

# 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](http://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.our](http://www.oregon.gov/owrd/law.our)). 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](http://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 resolve the protest but will schedule a contested case hearing if necessary.

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### 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the protest 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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# Minimum Requirements Checklist

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

## Include this checklist with the application

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

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

### Attachments:

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- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 10850.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

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

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

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# 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 RUPP RANCHES		PHONE (HM)	
PHONE (WK) 1 (509) 737-0547	CELL 1 (509) 628-7516	FAX 737-0978	
ADDRESS 176 KRANICHWOOD STREET			
CITY RICHLAND	STATE WA	ZIP 99352	E-MAIL * RANDY@COSTLESSCARPET.COM

### Organization Information

NAME SAMES AS APPLICANT		PHONE		FAX
ADDRESS			CELL 1 (509) 628-7516	
CITY	STATE	ZIP	E-MAIL *	

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

AGENT / BUSINESS NAME SAID AMALI/AKANA		PHONE 503-205-3848		FAX
ADDRESS 6400 SE LAKE ROAD, SUITE 270			CELL 503-720-2116	
CITY PORTLAND	STATE OR	ZIP 97222	E-MAIL * SAID.AMALI@AKANA.US	

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

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

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9-10-16

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Revised

App. No. <u>S-88279</u>	For Department Use Permit No. _____	Date _____
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**SECTION 2: PROPERTY OWNERSHIP**

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

Yes

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

No

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

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

Carl St. Hilaire, JSH Farms, Inc. 84186 Hwy 37, Hermiston, OR 97838

**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: COLUMBIA RIVER

Tributary to: PACIFIC OCEAN

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.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
COLUMBIA RIVER	IRRIGATION	Oct 1 <sup>st</sup> – April 14 <sup>th</sup>	31.4 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 5021.2 Acres                      Supplemental: 0 Acres  
 List the Permit or Certificate number of the underlying primary water right(s): N/A  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 7532 ac-ft

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: \_\_\_\_\_
- If the use is **mining**, describe what is being mined and the method(s) of extraction:  
 \_\_\_\_\_

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): 5,200 HP TURBINE

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

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

The infrastructure is already in place to deliver water. JSH Farms and Rupp Ranches will operate the system as part of their current annual operations.

An existing pump station on the Columbia River, booster stations, and conveyance pipeline, owned by JSH Farms, Inc., will be used for diversion from Columbia River and delivery to Rupp Ranches property for this supply. The conveyance system is a 30-inch pipeline beginning at the Point of Diversion and pump station and terminates as a 24-inch pipeline on Rupp Ranch properties. Acreage owned by Rupp and JSH are adjacent. Once on Rupp property, the water will be conveyed using existing irrigation infrastructure.

**B. Application Method**

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

Rupp Ranches will use center pivot irrigation on the Place of Use.

**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 water is requested to irrigate the 5021.0 acres based on an application rate of 18 inches per annum during the winter growing season.

The applicant requests an allocation of half of 1/80<sup>th</sup> cfs per acre or (1/160<sup>th</sup> cfs per acre) based on historical water use rates experienced on the existing center pivot irrigated fields. This irrigation rate follows the gradual rise in crop coefficients for the typical crops grown in that area, and demonstrated by the power use rates observed by JSH Farms, Inc, who leases several of these fields. At this rate the maximum diversion rate requested is ( 1/160<sup>th</sup> cfs X 5021.2 acres = ) 31.4 cfs.

A portion of the acreage subject of this application is served by Permit G-17272 between March 1<sup>st</sup> and October 31<sup>st</sup>. Groundwater will continue to be used on those acres as primary irrigation between April 15<sup>th</sup> and September 30<sup>st</sup>, as appropriated in Permit G-17272. The period of use of Permit G-17272 is to remain unchanged.

Meters currently exist on JSH pump station and lines. Rupp Ranches will install additional meters on main line and laterals, as needed, for water management, to maintain the agreement with JSH, and maintain this water right.

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**SECTION 6: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: The JSH river pump station is already permitted and has all required screening mechanisms.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: \_\_\_\_\_
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: See above re JSH system.
- 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 already started and will be completed in phases.

Date construction will be completed: By August 2021

Date beneficial water use will begin: By March 1 2017. Full beneficial use will be realized once the system is fully built out.

**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.

The Place of Use of this application fully contains the Place of Use in Permit G17272. The new water is requested to augment existing groundwater supply during the irrigation seasons as described above.

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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: Rupp Ranches  
First Last

Mailing Address: 176 KRANICHWOOD STREET

RICHLAND WA 99352 Daytime Phone: (509) 628-7516  
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:
Please see Attachment 2 – all proposed land uses are “irrigation”, all water to be “conveyed” and “used” on listed acreage.						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Umatilla County

## B. Description of Proposed Use

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

- Permit to Use or Store Water     Water Right Transfer     Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License     Allocation of Conserved Water     Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) Columbia River

Estimated quantity of water needed: 1500  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

River water diverted at an existing pump station for “shoulder season” irrigation.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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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): 152.056 CA

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
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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.

*Farm use is allowed outright in an EFU zone. Use would occur on Assessor's map 5N30 Tax Lots 100 and 700 both are zoned EFU.*

Name: Brandon Seitz Title: Assistant planner

Signature: *[Signature]* Phone: 541-278-6249 RECEIVED BY OWRD

Government Entity: Umatilla County OCT 12 2016

**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. SALEM, OR

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_ RECEIVED BY OWRD  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_ OCT 12 2016  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: SALEM, OR

*S-88299*

**Proposed "USE" Lands**

<b>TOWN/RANGE</b>	<b>SECTION</b>	<b>Q/Q</b>	<b>TAX LOT</b>	<b>AREA (ac)</b>
5N, 30E	11	SESE	100	10.0
5N, 30E	11	SWSE	100	10.0
5N, 30E	12	SWSW	100	5.0
5N, 30E	13	NWNW	100	10.0
5N, 30E	13	NWSW	100	10.0
5N, 30E	13	SWNW	100	10.0
5N, 30E	13	SWSW	100	5.0
5N, 30E	14	NENE	100	40.0
5N, 30E	14	NENW	100	40.0
5N, 30E	14	NESE	100	40.0
5N, 30E	14	NESW	100	40.0
5N, 30E	14	NWNE	100	40.0
5N, 30E	14	NWNW	700	40.0
5N, 30E	14	NWSE	100	40.0
5N, 30E	14	NWSW	100	40.0
5N, 30E	14	SENE	100	40.0
5N, 30E	14	SENW	100	40.0
5N, 30E	14	SESE	100	20.0
5N, 30E	14	SESW	100	20.0
5N, 30E	14	SWNE	100	40.0
5N, 30E	14	SWNW	700	40.0
5N, 30E	14	SWSE	100	20.0
5N, 30E	14	SWSW	100	20.0
5N, 30E	15	NENE	100	40.0
5N, 30E	15	NENW	100	40.0
5N, 30E	15	NESE	100	40.0
5N, 30E	15	NWNE	100	40.0
5N, 30E	15	NWNW	100	10.0
5N, 30E	15	NWSE	100	40.0
5N, 30E	15	SENE	100	40.0
5N, 30E	15	SENW	100	40.0
5N, 30E	15	SESE	100	20.0
5N, 30E	15	SWNE	100	40.0
5N, 30E	15	SWNW	100	10.0
5N, 30E	15	SWSE	100	20.0
			<b>Total</b>	<b>1000.0</b>

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 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

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First Last

Mailing Address: 176 KRANICHWOOD STREET \_\_\_\_\_

RICHLAND \_\_\_\_\_ WA \_\_\_\_\_ 99352 \_\_\_\_\_ Daytime Phone: (509) 628-7516 \_\_\_\_\_  
City State Zip

## A. Land and Location

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 Limited Water Use License     Allocation of Conserved Water     Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) Columbia River

Estimated quantity of water needed: 31.4 \_\_\_\_\_  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

River water diverted at an existing pump station for winter season irrigation.

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**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): 152.056 CA7

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Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc )	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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*Farm use is allowed outright in an EFU zone. Use would occur on Assessor's map 5N30 Tax Lot 100 and Assessor's map 5N31 Tax Lots 600 and 790. All three Tax Lots are zoned EFU.*

Name: Brandon Seitz Title: Assistant Planner

Signature: *[Signature]* Phone: 541-278-6249 Date: 6/9/16

Government Entity: Umatilla County

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**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 compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: OCT 12 2016

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ATTACHMENT A - PROPOSED "USE" LANDS					
TOWNSHIP	RANGE	SECTION	QUARTER-QUARTER	TAX LOT	AREA (ac)
T5N	R30E	1	NENE	100	40.0
T5N	R30E	1	NWNE	100	40.0
T5N	R30E	1	SWNE	100	40.0
T5N	R30E	1	SENE	100	40.0
T5N	R30E	1	NENW	100	40.0
T5N	R30E	1	NWNW	100	40.0
T5N	R30E	1	SWNW	100	40.0
T5N	R30E	1	SENW	100	40.0
T5N	R30E	1	NESW	100	40.0
T5N	R30E	1	NWSW	100	40.0
T5N	R30E	1	SWSW	100	40.0
T5N	R30E	1	SESW	100	40.0
T5N	R30E	1	NESE	100	40.0
T5N	R30E	1	NWSE	100	40.0
T5N	R30E	1	SWSE	100	40.0
T5N	R30E	1	SESE	100	40.0
T5N	R30E	11	NENE	100	40.0
T5N	R30E	11	NWNE	100	40.0
T5N	R30E	11	SWNE	100	40.0
T5N	R30E	11	SENE	100	40.0
T5N	R30E	11	NWNW	100	40.0
T5N	R30E	11	SWNW	100	40.0
T5N	R30E	11	NWSW	100	40.0
T5N	R30E	11	SWSW	100	40.0
T5N	R30E	11	NESE	100	40.0
T5N	R30E	11	NWSE	100	40.0
T5N	R30E	11	SWSE	100	40.0
T5N	R30E	11	SESE	100	40.0
T5N	R30E	12	NENE	100	40.0
T5N	R30E	12	NWNE	100	40.0
T5N	R30E	12	SWNE	100	40.0
T5N	R30E	12	SENE	100	40.0
T5N	R30E	12	NENW	100	40.0
T5N	R30E	12	NWNW	100	40.0
T5N	R30E	12	SWNW	100	40.0
T5N	R30E	12	SENW	100	40.0
T5N	R30E	12	NESW	100	40.0
T5N	R30E	12	NWSW	100	40.0
T5N	R30E	12	SWSW	100	40.0
T5N	R30E	12	SESW	100	40.0
T5N	R30E	12	NESE	100	40.0
T5N	R30E	12	NWSE	100	40.0
T5N	R30E	12	SWSE	100	40.0
T5N	R30E	12	SESE	100	40.0
T5N	R30E	13	NENE	100	40.0
T5N	R30E	13	NWNE	100	40.0
T5N	R30E	13	SWNE	100	40.0
T5N	R30E	13	SENE	100	40.0
T5N	R30E	13	NENW	100	40.0
T5N	R30E	13	NWNW	100	40.0
T5N	R30E	13	SWNW	100	40.0
T5N	R30E	13	SENW	100	40.0

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T5N	R30E	13	NESW	100	40.0
T5N	R30E	13	NWSW	100	40.0
T5N	R30E	13	SWSW	100	40.0
T5N	R30E	13	SESW	100	40.0
T5N	R30E	14	NENE	100	40.0
T5N	R30E	14	NWNE	100	40.0
T5N	R30E	14	SWNE	100	40.0
T5N	R30E	14	SENE	100	40.0
T5N	R30E	14	NENW	100	40.0
T5N	R30E	14	SENW	100	40.0
T5N	R30E	14	NESW	100	40.0
T5N	R30E	14	NWSW	100	40.0
T5N	R30E	14	SWSW	100	40.0
T5N	R30E	14	SESW	100	40.0
T5N	R30E	14	NESE	100	40.0
T5N	R30E	14	NWSE	100	40.0
T5N	R30E	14	SWSE	100	40.0
T5N	R30E	14	SESE	100	40.0
T5N	R30E	15	NENE	100	40.0
T5N	R30E	15	NWNE	100	40.0
T5N	R30E	15	SWNE	100	40.0
T5N	R30E	15	SENE	100	40.0
T5N	R30E	15	NENW	100	40.0
T5N	R30E	15	NWNW	100	40.0
T5N	R30E	15	SWNW	100	40.0
T5N	R30E	15	SENW	100	40.0
T5N	R30E	15	NESE	100	40.0
T5N	R30E	15	NWSE	100	40.0
T5N	R30E	15	SWSE	100	40.0
T5N	R30E	15	SESE	100	40.0
T5N	R31E	8	NWNE	600	40.0
T5N	R31E	8	SWNE	600	40.0
T5N	R31E	8	NWSE	600	40.0
T5N	R30E	14	NWNW	700	40.0
T5N	R30E	14	SWNW	700	40.0
T5N	R31E	5	SWNW	790	35.0
T5N	R31E	5	SENW	790	35.0
T5N	R31E	5	NESW	790	36.8
T5N	R31E	5	NWSW	790	36.8
T5N	R31E	5	SWSW	790	38.8
T5N	R31E	5	SESW	790	38.8
T5N	R31E	7	NENE	790	40.0
T5N	R31E	7	SWNE	790	40.0
T5N	R31E	7	SENE	790	40.0
T5N	R31E	7	NENW	790	40.0
T5N	R31E	7	SWNW	790	40.0
T5N	R31E	7	SENW	790	40.0
T5N	R31E	7	NESW	790	40.0
T5N	R31E	7	NWSW	790	40.0
T5N	R31E	7	SWSW	790	40.0
T5N	R31E	7	SESW	790	40.0
T5N	R31E	7	NESE	790	40.0
T5N	R31E	7	NWSE	790	40.0
T5N	R31E	7	SWSE	790	40.0
T5N	R31E	7	SESE	790	40.0

Please do not include these (TL 700) in your Assessment. These were completed per the previous Land Use Information Form

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T5N	R31E	8	NWNW	790	40.0
T5N	R31E	8	SWNW	790	40.0
T5N	R31E	8	SEW	790	40.0
T5N	R31E	8	NESW	790	40.0
T5N	R31E	8	NWSW	790	40.0
T5N	R31E	8	SWSW	790	40.0
T5N	R31E	8	SESW	790	40.0
T5N	R31E	17	NENW	790	40.0
T5N	R31E	17	NWNW	790	40.0
T5N	R31E	17	SWNW	790	40.0
T5N	R31E	17	SEW	790	40.0
T5N	R31E	18	NENE	790	40.0
T5N	R31E	18	NWNE	790	40.0
T5N	R31E	18	SWNE	790	40.0
T5N	R31E	18	SENE	790	40.0
T5N	R31E	18	NENW	790	40.0
T5N	R31E	18	NWNW	790	40.0
T5N	R31E	18	SWNW	790	40.0
T5N	R31E	18	SEW	790	40.0
<b>TOTAL ACREAGE</b>					<b>5021.2</b>

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S-88099

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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51  
L

2007 5290604



After recording return to grantee herein.  
Until a change is requested send all tax  
statements to grantee herein.

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GRANTEE'S NAME AND ADDRESS:  
RANDY F. RUPP  
176 KRANICHWOOD STREET  
RICHLAND, WA 99352

DEC 12 2007

UMATILLA COUNTY  
RECORDS

WARRANTY DEED -- STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

NWA DEVELOPMENT I, INC Grantor,

conveys and warrants to:

RANDY F. RUPP, Grantee,

the following described real property free of encumbrances except as  
specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Encumbrances: see attached Exhibit 'B' for permitted exceptions

The true consideration for this conveyance is \$2,187,700.00 \*\*\* However, if the  
actual consideration consists of or includes other property or other value  
given or promised, such other property or value is the whole/ ~~part~~ of the  
consideration \*\*\* this transfer is for and in consideration of an IRC 1031  
Exchange on behalf of the Grantee

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE  
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO  
22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)). 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 SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007  
(MEASURE 49 (2007)).

If grantor is a corporation, this has been signed by authority of the Board of  
Directors.

Dated this 11<sup>th</sup> day of December, 2007.

GRANTOR(S):

*Scot T. Hansen*  
NWA DEVELOPMENT I, INC  
BY SCOT T. HANSEN, PRESIDENT

WASHINGTON  
STATE OF ~~OREGON~~, County of Benton ) ss.

This instrument was acknowledged before me on DECEMBER 11<sup>th</sup>, 2007,  
by NWA DEVELOPMENT I, INC BY SCOT T. HANSEN, PRESIDENT

*Kristen E. Lauman*  
Notary Public for Oregon  
Washington

My commission expires: 6-1-2009

GRANTOR'S NAME AND ADDRESS:  
NWA DEVELOPMENT I, INC  
1020 N CENTER PARKWAY, SUITE A  
KENNEWICK, WA 99336



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State of Oregon )  
County of Umatilla SALEM, OR

This instrument was received  
and recorded on  
12-12-07 at 3:00

in the record of instrument  
code type DE-UD

Instrument Number 2007-5290604  
Fee 51.00

Office of County Records  
*Joan Hamilton*  
Records Officer

PIONEER TITLE CO. 52514-2  
126 SE Court, Pend. OR, 97601

S-88289

Exhibit "A"

Descriptions

Tract I

Township 5 North, Range 30, E.W.M.

- Section 1: ALL.
- Section 11: West Half of the West Half.  
East Half.
- Section 12: ALL.
- Section 13: North Half.  
Southwest Quarter.
- Section 14: Northeast Quarter.  
East Half of the Northwest Quarter.  
South Half.
- Section 15: North Half.  
Southeast Quarter.

Township 6 North, Range 30, E.W.M.

- Section 25: Lots 5 and 8.  
Southwest Quarter of the Southeast Quarter.
- Section 25: All that portion of Lots 1 and 4, lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.
- Section 34: All that portion of Lot 1 lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.  
  
Excepting therefrom the Easterly 660 feet.
- Section 35: All that portion of Lot 1 and that portion of the Northeast Quarter of the Northeast Quarter and of the Southeast Quarter of the Northwest Quarter lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.
- Section 35: Southwest Quarter of the Southwest Quarter.
- Section 36: All that portion of the Northwest Quarter of the Northwest Quarter lying Southeasterly of the Southeasterly right-of-way line of U.S. Highway No. 730.
- Section 36: North Half of the Northeast Quarter.  
Northeast Quarter of the Northwest Quarter.  
South Half of the North Half.  
South Half.



**Exhibit "A" (continued)**

**Tract I (continued)**

**Township 5 North, Range 31, E.W.M.**

- Section 5: Lots 3 and 4.  
South Half of the Northwest Quarter.  
Southwest Quarter.
  
  - Section 6: Lots 3, 4 and 5.  
1 Southeast Quarter of the Northwest Quarter.
  
  - Section 7: Northeast Quarter of the Northeast Quarter.  
South Half of the Northeast Quarter.  
East Half of the Northwest Quarter.  
Lots 2, 3 and 4.  
East Half of the Southwest Quarter.  
Southeast Quarter.
  
  - Section 8: West Half of the Northwest Quarter.  
Southeast Quarter of the Northwest Quarter.  
Southwest Quarter.
  
  - Section 17: Northwest Quarter.
  
  - Section 18: Northeast Quarter.  
East Half of the Northwest Quarter.  
Lots 1 and 2.
- All being East of the Willamette Meridian, Umatilla County, Oregon.

**Tract II**

An Easement for ingress and egress, together with the terms and provisions thereof, established by Easement Appurtenant and Road Agreement, between Robert T. Mautz, etal, Servient Estate Owners and Glenn Thorne, etal, Dominant Estate Owners, recorded February 18, 1999 in Instrument No. 1999-3450709, Office of Umatilla County Records.

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Exhibit "B"

Permitted Exceptions

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
2. Rights of the public in and to any portion of the described lands lying within the boundaries of roads and highways.
3. Reservations for coal and iron rights, including the terms and provisions thereof, contained in deed from  
Grantor : Northern Pacific Railway Company  
Recorded : August 22, 1941 in Book 161, Page 461, Deed Records  
  
Conveyance of Grantors Interest  
Grantee : Meridian Minerals Company  
Recorded : September 6, 1988 in Microfilm R-170, Page 695, Office of Umatilla County Records.
4. Easement, including the terms and provisions thereof  
Grantee : Pacific Telephone & Telegraph Company  
Recorded : February 10, 1932 in Book 141, Page 585, Deed Records.
5. Easement, including the terms and provisions thereof  
Grantee : Pacific Telephone & Telegraph Company  
Recorded : March 27, 1950 in Book 192, Page 104, Deed Records.
6. Easement, including the terms and provisions thereof  
Grantee : Pacific Gas Transmission Company  
Recorded : January 6, 1960 in Book 257, Page 67, Deed Records.  
Amended : February 11, 1961 in Book 262, Page 188, Deed Records.  
Amended : November 28, 1961 in Book 265, Page 583, Deed Records.  
Amended : January 15, 1979 in Microfilm R-44, Page 1313, Office of Umatilla County Records.
7. Easement, including the terms and provisions thereof  
Grantee : United States of America, BPA  
Recorded : September 9, 1966 in Book 286, Page 111, Deed Records.
8. Easement, including the terms and provisions thereof  
Grantee : Pacific Power & Light Company  
Recorded : February 3, 1969 in Book 298, Page 282, Deed Records.
9. Terms and provisions contained under Easement for farm type access road, granted by  
Grantor : United States of America, Dept. of the Army  
Recorded : August 23, 1982 in Microfilm R-94, Page 956, Office of Umatilla County Records.



Exhibit "B" (continued)

- 10. Easement for Access Road, including the terms and provisions thereof  
 Grantee : United States of America, Bureau of Land Management  
 Recorded : April 26, 1991 in Microfilm R-205, Page 177, Office of Umatilla County Records.
  
- 11. Easement Appurtenant and Road Agreement, including the terms and provisions thereof, between  
 Servient Estate Owners : Robert T. Mautz, etal  
 Dominant Estate Owners : Glenn Thorne, etal  
 Recorded : February 18, 1999 in Instrument No. 1999-3450709, Office of Umatilla County Records.
  
- 12. Lack of Access: We are unable to ascertain from the records if the premises herein described has a physical means of ingress and egress to and from a legally dedicated road or highway, and for this reason such rights cannot be insured.  
  
 Affects SW-1/4 of SW-1/4 of Sec. 35 in 6N-30 and W-1/2 of W-1/2 of Sec. 11 in 5N-30.
  
- 13. The insured property described herein consists of multiple tracts that are contiguous. Access to such tracts are through one or more adjoining tracts included within the insured property. No representation is made that each tract and/or the individual parts thereof have direct access to a public road or right-of-way.
  
- 14. Trust Deed, Security Agreement, Assignment of Rents and Fixture Filing, including the terms and provisions thereof, given to secure a note for \$990,000.00, with interest thereon,  
 Grantor : NWA Development I, Inc., a Washington corporation  
 Trustee : Pioneer Title Company  
 Beneficiary : Hartford Accident and Indemnity Company, a Connecticut corp  
 Dated : August 3, 2007  
 Recorded : August 8, 2007 in Instrument No> 2007-5230750, Office of Umatilla County Records.
  
- 15. Mortgage, including the terms and provisions thereof, given to secure a note for \$1,200,000.00, with interest thereon  
 Mortgagor : NWA DEVELOPMENT I, INC., a Washington corporation  
 Mortgagee : BANK REALE  
 Dated : June 7, 2007  
 Recorded : June 15, 2007 in Instrument No. 2007-5210105, Office of Umatilla County Records.  
  
 Assignment of Rents  
 Assignee : BANK REALE  
 Recorded : June 15, 2007 in Instrument No. 2007-5210106, Office of Umatilla County Records.  
  
 The above listed Mortgage has been subordinated to the Lien of the Trust Deed shown at Exc. No. 14 hereinabove, by Subordination Agreement  
 Recorded : August 8, 2007 in Instrument No. 2007-5230751, Office of Umatilla County Records.

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**Exhibit "B" (continued)**

16. Deed of Deed, including the terms and provisions thereof, given to secure performance of each agreement of grantor herein contained, and payment of the sum of all amounts loaned or advanced, with interest in accordance with the terms of a Loan Agreement and Promissory Note dated June 8, 2007
- Grantor : NWA Development I, Inc., a Washington corporation  
Trustee : Hansen Neiffer P.S.  
Beneficiary : Randy F. Rupp  
Dated : June 8, 2007  
Recorded : June 15, 2007 in Instrument No. 2007-5210114, Office of Umatilla County Records.

The above listed Mortgage has been subordinated to the Lien of the Trust Deed shown at Exc No. 14 hereinabove, by Subordination Agreement  
Recorded : August 8, 2007 in Instrument No. 2007-5230752, Office of Umatilla County Records.

5-00299



**Oregon Water Resources Department**  
**Apply for a Permit to Appropriate Surface Water**

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Wednesday, July 27, 2016

Base Application Fee for use of Surface and optionally Stored Water.		\$800.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	31.4	\$9,600.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<b>Recalculate</b>	
Estimated cost of Permit Application		\$10,850.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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