

# Application for a Permit to Use Groundwater



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](http://www.oregon.gov/owrd/law)). 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 \$260. 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 \$410 for the applicant and \$810 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 issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Revised 6/1/2017

Ground Water/1

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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 of local Planning Department (*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: \$ 2,210  
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:

- 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)

# Application for a Permit to Use Groundwater



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## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

|   |                             |                     |   |
|---|-----------------------------|---------------------|---|
| NAME<br><b>15877 N. APPLGATE RD LLC (STARGAZER RANCH, ATTN: SCOTT SALTON)</b> |                             |                     | PHONE (HM)                                |
| PHONE (WK)  | CELL<br><b>408-828-3301</b> |                     | FAX                                       |
| ADDRESS<br><b>2728 WEST MAIN ST. #115</b>                                     |                             |                     |   |
| CITY<br><b>MEDFORD</b>  | STATE<br><b>OR</b>          | ZIP<br><b>97501</b> | E-MAIL*<br><b>SSALTON@GOLIGHHOUSE.COM</b> |

### Organization Information

|         |       |       |         |
|---------|-------|-------|---------|
| NAME    |       | PHONE | FAX     |
| ADDRESS |       |       | CELL    |
| 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<br><b>STEVE BOYD</b> |                    | PHONE               | FAX                                   |
| ADDRESS<br><b>605 MISSOURI FLAT ROAD</b>   |                    |                     | CELL<br><b>541-450-7043</b>           |
| CITY<br><b>GRANTS PASS</b>                 | STATE<br><b>OR</b> | ZIP<br><b>97527</b> | E-MAIL*<br><b>SSKBOYD@HOTMAIL.COM</b> |

Note: Attach multiple copies as needed

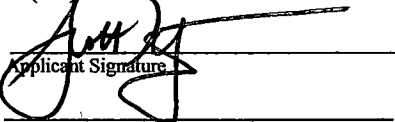
\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the final order documents will also be mailed.)

### 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  
Applicant Signature

**SCOTT SALTON (Manager)**  
Print Name and title if applicable  
Print Name and title if applicable

**9/25/17**  
Date  
Date

|                         |                  |                     |
|-------------------------|------------------|---------------------|
| For Department Use      |                  |                     |
| App. No. <b>6-19523</b> | Permit No. _____ | Date <b>9/25/17</b> |
| <b>RECEIVED BY OWRD</b> |                  |                     |

**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 |
| L-70881  | Myrtle Gulch & Cove Creek     | Approx. 300 & 660 feet            | Approx. 10 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 existing well (L-70881) was originally drilled in 1977 and identified as JACK 17618 and was 100 feet deep. In 2004 this well was deepened to 240 feet and was re-identified as JOSE 55932. The well constructor misidentified the county as Josephine County but the well is actually in Jackson County. Michael Thoma (OWRD Hydrogeologist) has done an initial evaluation and stated; "we would not likely consider the small creeks (Myrtle Gulch, Cove Creek) to be viable surface water sources". Reference attached email, Thoma to Boyd, dated 7/9/17.**

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**SECTION 3: WELL DEVELOPMENT, CONTINUED**

**Total maximum rate requested: 20 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) |
| POA                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | L-70881<br>(see 2 well logs)             | <input type="checkbox"/> | 6 inch          | 0 to 59                    | 220 to 240                                 | See well log             | 16.5 ft, date: 9-23-17                          | Brown clay, fractured basalt. | 240 feet         | 20 GPM                   | 4.0 AF                    |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            |  | <input type="checkbox"/> |                 |                            |  |                          |   |                               |                  |                          |                           |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            |  | <input type="checkbox"/> |                 |                            |  |                          |   |                               |                  |                          |                           |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            |  | <input type="checkbox"/> |                 |                            |  |                          |   |                               |                  |                          |                           |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            |  | <input type="checkbox"/> |                 |                            |  |                          |   |                               |                  |                          |                           |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            |  | <input type="checkbox"/> |                 |                            |  |                          |   |                               |                  |                          |                           |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            |  | <input type="checkbox"/> |                 |                            |  |                          |   |                               |                  |                          |                           |
|                          | <input type="checkbox"/> | <input type="checkbox"/>            |  | <input type="checkbox"/> |                 |                            |  |                          |   |                               |                  |                          |                           |

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\* 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 Operation | Year - Round  | 4.0 AF                    |
|                   |               |                           |

**For irrigation use only:**

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

Primary: 5.5 Acres Supplemental: N/A Acres

If you listed supplemental 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: 4.0

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

**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): 3 HP submersible

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

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. In-ground PVC piping will convey water from the well to the 5.5 acres of greenhouse and related nursery areas.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Sprinklers, watering booms, drip tubing and hand watering.

**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 (*attach additional sheets if necessary*).

Greenhouse and related nursery plants will require up to 10,000 gallons of water per day per acre during high usage times of the year. This water will be used for temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, and uses to construct, operate and maintain nursery facilities. Water waste will be prevented through conscientious application and control methods.

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**SECTION 6: STORAGE OF GROUNDWATER IN A RESERVOIR**

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

Reservoir name: \_\_\_\_\_ Acreage inundated by reservoir: \_\_\_\_\_

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 GROUNDWATER FROM THE RESERVOIR**

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

Annual volume (acre-feet): \_\_\_\_\_

| USE OF STORED GROUNDWATER | PERIOD OF USE |
|---------------------------|---------------|
|                           |               |
|                           |               |
|                           |               |
|                           |               |
|                           |               |
|                           |               |

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: **October 1, 2017**

Date construction will be completed: **October 1, 2018**

Date beneficial water use will begin: **April 1, 2018**

**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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# 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

OWRD

Applicant: 15877 N. Applegate Rd LLC (Stargazer Ranch)  
First Last

Mailing Address: 15877 N. Applegate Road

Grants Pass  
City

OR  
State

Daytime Phone: 408-828-3301  
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: |
|----------|-------|---------|-------|-----------|---|--|--|--|--------------------|
| 38S      | 4W    | 8       | NE-SW | 200       | EFU   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | agricultural       |
| 38S      | 4W    | 8       | SE-NW | 201       | EFU   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | agricultural       |
|          |       |         |       |           |   | <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:

**Jackson 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 GroundWater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water:  Reservoir/Pond  GroundWater  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 4.0  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 Uses

Briefly describe:

**An application for a permit to use ground water for year-round nursery use. This water will be obtained from existing ground water well (L-70881) located on Tax Lot 200. Water from this Point of Appropriation will be conveyed to Tax Lot 201 for use in greenhouses and related nursery operations.**

**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. →



# Land Use Information Form



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## 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.

## For Local Government Use Only

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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 <sup>as</sup> ~~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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land-Use Approval:  |  |
|--|---|---|--|
| Type 1 LU  | 3.13, 4.2-1   | <input checked="" type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

439-17-01526-2011 - LU1 Approved.

Name: Francisco Hernandez Title: Planner III

Signature: [Signature] Phone: 541-774-6903 Date: 09-26-2017

Government Entity: Jackson County Development Services.

**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)



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**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). 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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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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Revised 6/4/2017

Ground Water/8

OCT 2 2017

WR

SALEM, OR

G-18863

# 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: 15877 N. Applegate Rd LLC (Stargazer Ranch)  
First Last

Mailing Address: 15877 N. Applegate Road

Grants Pass OR Daytime Phone: 408-828-3301  
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: |
|----------|-------|---------|-------|-----------|---|--|--|--|--------------------|
| 38S      | 4W    | 8       | NE-SW | 200       | EFU   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | agricultural       |
| 38S      | 4W    | 8       | SE-NW | 201       | EFU   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | agricultural       |
|          |       |         |       |           |   | <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:

**Jackson 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 GroundWater Registration Modification  
 Limited Water Use License     Allocation of Conserved Water     Exchange of Water

Source of water:  Reservoir/Pond     GroundWater     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 4.0     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 Uses

Briefly describe:

**An application for a permit to use ground water for year-round nursery use. This water will be obtained from existing ground water well (L-70881) located on Tax Lot 200. Water from this Point of Appropriation will be conveyed to Tax Lot 201 for use in greenhouses and related nursery operations.**

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

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Government Entity: \_\_\_\_\_

**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: *see attached* \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Transaction Receipt

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). 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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# Transaction Receipt

\* Record Number: 439-17-02075-ZON

Receipt Number: 247979

<http://www.co.jackson.or.us/>

JCBuilding@jacksoncounty.org

Address: 15843 NORTH APPLGATE RD, GRANTS PASS, OR 97527  
Parcel Number: 38-4W-08-200

Receipt Date: 9/25/17

### Fee Items Paid

| DESCRIPTION           | ACCOUNT CODE          | AMOUNT PAID     |
|-----------------------|-----------------------|-----------------|
| Type I Counter Permit | 3701040000.45105.1300 | \$116.00        |
|                       |                       | <b>\$116.00</b> |

### Payment Summary

| PAYMENT METHOD | PAYER      | COMMENTS | AMOUNT PAID     |
|----------------|------------|----------|-----------------|
| Cash           | Steve Boyd | LUC...jg | \$116.00        |
|                |            |          | <b>\$116.00</b> |

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6-18-17



Order No.  
Escrow No.  
Loan No.

WHEN RECORDED MAIL TO:

Donald G. Dougherty, Jr., Esq.  
Carter, Dougherty & McGuire  
2397 Forest Avenue  
San Jose, CA 95128

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**DEED OF TRUST WITH ASSIGNMENT OF RENTS**  
(This Deed of Trust contains an acceleration clause)

This **DEED OF TRUST**, made to be effective as of February \_\_, 2015, between 15877 N. Applegate Road, LLC, an Oregon limited liability company, herein called TRUSTOR, whose address is 47000 Warm Springs Blvd., #188, Fremont, CA 94539,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called TRUSTEE, and TAE YUN KIM, TRUSTEE OF THE TAE YUN KIM 2007 REVOCABLE TRUST, DATED JULY 20, 2007 and SCOTT HENRY SALTON, TRUSTEE OF THE SCOTT HENRY SALTON 2007 REVOCABLE TRUST, DATED JULY 20, 2007 (the "ESTATE"), herein called BENEFICIARY,

WITNESSETH: That Trustor grants to Trustee in Trust, with Power of Sale, that property in the County of Jackson, State of Oregon, described as:

See Attached Exhibit "A"

together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits, for the purpose of securing (1) payment of the sum of \$930,000.00, with interest thereon according to the terms of the Promissory Note, dated February 1, 2015, made by Trustor and payable to order of the Estate, and extensions or renewals thereof, (2) the performance of each agreement of Trustor incorporated by reference or contained herein and (3) payment of additional sums and interest thereon which may hereafter be loaned to Trustor, or its successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Deed of Trust.

If the Trustor shall sell, convey or alienate said property, or any part thereof, or any interest therein, or shall be divested of his title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the written consent of the Beneficiary being first had and obtained, beneficiary shall have the right, at its option, except as prohibited by law, to declare any indebtedness or obligations secured hereby, irrespective of the maturity date specified in any note evidencing the same, immediately due and payable.

The undersigned Trustor, requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at his address hereinbefore set forth.

To protect the security of this Deed of Trust, and with respect to the property above described, Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the terms and provisions set forth below:

A. To protect the security of this Deed of Trust, Trustor agrees:

1) To keep said property in good condition and repair, not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2) To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Trustor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

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3) To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear, and in any suit brought by Beneficiary to foreclose this Deed.

4) To pay, at least ten days before delinquency all taxes and assessments affecting said property, including assessments on appurtenant water stock; when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust.

Should Trustor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Trustor and without releasing Trustor from any obligation hereof, may, make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, pay necessary expenses, employ counsel and pay his reasonable fees.

5) To pay immediately and without demand all sums so expended by Beneficiary or Trustee, with interest from date of expenditure at the amount allowed by law in effect at the date hereof, and to pay for any statement provided for by law in effect at the date hereof regarding the obligation secured hereby any amount demanded by the Beneficiary not to exceed the maximum allowed by law at the time when said statement is demanded.

B. It is mutually agreed:

1) That any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such monies received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2) That by accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure to pay.

3) That at any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey any part of said property, consent to the making of any map or plat thereof; join in granting any easement thereon, or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4) That upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention or other disposition as Trustee in his sole discretion may choose and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in such reconveyance of any matters or facts shall be conclusive proof of the truthfulness thereof. The Grantor in such reconveyance may be described as "the person or persons legally entitled thereto".

5) That as additional security, Trustor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Trustor the right, prior to any default by Trustor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues, and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6) That upon default by Trustor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, Beneficiary may declare all sums secured hereby immediately due and payable by delivery to Trustee of written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property, which notice Trustee shall cause to be filed for record. Beneficiary also shall deposit with Trustee this Deed, said note and all documents evidencing expenditures secured hereby.

After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of sale having been given as then required by law, Trustee, without demand on Trustor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels, and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee may postpone sale of all or any portion of said property by public announcement at such time and place of sale, and from time to time thereafter may postpone such sale by public announcement at the time fixed by the preceding postponement. Trustee shall deliver to such purchaser its deed conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Trustor, Trustee, or Beneficiary as hereinabove defined, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including costs of evidence of title in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the amount allowed by law in effect at the date hereof; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7) Beneficiary, or any successor in ownership of any indebtedness secured hereby, may from time to time, by instrument in writing, substitute a successor or successors to any Trustee named herein or acting hereunder, which instrument, executed by the Beneficiary and duly acknowledged and recorded in the office of the recorder of the county or counties where said property is situated, shall be conclusive proof of proper substitution of such successor Trustee or Trustees, who shall, without conveyance from the Trustor predecessor, succeed to all its title, estate, rights, powers and duties. Said instrument must contain the name of the original Trustor, Trustee and Beneficiary hereunder, the book and page where this Deed is recorded and the name and address of the new Trustee.

8) That this Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the owner and holder, including pledgees, of the note secured hereby, whether or not named as Beneficiary herein. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

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6-18563

9) That Trustee accepts this Trust when this Deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Trustor, Beneficiary or Trustee shall be a party unless brought by Trustee.

Signature of Trustor

Signature of Trustor

*Erika Angela Sommers*

ERIKA ANGELA SOMMERS, General Manager of  
15877 N. Applegate Road, LLC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

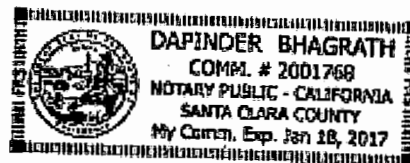
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ALAMEDA )

On Jan. 30<sup>th</sup>, 2015, before me, DAPINDER BHAGRATH, Notary Public, personally appeared ERIKA ANGELA SOMMERS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Dapinder Bhagrath* (Seal)



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**EXHIBIT "A"**

**TRACT A:**

The Southeast quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 7, in Township 38 South, Range 4 West, of the Willamette Meridian in Jackson County, Oregon.

**EXCEPTING THEREFROM:** Beginning at the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 7, Township 38 South, Range 4 West, Willamette Meridian in Jackson County, Oregon, said corner being marked with a 5/8" by 30" steel pin with aluminum cap stamped "Farber, PLS2189"; thence North 0°19'20" East, 498.62 feet, coincident with the Easterly boundary of that parcel described in 2007-012262 Jackson County Official Records; thence South 4°16'11" East, 499.56 feet; thence South 89°22'35" West, 40.00 feet to the point of beginning.

**TRACT B:**

The Southwest Quarter of the Northeast Quarter of Section 7, in Township 38 South, Range 4 West, of the Willamette Meridian in Jackson County, Oregon. **EXCEPTING THEREFROM** all that portion thereof lying Southwesterly of the southwesterly bank of the Applegate River.

**TRACT C:**

The Southeast Quarter of the Northwest Quarter in Section 8, Township 38 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon.

**TRACT D:**

The Southwest Quarter of the Northwest Quarter, and the North Half of the Southwest Quarter of Section 8, in Township 38 South, Range 4 West, of the Willamette Meridian in Jackson County, Oregon.

FDOR0212.rdw

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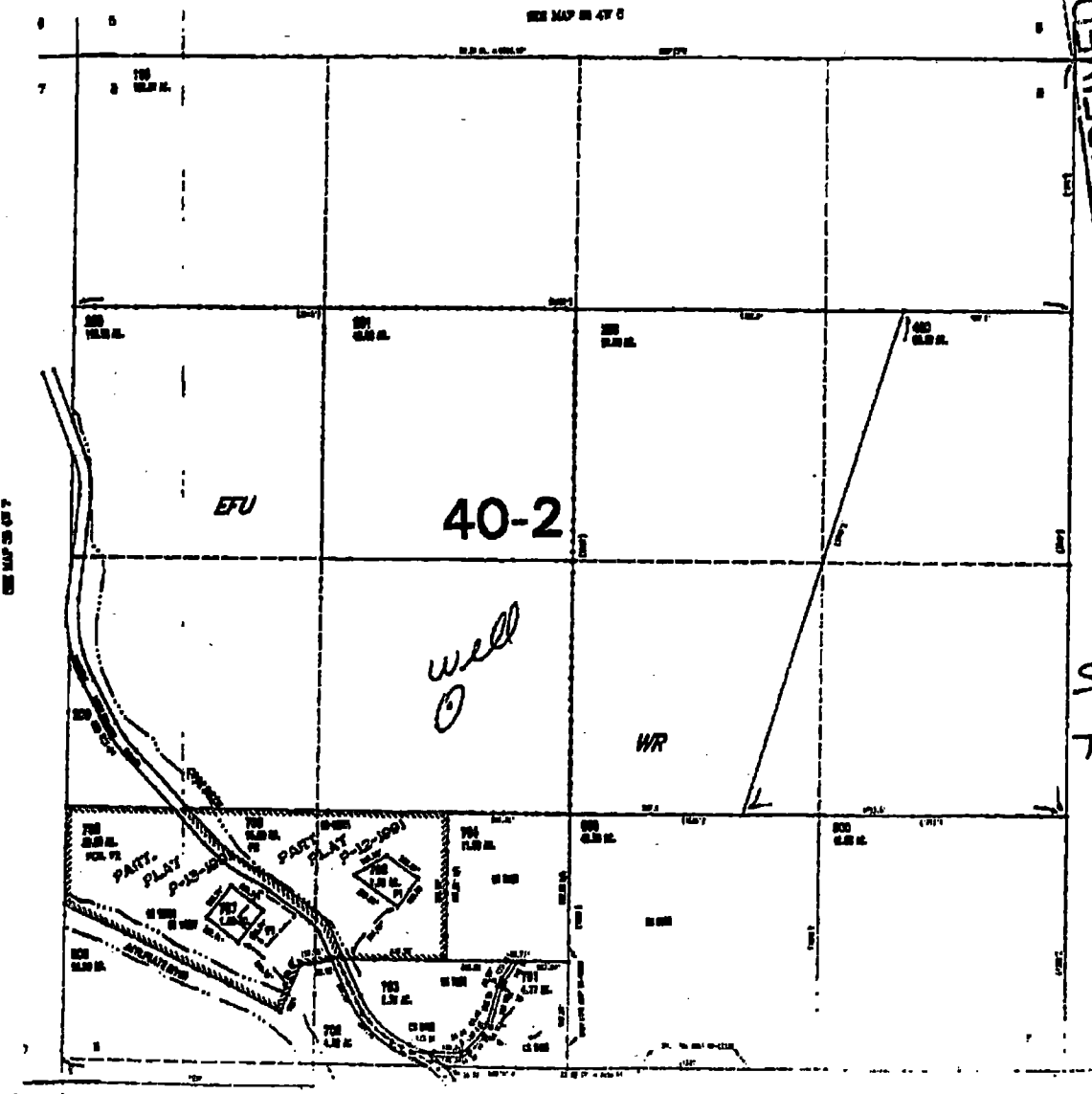
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

SECTION 8 T38S R4W. WM. JOSE 559 JACKSON COUNTY

38 4W 8

RECEIVED  
AUG 0 2 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

TL 800  
SC 163109



SC  
TL

RECEIVED  
JUL 12 2004  
WATER RESOURCES DEPT  
SALEM, OREGON

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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

38 4W



RE: Myrtle Gulch & Cove Creek

THOMA Michael J \* WRD <Michael.J.Thoma@oregon.gov>

Sun 7/9/2017 11:20 AM

To: Steve Boyd <sskboyd@hotmail.com>;

Cc: HAYNES Shavon L \* WRD <Shavon.L.Haynes@oregon.gov>;

Hi Steve,

Yep, I got the message. Unfortunately I did not have the time I thought I would last week to get back to you.

I've just looked at the creeks in that area and I don't think that we would consider them in our review of groundwater-connected-to-surface water; specifically, we would not likely consider the small creeks to be viable surface water sources. I can't guarantee that a permit would be approved, but we recently issued one in that area, which is a good sign.

Let me know if you have any further questions.

- Mike

Michael J Thoma, Ph.D.  
Hydrogeologist | Oregon Water Resources Dept  
725 Summer St. NE, Suite A  
Salem, OR 97301  
ph. 503-986-0845

**From:** Steve Boyd [mailto:sskboyd@hotmail.com]  
**Sent:** Friday, July 07, 2017 2:31 PM  
**To:** THOMA Michael J \* WRD  
**Subject:** Re: Myrtle Gulch & Cove Creek

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Hi Mike,  
Just checking to make sure you rec'd my message below.  
My client & I are very eager to hear how the Gulch & Creek are considered.  
Thanks,  
- Steve

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**From:** Steve Boyd <sskboyd@hotmail.com>  
**Sent:** Wednesday, July 5, 2017 9:41 AM  
**To:** michael.j.thoma@oregon.gov  
**Subject:** Myrtle Gulch & Cove Creek



Hi Mike,

Thanks for returning my phone message.

I'm helping a client with a WR application and wanted to find out if **Myrtle Gulch** and/or **Cove Creek** are considered tributaries to the Applegate River before we file the application. They both flow through Section 8 of Township 38S, Range 4W.

For the application, he's considering using an existing well or drilling a new well and I wanted to make sure either will be outside the 1/4 mile distance-from-a-tributary requirement.

Thanks for your help on this,

- Steve Boyd

541-450-7043


CWRE #85312

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SALEM, OR

6-19-2017



**Oregon Water Resources Department**  
**Apply for a Permit to Appropriate Ground Water and/or Store Ground Water**

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

Today's Date: Tuesday, October 3, 2017

|   |                             |            |
|---|-----------------------------|------------|
| Base Application Fee for use of Ground, Surface and optionally Stored Water.  |                             | \$1,340.00 |
| Number of proposed cubic feet per second (cfs) to be appropriated.<br>(1 cfs = 448.83 gallons per minute)   | 1                           | \$350.00   |
| Number of proposed Use's for the appropriated water.<br>(i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *   | 1                           |            |
| Number of proposed Ground Water points of appropriation. (i.e. number of wells)<br>(include all injection wells, if applicable) **  | 1                           |            |
| Number of Acre Feet to be stored in a reservoir/pond from Ground Water.   | 0                           |            |
| Number of Acre Feet to be appropriated from reservoir/pond<br>(Only Applies to reservoir/pond constructed under Ground Water Application)   | 0                           |            |
| Number of reservoirs.   | 0                           |            |
| Permit Recording Fee. ***   |                             | \$520.00   |
| * the 1st Water Use is included in the base cost.<br>** the 1st Ground Water point of appropriation is included in the base cost.<br>*** 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. | <a href="#">Recalculate</a> |            |
| Estimated cost of Permit Application  |                             | \$2,210.00 |

OWRD Fee Schedule

|                                  |
|----------------------------------|
|                                  |
| Fee Calculator Version B20170117 |