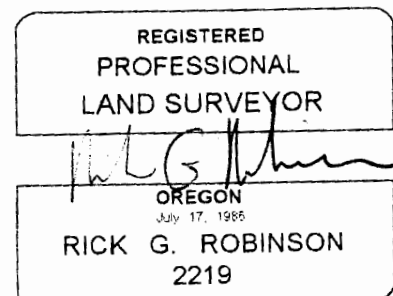
Thence; North 6°36'55" West, a distance of 165.65 feet,

Thence; North 0°53'08" West, a distance of 220.43 feet,

Thence; North 89°29'39" West, a distance of 300.84 feet,

Thence; North 3°34'05" East, a distance of 184.53 feet, to the Point of Beginning of this description.

Said tract containing 6.57 Acres.



Renewal Date: December 31, 2008

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I William H. McClure
HEREby notify Seattle/KATHLEEN Ludwig
my ATTENTION TO FILE APPLICATION
FOR STATE WATER PERMIT ON
POND NO B00 LOCATED ON
THEIR PROPERTY.

DATE 8 25 15

SIGNATURE William H. McClure

R-88125

SCOTT AND KATHLEEN Ludwig
HEREBY give William H. McClure
AUTHORIZATION to obtain STATE
WATER PERMIT AND ACCESS
TO Pond NO B00 ON OUR
PROPERTY.

DATE 8-25-15

SIGNATURE Kathleen E. Ludwig

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.

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NOTE TO LOCAL GOVERNMENTS

SALEM, OR

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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AUG 31 2015

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

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AUG 31 2015

Applicant: William McClure
First Last

SALEM, OR

Mailing Address: 70986 FISH TRAP ROAD

Elgin
City

Oregon 97827
State Zip

Daytime Phone: 541-437-3031

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:
01	39 E	12	SE, SE	200	EFU	X Diverted	X Conveyed	X Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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:

X 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: X Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2.0 af EACH YEAR ☐ cubic feet per second ☐ gallons per minute X acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream X Other Multipurpose

Briefly describe:

This is an existing pond constructed under the permit R-12802 . The permit was cancelled and Mr. McClure is Reapplying for a right. This pond is critical to his cattle operation. The water master encouraged us to apply For a multipurpose use.

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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SALEM, OR

AUG 31 2015

For Local Government Use Only

SALEM, OR

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:	
<i>ministerial</i>	<i>UCZPSO Sec. 24.01</i>	☒ 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.

Name: Stacy Warren Title: Stacy Warren
 Signature: Associate Planner Phone: 541-963-1014 Date: 8/26/15
 Government Entity: Union County Planning

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: _____

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 \$300.00 for the applicant and \$600.00 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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WR

SALEM, OR

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 WILLIAM MCCLURE		PHONE (HM) 541-437-3031	
PHONE (WK)	CELL		FAX
ADDRESS 70986 FISH TRAP ROAD			
CITY ELGIN	STATE OREGON	ZIP 97827	E-MAIL *

Organization Information

NAME WARREN S. & KATHLEEN E. LUDWIG (PROPERTY OWNERS)		PHONE	FAX
ADDRESS 70986 FISH TRAP ROAD		CELL	
CITY ELGIN	STATE OREGON	ZIP 97827	E-MAIL *

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME GREG BLACKMAN		PHONE 541-963-6771	FAX
ADDRESS 126 RIDGE DRIVE		CELL	
CITY LA GRANDE	STATE ORE.	ZIP 97850	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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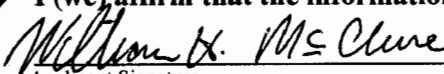
By my signature below I confirm that I understand:

AUG 31 2015

- 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.

SALEM, OR

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


Applicant Signature

William McClure *William H McClure* 8/25/15
Print Name and title if applicable Date

Applicant Signature

Print Name and title if applicable

Date

App. No. _____	For Department Use 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.

x No

x 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*).

Warren s. & Kathleen E. Ludwig, 70967 Fish Tap Road, Elgin, Oregon 97827

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: RUNOFF

Tributary to: Grand Ronde River

Source 2

Tributary to:

Source 3: _____

Tributary to:

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

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

Yes.

X 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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AUG 31 2015

SUPERCEDED

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 BOO RESERVOIR	Multipurpose	Entire Year	2.0 AF x af
			☐ cfs ☐ gpm af
			☐ cfs ☐ gpm af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: NA Acres Supplemental: Acres

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

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

- 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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AUG 31 2015

SUPERCEDED

AUG 31 2015

SALEM, OR

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☐ Pump (give horsepower and type): _____

xOther means (describe): System consists of 1 pond only.

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

This reservoir was constructed under the cancelled Permit R-12802. This pond was created in a marshy area by digging out the reservoir and using the dirt to create a dam approximately 5 feet in height. The water is currently used for stock, especially this year as it is the only stock water available. The pond has been in use since early 2000 and is a critical water source for Mr. McClures cattle. The average depth of the pond is about 5.5 feet, and the surface area is 0.6 acres. There is a drain valve and 18" drain pipe that can discharge down an unnamed branch eventually to the Grande Ronde River.

B. Application Method

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

NA

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.

This is the main source of stock water on this property for Mr. McClure. Without this water he would have to move his operation. This water is critical to Mr. McClure.

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.

NA Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: _____

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

Describe planned actions: Excavation has already occurred in 2000 under R -12802, and no further work is required.

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

Describe: _____

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

Describe: _____

SUPERCEDED

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Construction is completed

Date construction will be completed: Complete

Date beneficial water use will begin: Stock are currently using the water due to the draught.

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.

This application is intended to request the filling of 1 existing small stock reservoir. The pond will benefit both the owners livestock as well as wildlife, fire . The pond is critical to the cattle operation of Mr. McClure.

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AUG 31 2015

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

- ☐ 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 _____

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AUG 31 2015

SALEM, OR

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.

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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 \$300.00 for the applicant and \$600.00 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.

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 WILLIAM MCCLURE		PHONE (HM) 541-437-3031	
PHONE (WK)	CELL	FAX	
ADDRESS 70986 FISH TRAP ROAD			
CITY ELGIN	STATE OREGON	ZIP 97827	E-MAIL *

Organization Information

NAME WARREN S. & KATHLEEN E. LUDWIG (PROPERTY OWNERS)		PHONE	FAX
ADDRESS 70986 FISH TRAP ROAD		CELL	
CITY ELGIN	STATE OREGON	ZIP 97827	E-MAIL *

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME GREG BLACKMAN		PHONE 541-963-6771	FAX
ADDRESS 126 RIDGE DRIVE		CELL	
CITY LA GRANDE	STATE ORE.	ZIP 97850	E-MAIL *

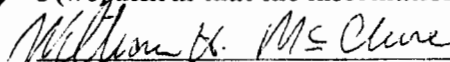
Note: Attach multiple copies as needed

* 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.


Applicant Signature

William McClure *William H McClure* 8/25/15
Print Name and title if applicable Date

Applicant Signature

Print Name and title if applicable

Date

App. No. _____	For Department Use 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.

x No

x 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*).

Warren s. & Kathleen E. Ludwig, 70967 Fish Tap Road, Elgin, Oregon 97827

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: RUNOFF

Tributary to: Grand Ronde River

Source 2

Tributary to:

Source 3: _____

Tributary to:

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

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

Yes.

X 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 BOO RESERVOIR	Multipurpose	Entire Year	2.0 AF x af
			☐ cfs ☐ gpm af
			☐ cfs ☐ gpm af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: NA Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

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

- 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:

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☐ Pump (give horsepower and type): _____

☒ Other means (describe): System consists of 1 pond only.

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

This reservoir was constructed under the cancelled Permit R-12802. This pond was created in a marshy area by digging out the reservoir and using the dirt to create a dam approximately 5 feet in height. The water is currently used for stock, especially this year as it is the only stock water available. The pond has been in use since early 2000 and is a critical water source for Mr. McClures cattle. The average depth of the pond is about 5.5 feet, and the surface area is 0.6 acres. There is a drain valve and 18" drain pipe that can discharge down an unnamed branch eventually to the Grande Ronde River.

B. Application Method

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

NA

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.

This is the main source of stock water on this property for Mr. McClure. Without this water he would have to move his operation. This water is critical to Mr. McClure.

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.

NA Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: _____

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

Describe planned actions: Excavation has already occurred in 2000 under R -12802, and no further work is required.

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

Describe: _____

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

Describe: _____

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Construction is completed

Date construction will be completed: Complete

Date beneficial water use will begin: Stock are currently using the water due to the draught.

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.

This application is intended to request the filling of 1 existing small stock reservoir. The pond will benefit both the owners livestock as well as wildlife, fire . The pond is critical to the cattle operation of Mr. McClure.

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.

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: William McClure
First Last

Mailing Address: 70986 FISH TRAP ROAD

Elgin Oregon 97827 Daytime Phone: 541-437-3031
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:
01	39 E	12	SE. SE	200	<i>EFU</i>	X Diverted	X Conveyed	X Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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:

X 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: X Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2.0 af EACH YEAR ☐ cubic feet per second ☐ gallons per minute X acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream X Other Multipurpose

Briefly describe:

This is an existing pond constructed under the permit R-12802 . The permit was cancelled and Mr. McClure is Reapplying for a right. This pond is critical to his cattle operation. The water master encouraged us to apply For a multipurpose use.

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. →

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:	
<i>ministerial</i>	<i>UCZPSO Sec. 24.01</i>	☒ 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.

Name: Stacy Warren Title: Stacy Warren
 Signature: Associate Planner Phone: 541-963-1014 Date: 8/26/15
 Government Entity: Union County Planning

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: _____

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

- ☐ 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 _____

SCOTT AND KATHLEEN Ludwig
HEREBY give William H. McClure
AUTHORIZATION to obtain STATE
WATER PERMIT AND ACCESS
TO Pond NO B00 ON OUR
PROPERTY.

DATE 8-25-15

SIGNATURE Kathleen E. Ludwig

I William H. McClure
HEREby notify Scott Kathleen Ludwig
my Attention to File Application
for STATE WATER PERMIT on
Pond NO B00 Located on
THEIR property.

Date 8 25 15

Signature William H. McClure

DE RECORDING TO add Exhibit A

20074800

AGREEMENT FOR BOUNDARY LINE ADJUSTMENT

20081001

RE RECORDING TO ADD CORRECTED EXHIBIT "A"

20081001

Agreement made, effective as of Aug 28th, 2007 by and between Robert L. Thomas and Donna Sue Thomas, owners of property located at 72675 Highway 82, Elgin, Union County, Oregon, and W. Scott and Kathleen E. Ludwig, owner of property located at 72677 Highway 82, Elgin, Union County, Oregon.

WHEREAS, Robert L. Thomas and Donna Sue Thomas, husband and wife, are the owners of the property hereinafter referred to as the "Thomas Property," and is described as follows:

Beginning 692 feet West and approximately 40 feet South of the Northeast corner of the Southeast quarter of the Northeast quarter of Section 12, in Township 1 North, Range 39 East of the Willamette Meridian, and being on the South line of old road passing along the subdivision line;

Thence South 616 feet along the line of a division fence now located and in use;

Thence West 500 feet;

Thence North 391 feet;

Thence West 300 feet;

Thence North 225 feet, more or less to the South line of the old road as formerly running along the subdivision line;

Thence East to the beginning;

Together with right to the use of a certain spring located on the hillside South of the tract just above described, and which is now piped to the house situated thereon, and with the right and easement to use the said spring to develop the same and to keep up and maintain the pipeline between the same and the tract last above described with full right of ingress and egress for the purpose of maintaining the same.

Being the same real property and easement conveyed by Warranty Deed dated May 21, 1979, made by Almon Fredrick Church and Audrey Irene Church, to Robert L. Thomas and Rhonda M. Thomas, recorded in the public records of the Clerk of Union County, Oregon, as Microfilm Document No. 964349; being the same real property as that awarded to Robert L. Thomas by Decree Dissolving Marriage, Equity No. 28407, Circuit Court for Union County, Oregon, signed by the Hon. Warner Wasley on October 28, 1983.¹

¹ AGREEMENT FOR BOUNDARY LINE ADJUSTMENT

Return to
Scott Ludwig
72841 Hwy 82 P.O. Box 20000

WHEREAS, W. Scott and Kathleen E. Ludwig, are the owners of the property hereinafter referred to as the "Ludwig Property," which is adjoining and surrounds the Thomas Property, and is described as follows:

**IN TOWNSHIP 1 NORTH, RANGE 39 EAST OF THE WILLAMETTE
MERIDIAN**

Section 12:

All of that part of the south half of northwest quarter, and that part of the northeast quarter, and that part of the north half of southeast quarter lying south and east of the relocated State Highway No. 82 now in use;
EXCEPTING THEREFROM the parcel of land described as beginning at a point on the south line of the original La Grande-Joseph Highway at a point 692 feet west and approximately 40 feet south of the northeast corner of the southeast quarter of northeast quarter of said section 12; running thence South 616 feet along the line of a division fence; thence West 500 feet; thence North 391 feet; thence West 300 feet; thence North 225 feet, more or less, to the south line of said old highway; thence East to the point of beginning.
ALSO EXCEPTING the permanent right to the use of a certain spring located on the hillside south of the above described tract, and the right and easement for a pipe line from said spring to the parcel so excepted, as provided in the deed to Henry Parsons dated June 22, 1949 (deed book 119 page 353, Union County).

SUBJECT GENERALLY TO rights of way and easements for roads, ditches, pipelines and telephone, telegraph and electric transmission lines as same may now exist or appear of record on and across said premises.

SITUATE IN the County of Union, State of Oregon.

WHEREAS the legal description of the Thomas Property relies in part on a fence line location and said fence no longer exists; and

WHEREAS, the owners of the Thomas Property and the Ludwig Property desire to establish a clear boundary line between the properties by establishing a clear description of the Thomas Property;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. That W. Scott and Kathleen E. Ludwig hereby convey to Robert L. Thomas and Donna Sue Thomas, their heirs, grantees, successors, and assigns, all their interest contained within the boundary line described in Exhibit A attached hereto, including all rights in spring, pipeline, roadway and power line easements existing and as previously described in the deeds recorded in the records of Union County on

2

October 23, 2003, as Document number 20037239, and January 23, 1979, as Document number 82446.

2. Robert L. Thomas and Donna Sue Thomas hereby convey to W. Scott and Kathleen E. Ludwig, their heirs, grantees, successors, and assigns, all their interest in property which falls outside the boundary line described in Exhibit A attached hereto, excepting all rights in spring, pipeline, roadway and power line easements existing and as previously described in the deeds recorded in the records of Union County on October 23, 2003, as Document number 20037239, and January 23, 1979, as Document number 82446.
3. The parties agree not to sell the property acquired by the parent parcels pursuant to this agreement, separately from the parent parcels.
4. This agreement shall operate as a covenant running with all parcels of the above described land, and shall bind each party, their respective heirs, executors, administrators, and assigns.
5. This document is the entire, final and complete agreement of the parties pertaining to the matters set forth herein, and supercedes and replaces all written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the matters set forth herein are concerned.
6. This agreement may be signed in counterparts with the same effect as is all original signatures were contained in a single original instrument.

IN WITNEESS WHEREOF the parties hereto have executed this Agreement this

28 day of Aug, 2007.

Robert L. Thomas
Robert L. Thomas

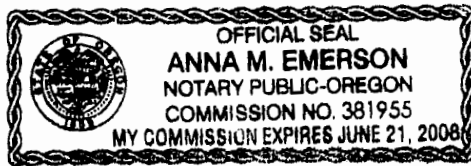
Donna Sue Thomas
Donna Sue Thomas

W. Scott Ludwig
W. Scott Ludwig
3

Kathleen E. Ludwig
Kathleen E. Ludwig

STATE OF OREGON)
)ss.
County of Union)

Personally appeared before me the above named Robert L. Thomas and acknowledged the foregoing to be his voluntary act and deed, this 28th day of August 2007.



Anna M. Emerson
Notary Public of Oregon
My commission expires: 6-21-08

STATE OF OREGON)
)ss.
County of Union)

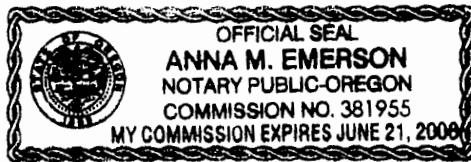
Personally appeared before me the above named Donna Sue Thomas and acknowledged the foregoing to be her voluntary act and deed, this 28th date of August 2007.



Anna M. Emerson
Notary Public of Oregon
My commission expires:

STATE OF OREGON)
)ss.
County of Union)

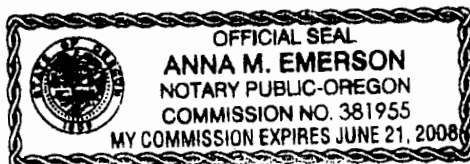
Personally appeared before me the above named W. Scott Ludwig and acknowledged the foregoing to be his voluntary act and deed, this 28th day of August, 2007.



Anna M. Emerson
Notary Public of Oregon
My commission expires: 6-21-08

STATE OF OREGON)
)ss.
County of Union)

Personally appeared before me the above named Kathleen E Ludwig and acknowledged to foregoing to be her voluntary act and deed, this 28th day of August 2007.



Anna M. Emerson
Notary Public of Oregon
My commission expires: ⁴ 6-21-08

EXHIBIT A
LEGAL DESCRIPTION
BOUNDARY LINE AGREEMENT
THOMAS-LUDWIG

A tract of land situated in the Northeast quarter of Section 12, Township 1 North, Range 39 East of the Willamette Meridian, said tract being more particularly described as follows, with reference to map of survey number 012-2005, as filed in the office of the Union County Surveyor,

Beginning at a point North 60°23'04" East, a distance of 7750.07 feet from the quarter section corner common to Sections 11 and 14 of said Township and Range,

Thence; South 24°50'36" East, a distance of 233.48 feet, to the Point of Curvature of a 222.77 ft. radius curve right,

Thence; Southeasterly around said curve right, a distance of 93.36 feet, (Long Chord bears South 12°50'16" East, a distance of 92.68 feet),

Thence; South 0°49'56" East, a distance of 87.95 feet,

Thence; North 87°28'26" East, a distance of 43.69 feet,

Thence; South 1°04'05" East, a distance of 200.45 feet,

Thence; North 87°14'18" West, a distance of 443.66 feet,

Thence; North 6°36'55" West, a distance of 165.65 feet,

Thence; North 0°53'08" West, a distance of 220.43 feet,

Thence; North 89°29'39" West, a distance of 300.84 feet,

Thence; North 3°34'05" East, a distance of 184.53 feet,

Thence; South 89°33'45" East, a distance of 587.66 feet, to the Point of Beginning of this description.

Said tract containing 6.57 Acres.

STATE OF OREGON

County of Union

} SS

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Rick G. Robinson
OREGON
July 17, 1996

RICK G. ROBINSON
2219

Renewal Date: December 31, 2008

EXHIBIT A
LEGAL DESCRIPTION
BOUNDARY LINE AGREEMENT
THOMAS-LUDWIG

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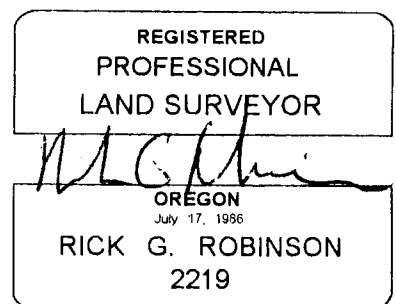
Said tract containing 6.57 Acres.

STATE OF OREGON

County of Union

} SS

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



Renewal Date: December 31, 2008

RECEIVED BY OWRD

AUG 31 2015

SALEM, OR

CORRECTED
EXHIBIT A
LEGAL DESCRIPTION
BOUNDARY LINE AGREEMENT
THOMAS-LUDWIG

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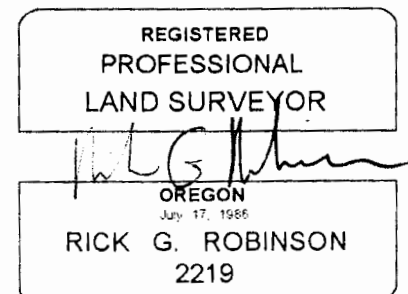
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Said tract containing 6.57 Acres.



Renewal Date: December 31, 2008