

App # 388485

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 Frank Stephen Price			PHONE (HM) 541 336 1212
PHONE (WK)	CELL 541 270 5572	FAX	
ADDRESS 855 Christensen Road			
CITY Toledo	STATE OR	ZIP 97391	E-MAIL * stevenotfrank@gmail.com

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		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:

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- 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.

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

Applicant Signature

Frank Stephen Price
Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

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For Department Use

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: 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: Natural Spring

Tributary to: _____

Source 2: Pond #1

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

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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
pond # 1	nursery multiple purpose	year-round	0.7 ☐ cfs ☐ gpm ☒ af
15221			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

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

Primary: 0.5 Acres Supplemental: _____ Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 0.7 af

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

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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): Gould GT 10, self prime centrifugal pump, 1 HP

☐ Other means (describe): _____

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

B. Application Method

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

hydroponics

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.

Water will be used on demand, pumped into a calibrated tank to measure the amount, then used in a closed system

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: Screened overflow of ponds

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

Describe planned actions: Vegetation on banks will be maintained

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

Describe: Pump operated on demand only

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

Describe: water to be used in closed system with no harmful chemicals

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: construction is completed

Date construction will be completed: construction is completed

Date beneficial water use will begin: January 2018

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.

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54-LUCS-16

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: Frank Stephen Price
First Last

Mailing Address: 855 Christiansen Road

Toledo OR 97391 Daytime Phone: 541 336 1212
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:
11 S	11 W	1	SWSE	800		☐ Diverted	☐ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Lincoln County

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B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: _____ ☐ 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:

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.

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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 outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LINCOLN COUNTY ORDINANCE #484
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

PRODUCTION OF RECREATIONAL MARIJUANA IS AN OUTRIGHT PERMITTED USE IN THE TIMBER CONSERVATION T-C ZONE TO WHICH THE APPLICANT'S PROPERTY IS SUBJECT SUBJECT TO SPECIAL STANDARDS. THE FACILITY IS AUTHORIZED AS 06-RMPS-16. AND

Name: JOSHUA SHAKLEE Title: SENIOR PLANNER
 Signature: [Signature] Phone: 541-265-0223 Date: 12/16/2016
 Government Entity: LINCOLN COUNTY

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: FRANK STEPHEN PRICE
 City or County: LINCOLN Staff contact: JOSHUA SHAKLEE
 Signature: [Signature] Phone: (541) 265-0223 Date: 12/16/16

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00107253201500070580030033

I, Dana W. Jenkins, County Clerk, do hereby certify
that the within instrument was recorded in the Lincoln
County Book of Records on the above date and time.
WITNESS my hand and seal of said office affixed.

Dana W. Jenkins, Lincoln County Clerk



Grantors Name & Address

Frank Stephen Price
Theresa Marie Wanner
(aka Therese Marie Wanner Price)
855 Christiansen Road
Toledo, OR 97371

Grantees Name & Address

Frank Stephen Price and Therese
Marie Wanner Price, trustee of the
Price Family Trust
855 Christiansen Road
Toledo, OR 97371

Situs Address: 855 Christiansen Road, Toledo,
Lincoln County, Oregon

Until requested otherwise, send all tax statements to:
Frank Stephen Price and Therese Marie Wanner Price,
Trustee
855 Christiansen Road
Toledo, OR 97371

After recording return to:

Stacey D. Mealer, Attorney
401 Main Street Suite E
Sweet Home, OR 97386

WARRANTY DEED

Frank Stephen Price and Theresa Marie Wanner (also known as Therese Marie Wanner Price), Grantors, convey and warrant to Frank Stephen Price and Therese Marie Wanner Price, trustee of the Price Family Trust, dated December 11, 2014, as amended, Grantees, the following described real property, free of encumbrances, except for matters of public record in Lincoln County, Oregon:

See Attached Exhibit A – Legal Description

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD EXTENDED. IT IS THE INTENTION OF THE GRANTOR TO PRESERVE ANY EXISTING TITLE INSURANCE COVERAGE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

The true consideration for this conveyance is \$0. (Transfer to Trust)

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

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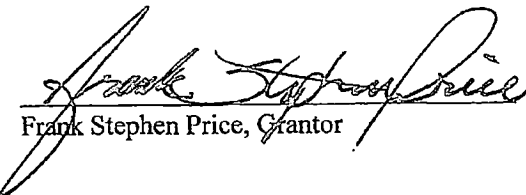
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424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY 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 ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 11th day of December, 2014.

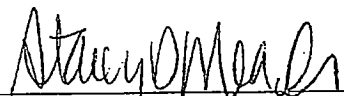

Frank Stephen Price, Grantor


Theresa Marie Wanner, also known as
Therese Marie Wanner Price, Grantor

STATE OF OREGON)
) ss.
County of Lincoln)

Personally appeared before me this 11th day of December, 2014, the within named Frank Stephen Price and Theresa Marie Wanner, also known as Therese Marie Wanner Price, individually, Grantors, and acknowledged the foregoing instrument to be their voluntary act and deed.




Notary Public for Oregon
My Commission Expires: 12/18/2014

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Exhibit A

A tract of land in Section 1, Township 11 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon, described as follows: Beginning at a point on the South line of said Section South 87° 17' 54" East, 899.65 feet from the South quarter corner; thence North 21° 54' 20" West, 214.19 feet to an iron rod; thence West 105 feet; thence South 50° 00' West, 150 feet; thence West 150 feet; thence North 12° 30' 30" West, 160 feet; thence North 36° 35' 50" West, 166.82 feet; thence North 14° 45' 04" East, 349.44 feet; thence North 18° 10' 20" West, 162.44 feet; thence North 00° 25' East, 266.43 feet; thence North 63° 32' 50" East 72.65 feet; thence North 46° 15' 30" East, 394.46 feet; thence North 26° 33' East, 222.93 feet; thence South 81° 40' 48" East, 486.93 feet to an iron rod set in the center of a road easement conveyed to Archie Glasscock recorded in Microfilm Volume 68, Page 1291, Deed Records for Lincoln County, Oregon; thence Southerly along the center of said easement as follows: South 8° 22' 58" West, 121.39 feet; thence South 20° 43' 44" West, 78.51 feet; thence South 31° 09' 30" West, 117.64 feet; thence South 16° 32' 10" West, 217.30 feet; thence South 4° 30' 55" East, 283.97 feet; thence South 22° 16' 03" East, 60.42 feet; thence South 35° 52' 26" East, 155.30 feet; thence South 37° 39' 19" East, 156.90 feet; thence South 15° 17' 42" East, 170.88 feet; thence South 24° 27' 05" East, 65.87 feet; thence South 7° 19' 13" East, 62.65 feet; thence South 12° 14' 30" West, 88.17 feet; thence South 41° 33' 10" West, 136.73 feet; thence South 38° 00' West, 46.85 feet to a point on the South line of the before mentioned Section 1; thence North 87° 17' 54" West, 394.25 feet to the point of beginning.

Together with an easement for roadway purposes and vehicle travel and not for parking of vehicles or other objects, said easement being appurtenant to the property described above and to be used in common with the seller and others to whom the Seller may grant a similar right, said easement being 50 feet in width, 25 feet on either side of the following described line: Beginning a point 973.54 feet North and 2422.57 feet West from the Southeast corner of Section 1, Township 11 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence South 18° 48' 20" East 281.59 feet; thence South 67° 00' 20" East 220.84 feet; thence South 38° 01' 20" East 311.15 feet; thence South 33° 22' 00" East 350.00 feet, more or less, to the South line of the before mentioned Section 1, at a point within the right of way of County Road No. 510. The above road alignment monumented at the points of intersection with iron rods; said road to have curves of appropriate radius with external distance not to exceed 8 feet.

Together with another easement to be used in common with the seller and others to whom the seller may grant a similar right and also subject to and beneficiary of an easement along the East as recorded in and described in Volume 68, page 1291 of the Deed Records of Lincoln County, to Archie, Betty, Gary and Wanda Glasscock, and amended in Book 180, page 296, of the Deed Records of Lincoln County, also as recorded in Book 181, page 204, of the Deed Records of Lincoln County.

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**Oregon Water Resources Department**
Permit to Appropriate Only Stored Water – Expedited Secondary[Main](#)[Help](#)[Return](#)[Contact Us](#)

Today's Date: Tuesday, December 19, 2017

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	.7	\$35.00
Permit Recording Fee. ***		\$520.00
*** 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.	Recalculate	
Estimated cost of Permit Application		\$1,075.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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