

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 <i>Keith Bratty</i>		PHONE (HM) <i>541-497-3671</i>	
PHONE (WK) <i>541-497-3671</i>	CELL <i>Same</i>		FAX
ADDRESS <i>3000 Lower River Rd</i>			
CITY <i>Grants Pass</i>	STATE <i>OR</i>	ZIP <i>97526</i>	E-MAIL* <i>KeithBratty.const@Yahoo.com</i>

Organization Information

NAME <i>Garden of Weeden Farms LLC</i>		PHONE		FAX
ADDRESS <i>1128 Saratoga Way 3000 Lower River Rd</i>		CELL <i>541-497-3671</i>		
CITY <i>Grants Pass</i>	STATE <i>OR</i>	ZIP <i>97526</i>	E-MAIL* <i>KeithBratty.const@Yahoo.com</i>	

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

AGENT / BUSINESS NAME		PHONE		FAX
ADDRESS				CELL
CITY	STATE	ZIP	E-MAIL*	

Note: Attach multiple copies as needed

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

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By my signature below I confirm that I understand:

- 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.

SALEM, OR

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

Keith Bratty
Applicant Signature

Keith Bratty
Print Name and title if applicable

2-13-17
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use

App. No. _____

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.

☐ No

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

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

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

SECTION 3: 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
JOSE 156	unnamed stream to the house	N 3249'	N 120'

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*).

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 6 gpm (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)
7156	☐	☒		☐	6"	0-90		0-20	90		204	8	7
	☐	☐		☐						RECEIVED BY OWRD FEB 17 2017 SALEM, OR			
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* 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. MARJ 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	1

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: 45 Acres Supplemental: Acres

includes outdoor grow & nursery buildings

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: 1

- 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): Submersible, Pump
☐ Other means (describe): 1-Horse Power

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Well, to storage (sometimes) to PVC. to Plant
well, to PVC to Plant

B. Application Method

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

Drip early stages, wheel line & hand water later into

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.

NA side is not near surface water mount device will be put in place

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

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: Acreage inundated by reservoir:

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Use(s): _____

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

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

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): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: 2-13-17

Date construction will be completed: 2-13-22

Date beneficial water use will begin: 8-1-17

SECTION 9: 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 10: REMARKS

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

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

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: well development
- ☐ SECTION 4: water use
- ☐ SECTION 5: water management
- ☐ SECTION 6: storage of groundwater in a reservoir
- ☐ SECTION 7: use of stored groundwater from the reservoir
- ☐ SECTION 8: project schedule
- ☐ SECTION 9: within a district
- ☐ SECTION 10: remarks

Attachments:

- ☐ Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- ☐ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- ☐ Fees - Amount enclosed: \$ 1900
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

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

- ☐ Permanent quality and drawn in ink
- ☐ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☐ North Directional Symbol
- ☐ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☐ Reference corner on map
- ☐ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- ☐ 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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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: Keith Betty
First Last

Mailing Address: 3000 Lower River Rd.
Grants Pass OR 97526 Daytime Phone: 541-497-3671
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:
355	26	34	NESE	109		☒ 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:

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B. Description of Proposed Use

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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: 1 ☐ 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:

Tier 1 Rec Site, with 2 - 24'x40' green houses, 1 - 20'x32' Baby Rm. 1 - 10240 sq. ft. outdoor area

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. →

RE: 1178 Saratoga Way
Revised 3/4/2010 Ground Water/9

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.
- ☒ 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:	
LAND USE PERMITS AS APPLICABLE	SECTION 61.020, A & B RLDC	☐ Obtained ☐ Denied	☒ Being Pursued PER APPLICANT ☐ 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.

SEE ATTACHED

Josephine County Planning
700 NW Dimmick Street
Suite C
Grants Pass, OR 97526

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SALEM, OR

Name: MELISSA OLDER, OFFICE MANAGER

Signature: [Signature] Phone: 541-474-5423

Government Entity: JOSEPHINE COUNTY DATE: 02/13/17

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: Keith Beatty

City or County: Josephine

Staff contact: NORA SCHWARTZ

Signature: [Signature]

Phone: 541

Date: 2-13-17

474-5417

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02/13/2017 – 1178 SARATOGA WAY – 35-06-34, TL 109 – OWRD – KEITH BEATTY

IMPORTANT NOTICE: Although commercial agriculture is permitted as of the signing of this document, pending rules – if approved – could disallow such use.

PRODUCTION ONLY – No processing, wholesaling, retailing, laboratory or research activities.

All structures (including greenhouses & shipping containers) require development permits and must meet setbacks.

Fences over 7 feet in height are structures and must meet setbacks. Development and Building Safety permits are required. Other types of fences have different restrictions.

Any use within a riparian corridor will be subject to Site Plan Review.

Any use in a wetland will be subject to clearance by the Oregon Department of State Lands.

Proposed structures located in flood hazard areas require permits and must meet current flood regulations.

Farm uses shall not cause or result in significant adverse impacts for residential and institutional uses authorized in the residential zones.

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Josephine County Planning
700 NW Dimmick Street
Suite C
Grants Pass, OR 97526

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RECORDING REQUESTED BY:



744 NE 7th St
Grants Pass, OR 97526

GRANTOR'S NAME:

Timothy John Holden and Daniel Robert Holden

GRANTEE'S NAME:

Keith Beatty

AFTER RECORDING RETURN TO:

Keith Beatty
5229 Redwood Ave #11
Grants Pass, OR 97527

SEND TAX STATEMENTS TO:

Keith Beatty
5229 Redwood Ave #11
Grants Pass, OR 97527

1178 Saratoga Way, Grants Pass, OR 97526

JOSEPHINE COUNTY OFFICIAL RECORDS	
TRISHA MYERS, COUNTY CLERK	2016-016539
DED-WRD	12/15/2016 02:19 PM
Cnt=1 Pgs=2 Stn=0 SDICKINS	
\$11.00 \$5.00 \$10.00 \$20.00 \$10.00	\$56.00
I, Trisha Myers, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Timothy John Holden and Daniel Robert Holden, Grantor, conveys and warrants to Keith Beatty, an estate in fee simple, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Josephine, State of Oregon:

Beginning at the East Quarter corner of Section 34, Township 35 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence South along the East line of said Section 34, 255 feet; thence South 70° 17' 30" West, 209 feet to the true point of beginning; thence South 19° 51' East 319.32 feet to the Northerly right of way line of South Pass Road; thence Southwesterly and Northwesterly along the North right of way line of said South Pass Road to a point which bears South 70° 17' 30" West from the true point of beginning; thence North 70° 17' 30" East to the true point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$135,000.00). (See ORS 93.030).

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.

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SALEM, OR

G-18458

TICOR TITLE
470316050438

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 12-8-16

Timothy John Holden
Timothy John Holden

Daniel Robert Holden
Daniel Robert Holden

State of CALIFORNIA
County of LOS ANGELES

This instrument was acknowledged before me on 12-08-2016 by
TIMOTHY JOHN HOLDEN DANIEL ROBERT HOLDEN

R. Rinaldi
Notary Public - State of Oregon CALIFORNIA
My Commission Expires: 04-16-2018



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SALEM, OR

G-18458

State of Oregon)
) ss.
County of Josephine)

I, Trisha Myers, County Clerk and Recorder of Josephine County, Oregon, do hereby certify that the foregoing has been compared with the original thereof and that it is a correct copy therefrom and the whole thereof as the same appears on file and of record in my office.

Witness my hand and seal this 13th day of Feb, 2017.

Trisha Myers, Clerk & Recorder

By

Suzanne Dickinson

Deputy

Suzanne Dickinson

Printed Name of Deputy

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FEB 17 2017

SALEM, OR

61-18458

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 12-8-16

Timothy John Holden
Timothy John Holden

Daniel Robert Holden
Daniel Robert Holden

State of CALIFORNIA
County of LOS ANGELES

This instrument was acknowledged before me on 12-08-2016 by
TIMOTHY JOHN HOLDEN DANIEL ROBERT HOLDEN

R. Rinaldi
Notary Public - State of Oregon CALIFORNIA
My Commission Expires: 04-16-2018



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Oregon

WATER RESOURCES

DEPARTMENT

Kathy Smith
Watermaster, District 14
SW Region

Field Services Division
700 NW Dimmick St, Ste. C
Grants Pass, OR -97526
(541) 479-2401
kathy.a.smith@wrd.state.or.us



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