

Application for a Permit to Use Ground Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

Organization Information

NAME FAMILY WEST HOLDING COMPANY, LLP / JEFFERY FROUG, MANAGER		PHONE 503-512-5601		FAX
ADDRESS 400 NE LUCAS RD			CELL	
CITY TROUTDALE	STATE OR	ZIP 97060	E-MAIL* JFROUG@GAMILY-WEST.COM	

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

AGENT / BUSINESS NAME DOANN HAMILTON/PACIFIC HYDRO-GEOLOGY, INC		PHONE (503) 632-5016		FAX (503) 632-5983
ADDRESS 18487 S. VALLEY VISTA ROAD			CELL (503) 349-6946	
CITY MULINO	STATE OR	ZIP 97042	E-MAIL* PHGDMH@GMAIL.COM	

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use

App. No. G-18205

Permit No.

Date

Revised 12-1-2014

Ground Water

WR

SECTION 2: PROPERTY OWNERSHIP

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

☒ Yes

☒ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

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SALE OF LAND

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

NA

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
Well 1	Smith Creek	Approximately 3,400 feet	Approximately 210 feet
Well 2	Smith Creek	Approximately 3175 feet	Approximately 200 feet

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

The well specifications given in the table below are estimates only. The actual well construction will be based on conditions encountered in the field.

G-18205

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 0.84 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
Well 1	☒	☐	NA	☐	10 inch	0 to 250 feet	TBD in the field	0 to 100 feet	NA	Alluvium	250 feet		
Well 2	☒	☐	NA	☐	10 inch	0 to 250 feet	TBD in the field	0 to 100 feet	NA	Alluvium	250 feet		
	☐	☐		☐									
	☐	☐		☐							Total:	400 gpm	168.5 AF
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

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

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Nursery	Year round	168.5 AF

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 33.7 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: 168.5 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:

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 20-30 Hp Submersible pump

☐ Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be conveyed to a mainline supplying a greenhouse. Along this mainline will be a hydrant where portable handlines can be attached to irrigate a hayfield and some row crops.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Driplines and low volume emitters will be used in the greenhouse. The hay field and row crops will be irrigated with impact sprinklers.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

Irrigation of the hay and row crop fields will be done with impact sprinklers using best management practices to prevent waste. Additional drip lines and low volume emitters will be used in greenhouse. A flow meter will be used to measure the amount of water used.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR - NA

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: NA Acreage inundated by reservoir: NA

Use(s): NA

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

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR - NA

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

SECTION 8: PROJECT SCHEDULE

Date construction will begin: As soon as permit issued

Date construction will be completed: Within five years after permit issued

Date beneficial water use will begin: Five years after permit issued

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SECTION 9: WITHIN A DISTRICT - NA

☐ 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	
NA		
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

None

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: Family West Holding Company, LLP
First Last

Mailing Address: 400 NE Lucas Road

Troutdale
City

OR
State

97060
Zip

Daytime Phone: (503) 512-5601

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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:
1N	4E	33C		300		☒ Diverted	☒ Conveyed	☒ Used	Nursery
						☐ 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:

Multnomah

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: 0.84 ☒ 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 Nursery

Briefly describe:

New groundwater application to apply water using drip system to greenhouses and impact sprinklers to hay fields and row crops.

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): MCC 35.2620A *See Note Below*
- ☐ 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:	
		☐ 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.

** Nursery use is considered farm use. We also Received an OLCC LUCS Request for the same property for a Tier 2 indoor and outdoor Marijuana production operation on February 2, 2016*

Name: Don Kienholz Title: Planner
 Signature: Don Kienholz Phone: 503-988-0191 Date: 2/3/16
 Government Entity: Multnomah County Land Use 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: _____



After recording return to:
Family West Holding Company, LLC
5841 NW 60th Street
Parkland, FL 33067

Until a change is requested all tax
statements shall be sent to the
following address:
Family West Holding Company, LLC
5841 NW 60th Street
Parkland, FL 33067

File No.: 7072-2544043 (wsw)
Date: October 19, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

Multnomah County Official Records
R Weldon, Deputy Clerk

2015-140507

11/03/2015 12:45:16 PM

1R-W DEED Pgs=3 Stn=13 ATPRC
\$15.00 \$11.00 \$10.00 \$20.00

\$56.00

STATUTORY WARRANTY DEED

Lonny A. Hutchison and Sherri L. Hutchison, as tenants by the entirety, Grantor, conveys and warrants to Family West Holding Company, LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Multnomah, State of Oregon, described as follows:

See Exhibit A attached hereto and made a part hereof.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$1,100,000.00**. (Here comply with requirements of ORS 93.030)

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SALEM, OREGON

FIRST AMERICAN 2544043-SS

G-18205



After recording return to:
Family West Holding Company, LLC
5841 NW 60th Street
Parkland, FL 33067

Until a change is requested all tax
statements shall be sent to the
following address:
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STATUTORY WARRANTY DEED

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LEGAL DESCRIPTION: Real property in the County of Multnomah, State of Oregon, described as follows:

See Exhibit A attached hereto and made a part hereof.

Subject to:

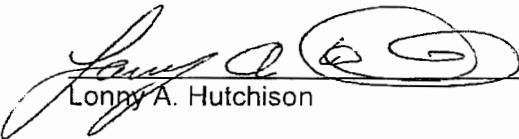
1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

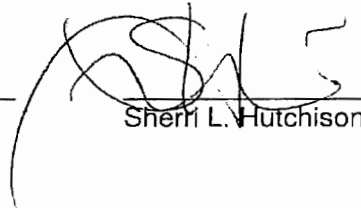
The true consideration for this conveyance is **\$1,100,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 2544043-55

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

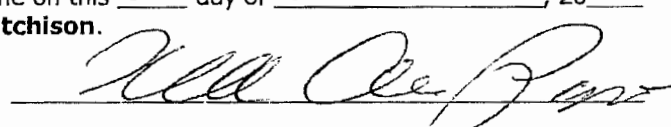
Dated this 30 day of October, 2015.


Lonny A. Hutchison


Sherri L. Hutchison

STATE OF Oregon)
County of ~~Multnomah~~ ^{Clackamas})ss.

This instrument was acknowledged before me on this 30th day of October, 2015
by **Lonny A. Hutchison and Sherri L. Hutchison.**


Notary Public for Oregon
My commission expires: 4/2/2019



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SALEM, OREGON

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Multnomah, State of Oregon, described as follows:

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LEGAL SUBDIVISION; THENCE SOUTH 0°13'00" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 660.20 FEET TO A POINT; THENCE NORTH 89°52'10" EAST, A DISTANCE OF 656.20 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO JAMES T. MIYAMOTO BY DEED RECORDED DECEMBER 10, 1910 IN BOOK 522, PAGE 227, DEED RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN TO BE DESCRIBED; THENCE SOUTH 0°18'43" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 623.60 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PORTION OF SAID MIYAMOTO TRACT EXCEPTED IN SAID BOOK 522, PAGE 227; THENCE NORTH 89°52'10" EAST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 920.00 FEET TO AN IRON ROD; THENCE NORTH 0°18'43" WEST, PARALLEL WITH THE EAST LINE OF SAID MIYAMOTO TRACT, A DISTANCE OF 300.00 FEET TO AN IRON ROD; THENCE NORTH 56°25'55" EAST, A DISTANCE OF 468.92 FEET TO AN IRON ROD IN THE EAST LINE OF SAID MIYAMOTO TRACT; THENCE NORTH 0°18'43" WEST, ALONG SAID EAST LINE, A DISTANCE OF 65.21 FEET TO THE NORTHEAST CORNER OF SAID MIYAMOTO TRACT; THENCE SOUTH 89°52'10" WEST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 6.17 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS PARCEL II AND CONVEYED TO HAROLD ALEXANDER, ET UX, BY DEED RECORDED MAY 20, 1971 IN BOOK 2378, PAGE 1787, DEED RECORDS OF SAID COUNTY; THENCE NORTH 0°35'15" WEST, ALONG THE EAST LINE THEREOF, A DISTANCE OF 661.32 FEET TO A POINT IN THE NORTH LINE OF SAID LEGAL SUBDIVISION; THENCE SOUTH 89°51'00" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 978.94 FEET TO THE NORTHWEST CORNER OF SAID ALEXANDER TRACT; THENCE SOUTH 0°24'10" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 150 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF LUCAS ROAD, (COUNTY ROAD NO. 668 - 60 FEET IN WIDTH); THENCE SOUTHWESTERLY, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1135 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID LEGAL SUBDIVISION; THENCE SOUTH 0°13'00" EAST, ALONG SAID WEST LINE, A DISTANCE OF 180 FEET, MORE OR LESS, TO A POINT IN THE WEST EXTENSION OF THE NORTH LINE OF SAID MIYAMOTO TRACT; THENCE NORTH 89°52'10" EAST, ALONG SAID WEST EXTENSION, A DISTANCE OF 656.20 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

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